



UNIVERSITY POLICY

Section: 60.1.34

Section Title: Human Resources: Universitywide HR Policies & Procedures

Policy Name: Rutgers University Disability and Reasonable Accommodation Policy

Formerly Book: n/a

Approval Authority: Executive Vice President for Academic Affairs; Vice President, Chief University Compliance Officer; ~~Vice President for Risk Management~~; and Senior Vice President for Human Resources

Responsible Executive: Vice President, Chief University Compliance Officer ~~Vice President for Risk Management~~

Responsible Office: University Ethics and Compliance; Rutgers Access and Disability Resources; and Office of Employment Equity

Adopted: 09/27/2021

Reviewed: 02/xx/2023

Revised: 02/01/2021; 02/xx/2023

Contact: ada_compliance@rutgers.edu or <https://uec.rutgers.edu/programs-2/disability-compliance/>

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Section #:	60.1.34	Section Title:	Human Resources: Universitywide HR Policies & Procedures	Formerly Book:	n/a
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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website (policies.rutgers.edu) for the official, most recent version.

	Vice President for Human Resources				
Responsible Executive:	Senior Vice President for Risk Management	Revised:			
Responsible Offices:	University Ethics and Compliance; Rutgers Access and Disability Resources; Office of Employment Equity; and Academic Labor Relations	Contact:	Ada_compliance@rutgers.edu or https://uec.rutgers.edu/programs/disability-compliance/		

1. Policy Statement

This Policy discusses the University's prohibitions against discrimination, harassment, and retaliation based upon an individual's disability; the responsibility of the University to ensure equal participation, access, and employment opportunities to otherwise qualified individuals with disabilities to the University's programs, services, and facilities; the right of individuals with disabilities to request reasonable accommodations; and the responsibility of the University to provide reasonable accommodations in a timely manner. The scope of the policy is set forth herein, as well as relevant definitions. The Policy also references the processes for reporting violations of this Policy.

2. Reason for Policy

To foster and maintain an inclusive, welcoming, and accessible environment for individuals with disabilities and to comply with all State and federal laws prohibiting discrimination based upon disability.

3. Who Should Read This Policy

All members of the Rutgers University community.

4. Resources

- ~~Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints against University Employees and Third Parties~~
~~Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints against University Employees and Third Parties~~
- [University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment](#)
- ~~Office of Employment Equity Complaint Form~~
- [Office of Employment Equity Complaint Form](#)
- [University Policy 10.2.11: Code of Student Conduct](#)
- [RBHS Student Rights, Responsibilities and Disciplinary Procedures](#)

All policies are subject to amendment. Please refer to the Rutgers University Policy Library website (policies.rutgers.edu) for the official, most recent version.

- [University Policy 70.1.5: Rutgers University World Wide Web Accessibility Policy](#)
- ~~University Policy 60.1.8: Equal Employment Opportunity and Affirmative Action Policy~~
- ~~University Policy 100.2.12: Notice of Non-Discrimination for Language and Interpretation Services under the Affordable Care Act (ACA) Section 1557 Policy~~ ~~University Policy 60.1.8: Equal Employment Opportunity and Affirmative Action Policy~~
- University Policy 100.2.12: Notice of Non-Discrimination for Language and Interpretation Services under the Affordable Care Act (ACA) Section 1557 Policy

4.5. Definitions

- A. **Academic Adjustments:** Adjustments necessary to ensure students with disabilities have an equal access to educational opportunities within the provisions below¹. Academic adjustments may include the provision of auxiliary aids and services (see Section 5.B.). The appropriate academic adjustments are determined based on an individualized case-by-case basis. Academic adjustments will not be granted if they would require the University to lower or modify substantially essential requirements/functions or technical standards of a course or academic program; fundamentally alter the nature of a service, program, or activity; or result in an undue financial or administrative hardship. Academic adjustments also do not include the provision of personal attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature. (See Section 6.D Requesting an Accommodation below.)
- B. **Auxiliary aids and services:** Devices or services that enable effective communication for individuals with disabilities. Examples of auxiliary aids and services may include providing note takers, recording devices, sign language interpreters for courses; telephone handset amplifiers; equipping school computers with screen-reading, voice recognition, or other adaptive software or hardware. The appropriate auxiliary aids and services are determined on an individualized case-by-case basis. Auxiliary aids and services will not be granted if they would require the University to lower or modify substantially essential requirements/functions or technical standards of a course or academic program, fundamentally alter the nature of a service, program, or activity, or result in an undue financial or administrative burden.
- C. **Disability:** Federal laws, including the Americans with Disabilities Act (“ADA”), define disability as a physical or mental impairment that substantially limits one or more of an individual’s major life activities. The New Jersey Law Against Discrimination (“NJLAD”) defines “disability” as a physical disability, infirmity, malformation, or disfigurement ~~that~~ ~~which~~ is caused by bodily injury, birth defect, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability, including autism spectrum disorders, resulting from anatomical, psychological, physiological, or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also

¹ A student’s educational opportunities refer to ~~their~~ ~~his or her~~ learning environment (academic performance and/or academic opportunities), living environment (campus housing accommodations), and ability to participate in activities made available by Rutgers.

mean Acquired Immunodeficiency Syndrome (“AIDS”) or Human Immunodeficiency Virus (“HIV”) infection. An individual is not regarded as disabled if the impairment is transitory and minor.

- D. **Disability Supporting Documentation:** Current medical, psychological, educational, or other relevant documentation provided by a credentialed third party that establishes an individual has a disability as defined above and demonstrates how the disability affects the individual’s ability to perform essential functions of their job or to participate in educational opportunities.¹
- E. **Discrimination:** An intentional or unintentional act which adversely affects employment or educational opportunities on the basis of membership in one or more protected classes, including disability. Failure to provide reasonable accommodations to a qualified individual with a disability may be a form of disability discrimination, except where such reasonable accommodation would cause an undue hardship or fundamentally alter the requirements of the individual’s employment position or educational program. For additional information on prohibited discrimination and harassment, see ~~University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment.~~ University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment.
- F. **Essential Job Functions:** The fundamental, basic job duties performed in a position. A function may be essential because the position exists to perform that function; there are a limited number of employees who could perform that function; and/or the function is highly specialized, and the incumbent is hired for ~~their~~^{her/his} special expertise or ability to perform it. Qualified employees must be able to perform the essential functions of a job as determined by the University, either with or without a reasonable accommodation.
- G. **Interactive Process:** An ongoing communication between the employee/student and University personnel for the express purpose of providing reasonable accommodations or academic adjustments. The interactive process is a flexible and individualized approach and often includes a review of the individual’s abilities and functional limitations (including supporting documentation). For employees seeking accommodations, the interactive process may include a review of the essential functions of the job, factors, or job tasks that may pose a difficulty, and how the individual may be accommodated without creating an undue hardship on the employer. Similarly, for students seeking accommodations, the interactive process typically involves a decision-maker at the campus working with the student to identify existing barriers to the student’s access to academic and non-academic programs and activities at the University with the intention of finding an academic adjustment or reasonable accommodation to address those limitations.
- H. **Qualified:** A qualified employee with a disability is one who meets the essential requirements and can perform the essential job functions of the position with or without reasonable accommodations. A qualified student with a disability is one who meets the academic and essential requirements/functions or technical standards required for admission to or participation in programs, services, or activities of the University with or without reasonable accommodations or academic adjustments.
- I. **Reasonable Accommodations:** Adjustments or provisions made for individuals with disabilities to provide access or to enable them to perform the essential requirements/functions or technical standards of a role. Reasonable accommodations may include adjustments necessary for applicants to receive equal access in the hiring process; or the removal of or modifications to workplace barriers in order to enable qualified individuals to perform job duties. When requesting an accommodation, an employee should propose a reasonable accommodation. For qualified students, reasonable accommodations may include adjustments to policy or procedures, practice, or programs that provide equal access to the University’s academic and non-academic programs and activities, but will not fundamentally alter the academic program or its learning outcomes.

Each accommodation request is addressed individually on a case-by-case basis.

- J. **Retaliation:** Any act of intimidation against individuals who, in good faith, request reasonable accommodations or academic adjustments; appeal, grieve, file, or participate in the investigation of a complaint concerning such requests; or make or participate in claims of discrimination or harassment. For additional information on prohibited retaliation, see University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment.
- K. **Student:** Any individual currently admitted, matriculated, registered, enrolled, or participating in or auditing any course or program in any school or division of Rutgers on a full-time or part-time basis including, but not limited to, undergraduate, graduate, continuing, or professional studies. For purposes of this Policy, "Students" include: (i) visiting students; (ii) individuals who have completed the immediately preceding academic term and are eligible for re-enrollment, including the recess periods between academic terms; and (iii) individuals on approved educational leave, or other approved leave status.
- L. **Undue Hardship:** An action that would require significant difficulty or expense or an action that would fundamentally alter policies and procedures, the essential requirements of a job function, and/or the fundamental nature of the academic program. Undue hardship is determined on a case-by-case basis. An accommodation need not be granted where it would pose an undue hardship. In such cases, alternative reasonable accommodations or academic adjustments may be considered that would not impose an undue hardship.
- M. **University Representative:** Any Rutgers employee who is notified of a request for an accommodation, tasked with providing the relevant information related to the interactive process through the appropriate offices (See Section 6.D.), or responsible for implementing any and all approved reasonable accommodation(s). This may include, but is not limited to, a supervisor, faculty member, or program administrator.
- N. **See University Policy 60.1.12** See University Policy 60.1.12 for additional definitions relating to discrimination, harassment, and retaliation.

5.6.

The Policy

A. The Policy

Rutgers, The State University of New Jersey, is committed to maintaining an inclusive, welcoming, and accessible educational, working, and living environment for individuals of all abilities across the University. It is the policy of the University to comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794(b) (2) (A)); the Americans with Disabilities Act (42 U.S.C. §12131 *et seq.*), as enacted in 1990 and as amended by the ADA Amendments Act of 2008 (ADA Amendments Act) (Pub. L. 110-325, 122 Stat. 3553 (2008)); the New Jersey Law Against Discrimination (N.J.S.A. 10:5-12) (LAD); and other applicable federal, State and local laws and regulations that prohibit discrimination on the basis of disability. It is the policy of the University that no qualified individual shall, solely by reason of disability, be denied access to, participation in, or the benefits of, any program or activity operated by the University. The University is committed to providing reasonable accommodations and academic adjustments needed to ensure qualified individuals equal access to employment, educational opportunities, programs, and activities in the most integrated setting feasible. Reasonable accommodations shall be made in a timely manner and on an individualized, case-by-case basis. The University prohibits retaliation against individuals for requesting reasonable accommodations or academic

adjustments; appealing or filing complaints related to decisions concerning such requests; or making or participating in claims of discrimination or harassment.

The University's compliance with applicable disability laws is guided by the University's broader Policy Prohibiting Discrimination and Harassment (~~University Policy 60.1.12~~ University Policy 60.1.12), which provides information on prohibited discriminatory, harassing, and retaliatory conduct, as well as the resources and processes for addressing and resolving complaints of discrimination, harassment, retaliation and related violations of University policy.

B. Scope

This policy applies to all University programs, operations, services, and facilities, including but not limited to, all related requests for disability accommodations and/or equal access by employees (faculty and staff), students, and visitors, as well as interns, volunteers, vendors, contractors, subcontractors, and others who do business with the University.

C. Confidentiality

The nature of the concern or issue and any information obtained through the interactive process will be treated with the utmost confidentiality and with sensitivity to the issues involved. The confidentiality of information disclosed during the course of the interactive process will be respected to the extent feasible and practical and in accordance with applicable State and federal laws. This means that information received during the accommodation request process is shared only with those individuals within the University community who "need to know" in order to evaluate the individual's accommodation request or implement any approved accommodations. However, the University has a duty to respond to allegations of discrimination, harassment (including sexual harassment), and retaliation, and therefore cannot guarantee absolute confidentiality once allegations are disclosed to University officials.

D. Requesting an Accommodation

The following offices review requests for disability-related reasonable accommodations. Throughout this Policy, the University office and/or employee(s) who will typically perform certain roles or duties are identified. However, the University may designate other University offices or employees to perform any roles or duties described in this Policy where necessary to effectuate this Policy.

1. Students Requesting a Reasonable Accommodation

Office for Disability Services

Students seeking reasonable disability-related accommodations should contact the Office of Disability Services ("ODS"). Each Chancellor-led Rutgers campus has a designated ODS office that provides reasonable accommodations for students with disabilities. Contact information for the Rutgers Offices of Disability Services is available at the following website:

~~<https://radr.rutgers.edu/student/aboutODS>~~ <https://radr.rutgers.edu/student/aboutODS>.

Information about the ODS process by which students can seek accommodations for a disability is available on the ODS website: ~~<https://radr.rutgers.edu/resource/registering-services-and-general-inquiries>~~ <https://radr.rutgers.edu/resource/registering-services-and-general-inquiries>.

Residence Life

Students seeking reasonable disability-related accommodations related to on-campus University housing should contact Residence Life. Information about the process to seek such accommodations is available at the following website:

~~<https://radr.rutgers.edu/resource/housing-and-dining>~~

~~accommodations~~<https://radr.rutgers.edu/resource/housing-and-dining-accommodations>.

Dining

Students requesting dining or special disability-related dietary accommodations should contact Dining Services. Information on the process to seek such accommodations and campus-specific contact information is available at the following website:

~~<https://radr.rutgers.edu/resource/housing-and-dining-accommodations>~~<https://radr.rutgers.edu/resource/housing-and-dining-accommodations>.

Employment-Related Accommodations

Students who are also employed by the University who are seeking accommodations related to their employment should contact the appropriate office as set forth below. If an individual is uncertain which office is appropriate, please contact via email:

~~employmentequity@hr.rutgers.edu~~employmentequity@hr.rutgers.edu or by phone: 848-932-3973

NOTE: An individual being approved for an academic accommodation through ODS does not guarantee an accommodation related to the individual's employment.

2. Employees Requesting an Accommodation

a. ~~Staff Employees~~

~~The Office of Employment Equity ("OEE")~~The Office of Employment Equity ("OEE") coordinates the University's efforts to provide disability-related reasonable accommodations to ~~staff employees~~. OEE also coordinates employment-related disability accommodations for students who are also employed by the University, ~~except those covered by subsection (b) below. Such employees.~~ Employees seeking accommodations should submit a request through ~~OneSource Rutgers Faculty and Staff Service Center~~.[OneSource Rutgers Faculty and Staff Service Center](https://uhr.rutgers.edu/policies-resources/policies-procedures/policy-and-compliance-guidelines/disability-accommodations). Information about the process by which these employees can seek accommodations related to a disability is available on the OEE website: ~~<https://uhr.rutgers.edu/policies-resources/policies-procedures/policy-and-compliance-guidelines/disability-accommodations>~~<https://uhr.rutgers.edu/policies-resources/policies-procedures/policy-and-compliance-guidelines/disability-accommodations>.

Office of Employment Equity

Email: ~~employmentequity@hr.rutgers.edu~~

Email: employmentequity@hr.rutgers.edu

Phone: 848-932-3973

Contact Information: <https://uhr.rutgers.edu/oee/home>

b. ~~Faculty, Post-Doctoral Associates, Housestaff Officers, Graduate Assistants and Teaching Assistants~~

~~Academic Labor Relations ("ALR")~~ coordinates the University's efforts to provide disability-related reasonable accommodations to faculty (including Part-Time Lecturers and Winter Summer Instructors), Coadjutants, Post-Doctoral Associates, Housestaff Officers, Graduate Assistants, and Teaching Assistants. Information about the process by which these employees can seek accommodations related to a disability is available on the ALR website: ~~<https://academiclaborrelations.rutgers.edu/disability>~~

~~[accommodation-request-process-faculty-](#)~~

Academic Labor Relations
Email: ~~oa1r@oq.rutgers.edu~~
Phone: 848-932-7174

Contact Information: ~~<https://academiclaborrelations.rutgers.edu/contact/contact-us>~~

3. **Visitor Accommodations and Public Access**

Rutgers University is committed to providing equal access, full participation, and inclusion of individuals of all abilities within the University's programs, activities, or services. Visitors and others who need assistance or further information related to how to request reasonable accommodations for events, programs, or activities at Rutgers should visit the following website ~~<https://uec.rutgers.edu/programs/disability-compliance/>~~, ~~<https://uec.rutgers.edu/programs/disability-compliance/>~~, ~~<https://uec.rutgers.edu/programs-2/disability-compliance/>~~.

E. **Expectations of All Individuals Seeking Disability-Related Accommodations**

All individuals seeking reasonable disability-related accommodations are expected to:

- Initiate the accommodation process by identifying themselves as needing reasonable accommodations in a timely manner to the appropriate University office as described above within Section 6.D.
- Provide appropriate disability supporting documentation to the designated University office as described above within Section 6.D., when requested, that describes the impact of their disability within the University environment and provides in sufficient detail the rationale for the need of the requested accommodation(s).
- Actively participate in the interactive process, which includes suggesting the requested accommodation(s).
- Meet and maintain the institution's performance standards, essential requirements, technical standards, and codes of conduct.
- Immediately report problems or issues with approved reasonable accommodations, auxiliary aids, or services to the appropriate University office.

F. **Expectations of University Representatives**

The applicable University office will contact University Representatives as deemed appropriate for their input and/or decisions concerning the requested accommodation(s), in accordance with Section (6.C.) above (Confidentiality). The expectations of the University Representative may vary based on the nature of the University Representative's role at the University and/or job responsibilities. In general, the University Representative is expected to:

- Notify the appropriate office (see Section 6.D.) when an individual identifies a disability or requests an accommodation in order to commence the interactive process;
- Participate actively in the interactive process through the designated office in Section 6.D., which includes suggesting alternative accommodation(s) when necessary;
- Implement approved accommodations in a timely manner;
- Not request that medical documentation be provided directly to the University Representative or inquire into the nature of the disability and/or medical condition;

- Not share any information learned during the interactive process except with those University employees who may need to know in order to assist in the evaluation or implementation of the requested accommodation (see Section 6.C. on Confidentiality);
- Share that an accommodation has been granted with the minimum number of individuals necessary to implement such accommodation;
- Report immediately problems or issues with the approved reasonable accommodations, auxiliary aids, or services to the appropriate University office; and
- Comply with all other University policies, including ~~University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment.~~ University Policy 60.1.12: Policy Prohibiting Discrimination and Harassment.

G. Review of Determinations with Respect to Requests for Accommodation and Filing Complaints

Each of the University offices listed in Section 6.D. is responsible for processing requests for reasonable accommodations and maintaining procedures for the review of issues or concerns regarding the denial of such requests and/or the implementation of an approved accommodation. For additional information, contact the applicable office listed in Section 6.D.

1. Student Concerns, Issues or Grievances (Non-Employment):

Any student may report concerns or issues through the ~~Informal Resolution Procedures for Students with Disabilities~~ Informal Resolution Procedures for Students with Disabilities for the University to attempt to resolve or mediate the situation in a timely manner. No formal investigation is involved in the Informal Resolution Process.

Any student who wishes to pursue the grievance procedure should complete the ~~Grievance Form for Students with Disabilities~~ Grievance Form for Students with Disabilities. These procedures do not apply to other types of complaints of alleged discrimination or harassment based on a student's disability, which are addressed by other University offices. A student may also pursue the grievance process by contacting the Rutgers Compliance Hotline at 1-833-RU-ETHICS (1-833-783-8442) or by submitting an online report at ~~<https://uec.rutgers.edu/compliance-hotline/>~~ <https://uec.rutgers.edu/compliance-hotline/>.

2. Employee, Visitor and Other Concerns, Issues, or Complaints:

Any individual who believes that this policy has been violated may contact the ADA Compliance Officer at 973-972-8000 or they may call the Rutgers Compliance Hotline. The Rutgers Compliance Hotline is available 24 hours a day/ 7 days a week, via a toll-free phone number, 1-833-RU-ETHICS (1-833-783-8442) or by submitting an online report at ~~<https://uec.rutgers.edu/compliance-hotline/>~~ <https://uec.rutgers.edu/compliance-hotline/>.

The ADA Compliance Officer can provide information on the applicable review/ grievance/ complaint procedures and refer any complaints to the appropriate office. Information on these procedures is also available on the websites for the respective offices.

Depending on the nature of the allegations, additional University policies may also be implicated. The ADA Compliance Officer, in consultation with other offices, as

appropriate, will determine whether potential violations of other policies will also be investigated based on the allegations contained in a complaint.