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**Subject: University Accommodations of Persons with Disabilities**

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## 1. Purpose

The purpose of this policy is to provide guidelines to the university community to assure compliance with the *Americans with Disabilities Act of 1990* (ADA) (as amended) and the *Rehabilitation Act of 1973* (as amended),

One purpose of federal disability law and University Policy 1025, Harassment, Discrimination, and Sexual Assault, (<http://www.policies.vt.edu/1025.pdf>), is to prohibit discrimination on the basis of a disability. This includes, but is not limited to, admissions, academics, and programs for students, and employment actions or decisions in job application procedures, hiring, advancement, termination, training, benefits, compensation, terms, conditions, or privileges of employment to any individual(s) solely by reason of that individual's disability.

Retaliation against individuals for asserting their rights under these laws and policies is prohibited by University Policy 1025.

## 2. Policy

Virginia Tech is committed to providing reasonable accommodations pursuant to this policy.

### 2.1 Covered Individuals

University Policy 4075 covers qualified employees, applicants, students, and visitors with disabilities, regardless of the type of contact they have with the university (i.e., in-person, online, etc.). The *ADA* and the *Rehabilitation Act of 1973* define disability with respect to an individual as:

- a physical or mental impairment that substantially limits one or more major life activities or major bodily functions;
- a record of such an impairment; or
- being regarded as having such an impairment.

The ADA also:

- prohibits discrimination against individuals based on their relationship or association with an individual with a disability;

- prohibits retaliation or coercion against individuals who opposed any acts made unlawful by the ADA, participated in the enforcement process, or encouraged others to exercise their rights under the ADA; and
- covers part-time employees/students and applicants regardless of national origin or status.

## 2.2 Reasonable Accommodations

The university has designated ADA and Accessibility Services (ADAAS) (<http://oea.vt.edu/ada-accessibility-services.html>) for employees and visitors and Services for Students with Disabilities (SSD) (<http://www.ssd.vt.edu/>) for students as the offices that obtain and file disability related and medical documents, assist in the development of reasonable accommodations through the interactive process, and assist in developing plans for the provision of such accommodations as listed in Section 3.

An individual may request assistance or reasonable accommodation by contacting ADAAS or SSD as appropriate. Additionally, if an individual communicates to a supervisor or faculty/staff member that a physical or mental condition may be interfering with his or her ability to gain access to or function in the university environment, the supervisor or faculty/staff member should promptly refer the individual to ADAAS or SSD to discuss possible accommodation. It is not necessary for the individual specifically to use the terms “*disability*” or “*accommodation*.”

### 2.2.1 Undue Hardship

Virginia Tech is not required to provide accommodations that would present undue hardship to the institution or change the fundamental nature of a program or job.

## 2.3 Harassment, Discrimination, and Retaliation

Harassment or discrimination based on a disability is a violation of Virginia Tech policy. Virginia Tech prohibits harassment or discrimination on the basis of disability under University Policy 1025. The ADA also prohibits retaliation against individuals who exercise their rights under the ADA or assist others in exercising their rights. Claims of harassment, discrimination or retaliation under this policy should be directed to the university’s Office for Equity and Accessibility at (540) 231-2010.

## 2.4 Confidentiality and Release of Information

Disability-related information is confidential. ADAAS and SSD will inform faculty, staff, or supervisors of the needed accommodations. If the covered individual has requested an accommodation through the ADAAS or SSD, the individual will be informed of what information is being provided to the supervisor regarding the request. To limit access to confidential files, all disability-related information must be filed with the appropriate office listed in Section 3 and kept separate from other employee or student files. ***Departments or individuals shall not keep any copies of such documentation within departments or offices.***

Information may be released under the following circumstances:

1. an employee or student disability file may be released to non-university personnel pursuant to a valid court order or subpoena;
2. an employee or student may give written authorization for the release of information when she or he wishes to share it with others;
3. an employee or student poses a direct threat; and
4. the release or disclosure is otherwise permitted by law.

The appropriate offices (as listed in Section 3) will retain a copy of all information provided. An employee or applicant has the right to review that file.

## 3. Procedures

### 3.1 Obtaining Accommodations

The university has established accommodation procedures: ADA and Accessibility Services (ADAAS) (<http://oea.vt.edu/ada-accessibility-services.html>) for employees and visitors and Services for Students with Disabilities (SSD) (<http://www.ssd.vt.edu/>) for students. It is incumbent upon individuals requesting accommodations to engage with the appropriate office, present documentation as appropriate, and discuss accommodations. *Faculty and administrators must immediately contact the appropriate office regarding any request and/or information related to accommodations.*

Faculty, staff, and visitors may request information from ADAAS at (540) 231-2010.

Students may contact SSD at Voice: (540) 231-3788, TTY: (540) 231-1740, or [ssd@vt.edu](mailto:ssd@vt.edu).

Procedures for accommodations shall be maintained by the respective offices.

### 3.2 Appeal and Complaint Process

Appeals of any decisions made or actions taken, including complaints of discrimination on the basis of a disability, should be directed to the university's Director for Compliance (540) 231-2010 or <http://oea.vt.edu/ada-accessibility-services.html>.

## 4. Definitions

## 5. References

42 U.S.C. §12101, et seq. *Americans with Disabilities Act*, 1990, as amended  
[www.ada.gov/pubs/ada](http://www.ada.gov/pubs/ada)

29 U.S.C. §701, et. seq. *Rehabilitation Act of 1973*, as amended  
<https://www.law.cornell.edu/uscode/text/29/701>

Virginia Tech Faculty Handbook  
[http://provost.vt.edu/faculty\\_affairs/faculty\\_handbook.html](http://provost.vt.edu/faculty_affairs/faculty_handbook.html)

Virginia Tech, Staff Handbook  
<http://www.hr.vt.edu/employeecorner/policy/>

Virginia Tech, University Policy 4032, Recruitment Guidelines for On and Off-Campus Wage and Salaried Classified Positions  
<http://www.policies.vt.edu/4032.pdf>

Virginia Tech, University Policy 1025, Policy on Harassment, Discrimination, and Sexual Assault  
<http://www.policies.vt.edu/1025.pdf>

## **6. Approval and Revisions**

- Revision 0

Approved July 10, 1991, by Associate Vice President for Personnel and Administrative Services, Ann Spencer.

- Revision 1

Wording changes and clarification of language. Clarification of departmental responsibilities. Inclusion of all university employees in procedures.

Approved April 16, 1993, by Associate Vice President for Personnel and Administrative Services, Ann Spencer.

- Revision 2

Changed contact person for staff concerns.

Approved April 16, 1993, by Associate Vice President for Personnel and Administrative Services, Ann Spencer.

- Revision 3

Procedural revisions were made in conjunction with the EOAA Office to clarify accommodation processes. The title was also changed to reflect the revisions.

Links were established to the appropriate web sites for policies and forms referenced.

Approved February 18, 1999, by Executive Vice President, Minnis E. Ridenour.

October 10, 2001: Technical corrections to update policy links and name change for the Commonwealth of Virginia's Department of Human Resource Management (formerly Department of Personnel and Training).

- Revision 4

Policy title changed from "Accommodations of Employees and Applicants with Disabilities" to "Policy for University Accommodations of Persons with Disabilities."

Expanded policy to include students and responsibilities of the Services for Students with Disabilities Office. Wording changes and clarification of supervisor's responsibilities. Removed detailed procedures for requesting accommodations. Updated offices for accommodations/resources. General re-ordering to facilitate ease of use.

Links updates.

Approved June 30, 2010 by Vice President for Administrative Services, Sherwood G. Wilson.

November 11, 2010: Technical correction to remove obsolete Human Resources TTY phone number from Section 3.1.

- Revision 5

Technical updates to references and department titles throughout.

Approved January 19, 2017 by Vice President for Administration, Sherwood G. Wilson.