



THE UNIVERSITY of
NEW ORLEANS

Policy No: AP-OP-10.3
TITLE: Americans with Disabilities Act
EFFECTIVE DATE: March 28, 2014*
 (*Policy Revised, see below)
CANCELLATION:
REVIEW DATE: Spring 2020

ADMINISTERED BY: Office of the President

PURPOSE

To affirm the University’s commitment to equal opportunity for all qualified persons without regard to disability, and to provide procedures for requesting accommodations in accordance with the Americans with Disabilities Act (ADA) and other State and Federal laws.

AUTHORITY

Part Two, Chapter III, Section XIX of the Bylaws and Rules of the University of Louisiana System. University of Louisiana System Policy and Procedure Memorandum M-11a and M-12; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990, as amended; the ADA Amendments Act of 2008 and La R.S. 23:323 (Prohibited Discrimination in Employment – Disability); All applicable local, State and Federal non-discrimination laws.

DEFINITIONS

Disability – As used in the ADA, the term "disability" means, with respect to an individual: (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment. The definition of disability shall be construed broadly.

Impairment – Any physiological, mental, or psychological disorder or condition which substantially limits major life activities.

Substantially Limits – Means being unable to perform a major life activity.

Major Life Activity – Under the ADA, major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Essential Job Functions – Those job tasks or duties that are fundamental and primary to the position.

Qualified Individual – A person who can perform the essential job functions of the job he holds or desires, with or without reasonable accommodation.

Reasonable Accommodation – Modification or adjustment to a job or the work environment that will enable a qualified individual with a disability to participate in the application process or to perform essential job functions without placing an undue hardship on The University of New Orleans. Reasonable accommodations also include adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

Undue Hardship – In relation to reasonable accommodation, an action that would result in “significant difficulty or expense” when considered in light of factors such as the size of the employer, the resources available, and the nature of the operation.

Documentation – Those documents and reports required to be presented to the University before any accommodation will be provided. Individuals requesting a reasonable accommodation should provide UNO with information that documents the need for the accommodation and suggests how the effects of the disability might be accommodated. Documentation should include official written communications from a relevant qualified treating health professional. This communication must be current and describe the nature of the disability, the major life functions effected, the functional limitations of the disability and the prognosis. A diagnosis of a disorder/condition/syndrome or impairment in and of itself does not automatically qualify an individual for accommodations. Specific questions about documentation requirements should be addressed to the Office of Human Resource Management (HRM).

GENERAL POLICY

- I. It is the policy of The University of New Orleans (‘UNO’ or ‘the University’) to comply with the requirements of Louisiana Revised Statute 23:323, the Americans with Disabilities Act of 1990, as amended, and all other laws and regulations prohibiting discrimination on the basis of disability. The ADA was amended in 2008 with an effective date of January 1, 2009 and is now also referred to as the Americans with Disabilities Act Amendments Act (ADAAA). The University shall not utilize standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability. This includes, but is not limited to, discrimination against a qualified individual with a disability in employment practices such as job application procedures, hiring, promotion, discharge, compensation, training, classification, referral, benefits and other aspects of employment.
- II. This policy is applicable to all employees of UNO and all applicants for employment.
- III. Requesting an Accommodation. Official requests for accommodation from an applicant or current UNO employee must be submitted in writing to the Office of Human Resource Management and must detail the duties the individual is unable to perform. Proper documentation (see above) will be required before an accommodation will be provided.
 - A. **Applicants for Employment** – It is the responsibility of an applicant to inform UNO, through the Office of Human Resource Management, of his need for accommodation. UNO hiring managers interviewing an applicant must focus on an individual’s ability to perform job duties. Questions regarding an applicant’s disabilities, prior worker’s

compensation claims, or history of physical or mental impairment should not be asked during the interview process. Applicants may be asked to describe or demonstrate how they would perform all job duties, provided inquiries are specifically job related and all applicants are interviewed consistently.

B. **UNO Employees** – A current employee seeking accommodation should directly notify the Office of Human Resource Management in writing as indicated above.

C. **Accommodations** – A representative from the Office of Human Resource Management may meet with departmental supervisors, administrators, or other members of the University leadership to determine what, if any, accommodations can be made. The Office of Human Resource Management will usually request documentation regarding the disability which will be kept in a confidential file. Reasonable accommodations will be provided to qualified individuals with disabilities unless the accommodation request presents a hardship to the University. All accommodations must be approved by the Office of Human Resource Management. While an individual's preference will be given consideration, the University is free to choose among equally effective accommodations and may choose one that is least expensive and/or easier to provide.

IV. Questions or concerns about this policy may be directed to the Office of Human Resource Management. If the individual has concerns regarding denial of a reasonable accommodation or the specific accommodation selected by the University, or feels that he has been discriminated against, that person is encouraged to contact the University Equal Employment Opportunity Officer or Coordinator in Human Resource Management.



John W. Nicklow
President
University of New Orleans

**Policy Updates:
Revisions: 6/9/2017
10/10/2018*