

# Reasonable Accommodation of Persons with Disabilities

## Civil Rights – ADA

### CWU Policy 402-01

**Effective:** March 6, 2013

**Policy Review Date:** YEAR

**Policy Executive:** Senior Vice President – Finance and Administration

**Responsible Office/Unit:** Human Resources

#### Policy Statement:

#### Applicability:

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#### Content:

Policy

Appendix A - University Employees to Request Disability Accommodations Procedure

Appendix B - Applicants to Request Disability Accommodations Procedure

Appendix C - Student with Disabilities to Request Disability Accommodations Procedure

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#### (1) General

- A. It is the policy of Central Washington University that discrimination on the basis of disability is prohibited. The university provides equal employment opportunities, physical access and reasonable accommodation for qualified individuals with disabilities, and academic adjustments for qualified students with disabilities.
- B. This policy regarding discrimination on the basis of disability has been developed in keeping with federal and state laws. The federal laws include: Americans with Disabilities Act of 1990, ADA Amendments Act of 2008, Regulations to Implement the Equal Employment Provisions of the ADA, and Section 504 of the Federal Rehabilitation Act of 1973. The Washington State laws are described in the *Revised Code of Washington* (Washington State Law Against Discrimination, Washington State Core Services Bill) and the *Washington Administrative Code* (WAC 162-22, WAC 357-26).
- C. Policy applies to:
  1. applicants or employees who, with or without reasonable accommodations, can perform the essential functions of a position,
  2. qualified students, prospective students, and,

3. individuals who wish to participate in university-sponsored events which are open to the public.

## **(2) Definitions**

- A. Person with a disability means:
  1. Federal definition: a person with a physical or mental impairment that substantially limits one or more major life activities; and/or
  2. Washington State definition: the presence of a sensory, mental or physical impairment (temporary or permanent) that is:
    - a. Medically cognizable or diagnosable, or
    - b. Exists as a record or history; or
    - c. Known or shown through an interactive process to exist in fact, and has a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job or the individual's access to equal benefits, privileges, or terms or conditions of employment; or the individual's ability to perform and complete the essential elements of the course, program or activity.
- B. Substantially limits means the individual is unable to perform a major life activity that the average person in the general population can perform or significantly restricted as to the condition, manner or duration under which a person can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.
- C. Essential functions means the fundamental job duties of the position that the individual with the disability holds or desires. The term "essential functions" does not include the marginal functions of the positions.
- D. Qualified employee with a disability means an individual who meets the skills, experience, education, and other job-related requirements of the position held or applied for, and who, with or without reasonable accommodation, can perform the essential functions of the job.
- E. Qualified student with a disability means a prospective or enrolled student with a documented disability who meets the admission requirements and technical standards of the academic program, activity, or services.
- F. Reasonable accommodation means a modification or adjustment to a job, work or academic environment, policies, practices, or procedures that enables a qualified individual with a disability to enjoy equal employment or academic opportunity.
- G. Undue hardship means an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the event, program or university. Written justification, signed by the president of the university, must be provided for any decision not to provide a reasonable accommodation because of undue hardship.

## **(3) The University Provides Reasonable Accommodations**

- A. The university provides reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals except where such accommodation would impose undue hardship on the institution. HR/Disability Services and the ADA compliance officer, through departmental procedures, informs the campus and public of the ability to request accommodation. The administrator for equal opportunity and professional development is the university's ADA/504 compliance officer. The administrator provides compliance oversight, advice and consultation regarding the ADA.
- B. Disability services will ensure an interactive and effective accommodation process in a timely manner for qualified applicants, employees with disabilities, prospective and enrolled students, and members of the public. Qualified people with disabilities who require an accommodation should refer to guidance on the human resources web page. See <http://www.cwu.edu/disability-support/>.

#### **(4) The University Provides a Discrimination Complaint Procedure**

- A. The university has internal complaint procedures for addressing complaints about the conduct of university employees, including allegations of discrimination based on disability. See [CWU 403-04 Discrimination Complaint and Resolution Policy](#) for a description of the available complaint procedures.

#### **History:**

*BOT: 5902, 6/28/85; WAC 106-72; Rev. 12/91; PAC: 6/93; Pres. Cab.: 02/96; Pres. Cab.: 3/96; Pres. Cab.: 5/99; BOT: Motion 99-33, 6/99; PAC: 7/04; PAC: 09/04; BOT: Motion 05-13, 3/05; PAC: 4/06; PAC 2/07; PAC: 08/07; BOT: Motion 07-61, 12/07; Responsibility: CFO/BFA; Authority: Cabinet/UPAC, Review/Endorsed by: Cabinet/UPAC; Review/Effective Date: 3/6/2013; Approved by: James L. Gaudino, President  
Reformatted and Assigned new Policy Number - Previous Policy CWUP 2-35-040, June 2025  
Attached Procedure CWUR 3-45-020 as Appendix A, CWUR 3-45-30 as Appendix B, and CWUR 3-45-040 as Appendix C, June 2025*

## Appendix A - University Employees to Request Disability Accommodations Procedure

### (1) Employee instructions

- A. Submit Documentation: Employees provides Disability Services (DS) with documentation from a professional or medical expert.
  - 1. Documentation must identify the disability and discuss the functional limitations of the disability that related to the workplace environment.
  - 2. Documentation may include recommendations or guidance for specific accommodations to negate specific functional limitations, but CDS will make final determination.
- B. Accommodation request. Employee notifies DS that he/she is an employee with a disability and requests an accommodation.
- C. Interactive Process: Employee with participate in an interactive interview and intake meeting with a DS staff member and direct supervisor.
  - 1. The interactive interview will discuss information from the position description, functional limitations, options for addressing those limitations and the employee's request for services. The final determination of the ADA Accommodation Plan will emerge from this collaborative process.
- D. ADA Accommodation Plan: The Accommodation Plan will be written and signed by the ADA Compliance Officer, the employee, the supervisor of the employee, and the appointing authority of the employee. Copies will be distributed to all signatories and the original will be filed at the DS Office.
  - 1. All information regarding the presence or nature of an employee's or applicant's disability will be treated as a confidential record and is maintained in a secure manner, apart from personnel files and with access restricted to designated personnel on a need to know basis

### (2) Other Procedures Instructions.

- A. The DS office has specific procedures for accessing services such as, but not limited to, academic or employment materials in alternative format, communication access services and alternative certification exam facilitation. Employees are expected to know and follow DS policy and procedures.
- B. Any problems in implementation of the Accommodation Plan must be report immediately to the ADA Compliance Officer.
- C. The CWU Discrimination Complaint and Resolution Policy [CWU 403-04](#) may be used to address informal and formal complaints of discrimination based on disability.

### (3) Supervisor instructions.

- A. If an employee makes a request for accommodation directly to the supervisor they will be referred to the CDS for assistance.
- B. Supervisors will participate in the interactive process with CDS and the employee.
- C. Supervisor will not make inquiries regarding the existence, nature or severity of a disability with any of employee, including those who have requested accommodation.
- D. Supervisors will honor the confidentiality of all information related to disability.
- E. Supervisors will be prepared to discuss with new employees whether they have a disability which will require reasonable accommodation. If the answer is "yes," such employees will be provided with copies of the university's policy on reasonable accommodation and procedures for university employees to request disability accommodations.

## Appendix B - Applicants to Request Disability Accommodations Procedure

### **(1) Applicant instructions.**

- A. The applicant is responsible for contacting Disability Services (DS) in a timely fashion to request accommodation during the application, testing or interview processes. Contact information for DS are included on all position announcements, including those posted on the university's web site.
- B. The accommodation request should include:
  - 1. Identification of the disabling condition; and
  - 2. Suggestions of specific accommodations that would provide the applicant with access to the employment process.
- C. The applicant may be asked to provide DS with documentation from the applicant's health care provider stating the nature of the disability and specific suggestions which would enable the applicant to access the employment process. Such medical documentation is considered confidential and will be maintained in DS, separate from all other applicant and employee records.

### **(2) Hiring Authority Instructions.**

- A. If applicants make requests for accommodation directly to the hiring authority, they will:
  - 1. Be referred to DS for assistance, or
  - 2. Put into place the accommodation request that can be easily instituted. Contact DS for consultation as needed.
- B. Supervisor will not make inquiries regarding the existence, nature or severity of a disability with any of the interviewees, including those who have requested accommodation.
- C. Employment decision will be based on the knowledge, skills and abilities required for the job, not on the presence or absence of a candidate's disability.
- D. Supervisors will be prepared to discuss with new employees whether they have a disability which will require reasonable accommodation. If the answer is "yes," such employees will be provided with copies of the university's policy on reasonable accommodation and procedures for university employees to request disability accommodations.

## Appendix C - Student with Disabilities to Request Disability Accommodations

### (1) Student Instructions

- A. Accommodation request: Students must notify the center for Disability Services (DS) that he/she is a student with a disability and request an accommodation.
- B. Submit documentation: Students must provide DS with documentation from a professional or medical expert.
  - 1. Documentation must identify the disability involved and the functional limitations of the disability that relates to the educational environment and necessitates accommodation.
  - 2. Documentation may include recommendations or guidance for specific accommodations to negate specific functional limitations but DS will make the final determination for accommodations.
- C. Interactive Process and Intake Meeting: Students will participate in an Interactive Process and Intake meeting with a DS staff member. Both are required prior to receiving accommodation.
- D. Student Profile Created: DS will generate a student profile that will include students' academic adjustment and auxiliary aids plan.
- E. Quarterly Classroom Academic Adjustment Request: Each quarter students will submit a classroom academic adjustment request(s) to faculty via the DS online process.
  - 1. Students must submit their academic adjustment request(s) for each class in which they wish to receive accommodation, preferably during the first week of class.
  - 2. Faculty are not required to provide academic adjustments until the student submits their request through the DS online process. Academic adjustments are no retroactive.
  - 3. Student must follow up each quarterly request with communication to the course faculty member to discuss the specifics of how each academic adjustment will work in the course.

### (2) Other Procedures Instructions

- A. DS has specific procedures for accessing services such as taped texts and alternative testing. Students are expected to know and follow departmental policy and procedures for services provided directly by DS.
- B. If a student has problems in receiving accommodations and cannot resolve them directly with the individual faculty or staff member, the student is encouraged to report the problems immediately to DS.
- C. Informal and formal complaints of discrimination based on disability may be filed per CWU 403-04 Discrimination Complaint and Resolution Policy.

### (3) Faculty Instructions. Faculty will:

- A. Refer students who do not submit a quarterly academic adjustment request, but are requesting services, to DS for information and assistance.
- B. Work with and facilitate classroom adjustment with students who submit an academic adjustment request(s) from DS. Faculty members have no obligation to provide academic adjustments until they receive a request.
- C. Contact for any questions, directions or assistance in the facilitation of implementing academic adjustments.