Americans with Disabilities Act (20.041)

Introduction
Brown University affirms its' commitment to employ qualified individuals with disabilities within the workplace and to comply with the Americans with Disability Act.

Policy Statement
Brown University is committed to diversity and nondiscrimination, and supports the employment of qualified individuals with disabilities in the workplace. Brown will comply with all federal and state laws and regulations, including the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973. Consistent with ADA the University reaffirms bases all of its employment decisions on an employee's qualifications to perform the essential functions of the job. The essential functions of a job are identified in the job description or attached to the job description.

Requests for Accommodations
Applicants or employees who desire reasonable accommodations may

- Apply for a position,
- Request an opportunity to demonstrate their qualifications to perform the essential functions of a job, or
- Take a job-related test

All applicants or employees desiring an accommodation should contact the Office of Human Resources and request to speak with the Director of Staff Diversity and University Equal Employment and Affirmative Action Officer (University/EEO/AA).

All communications regarding accommodations made with the University shall remain confidential, except as necessary to:

- Arrange or approve such accommodations,
- Advise staff or faculty who may wish to apply for an application for an accommodation or a job-related test

The information shall not be used as criteria in making an employment decision. The definitions that follow provide additional information about this policy.

Definitions
Disability: A disability is defined by the Americans with Disabilities Act (ADA) as a physical or mental impairment that substantially limits one or more major life activities of an individual. A disability may also include an individual having a record of such an impairment or being regarded as having such an impairment.
Employment Decisions and Practices: Discrimination: Discrimination is the prejudicial and/or
distinguishing treatment of an individual based on their actual or perceived membership in a certain group or category, "in a way that is worse than the way people are usually treated." Discrimination is prohibited in all employment decisions and practices including the hiring, promoting, transferring, waiving, and terminating of employees.

**Essential Functions:** Essential functions are the basic job duties that an employee must be able to perform, with or without a reasonable accommodation. At the University, the essential functions of the position are identified in the Job Description. The Compensation Function of University Human Resources is available to provide assistance in the development of appropriate Job Descriptions and functions.

**Reasonable Accommodation:** Reasonable accommodations are actions taken to:

- Ensure equal opportunity in the application process,
- Enable performance of the essential functions of a job,
- Enable an employee with a disability to enjoy equal benefits and privileges of employment.

Reasonable accommodations may be provided to individuals as long as they do not pose an undue hardship on the University.

**Undue Hardship:** Undue hardship is the only statutory limitation on providing reasonable accommodation. Undue hardship is an action requiring significant difficulty or expense and such actions are considered unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. In determining whether a requested accommodation creates an undue hardship on the University, the appropriate University staff will consider reasonable accommodation requests on a case-by-case basis.

**Responsibilities**

**Applicants requesting reasonable accommodation:** All applicants desiring an accommodation should contact the University Human Resources and request to speak with the Director of Staff Diversity and University Equal Employment and Affirmative Action Officer (EEO/AA).

**Employees requesting reasonable accommodation:** Employees desiring an accommodation should contact the University Human Resources and request to speak with the Director of Staff Diversity and University Equal Employment and Affirmative Action Officer (EEO/AA).

**Compensation Function:** The University Human Resources Compensation Function is available to provide assistance in the development of appropriate Job Descriptions and functions, when necessary.

**Director of Staff Diversity and University Equal Employment and Affirmative Action Officer (EEO/AA):** Contact for applicants or employees desiring an accommodation.

**University Staff:** University Staff is defined as select members of University Human Resources, the Director of Student and Employee Accessibility Services, and the Associate Provost for Academic Development and Diversity.

Related Information
- Office of Staff Diversity and Inclusion
- U.S. Equal Employment Opportunity Commission ADA Facts
- Student and Employee Accessibility Services (SEAS)

Policy Owner Approved by Vice President for Human Resources

Contact(s)

For general questions and resources, please contact:
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