

Siena University

Americans with Disabilities Act Policy (ADA)

Policy Title:	Americans with Disabilities Act Policy
Type or category of Policy:	University Policy
Approval Authority:	
Responsible Executive:	Associate Vice President for Human Resources
Responsible Office:	Office of Human Resources
Owner Contact:	Office of Human Resources, Trustco Bank Center Room 120 humanresources@siena.edu , 518-783-2420
Reviewed By:	
Reviewed Date:	
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Introduction

It is the commitment of Siena University to ensure our campus is free from negative, aggressive and inappropriate behavior, and that the work/learning environment is aimed at providing high quality services and education in an atmosphere of respect, collaboration, openness, safety and equality.

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All policies are subject to amendment. Please refer to the Siena University Policy website for the official, most recent version.

We share a commitment to building a world that is more just, peaceable and humane. Key to this commitment are efforts to foster and nurture a respectful environment by preventing harassment and discrimination based on disabilities.

Siena University does not discriminate on the basis of disability in the recruitment, hiring and retention of employees.

Defining “Disability”

An individual with a disability is defined by law as someone who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of having such an impairment; or
- Is regarded as having such an impairment

According to the Americans with Disabilities Act a major life activity is any activity that a person can perform with little or no difficulty, e.g., walking, seeing, hearing, speaking, performing manual tasks, learning, caring for oneself, standing, lifting.

A qualified individual with a disability is an applicant or employee who meets the legitimate skill, experience, education, or other requirements of a job and who can perform the essential functions of that job with or without a reasonable accommodation. Essential functions of the job are indicated in the job description. If an individual is qualified to perform the essential job functions except for limitations caused by a disability, the employer must consider whether this individual could perform these functions with a reasonable accommodation.

Reasonable Accommodation

Siena University will make an accommodation to the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the campus. Undue hardship is defined by law as an action requiring significant difficulty or expense when considered in light of factors such as size, financial resources and the nature and structure of its operation.

Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by employees with disabilities
- Acquiring or modifying equipment and/or devices, adjusting training materials, and policies, including providing qualified readers or interpreters

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A modification or adjustment is “reasonable” by law if it “seems reasonable on its face, i.e., ordinarily or in the run of cases.” Thus, the request is reasonable if it appears to be plausible or feasible. A reasonable accommodation enables an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for hire on our campus. In addition, a reasonable accommodation permits an employee with a disability in equal opportunity to enjoy the benefits and privileges of employment that employees without disabilities enjoy.

Requesting a Reasonable Accommodation

An individual with a disability must request a reasonable accommodation when she or he knows that there is a barrier that is preventing her or him, due to a disability, from effectively performing their duties. Siena University recommends that an individual request a reasonable accommodation before their performance suffers or conduct problems occur.

Siena University is obligated to make a reasonable accommodation only to the known disability of a qualified applicant or employee. It is the responsibility of the applicant or employee to make the disability status and need for an accommodation known to the campus. Applicants and employees may contact the Associate Director of Human Resources for Benefits and Wellness to obtain two forms: (1) a request for accommodation based on disability and (2) certification of physician or appropriate medical professional in support of a request for accommodation based on disability. Both forms are available in electronic format on the Human Resources webpage.

Determinations regarding reasonable accommodations will be made on a case-by-case basis, with input from the applicant or employee. The accommodation will be tailored to address the nature of the disability and the needs of the applicant or employee within the context of the requirements of the job.

Note that the forms used to request a reasonable accommodation will not be placed in an individual’s personnel file. The contents of the forms are confidential and will not be shared except as needed to consider the implementation of a reasonable accommodation.

Someone other than the individual with a disability may request a reasonable accommodation on behalf of the individual. Thus, a family member, friend, health professional or other representative may request a reasonable accommodation on behalf of an applicant or employee.

Discrimination and Harassment of an Applicant or Employee with a Disability

Employees who believe they have been treated unfairly or subjected to disparate treatment or a hostile work environment because of their disability may file a complaint of discrimination according to Siena University’s Discrimination and Harassment Policy. The Title IX Coordinator/Equal Opportunity Specialist (EOS) should be contacted

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immediately so that a prompt, confidential, retaliatory-free and impartial remedial action may be taken.

If an applicant or employee is not satisfied with the manner in which their request for an accommodation has been handled, they should contact the Title IX Coordinator/Equal Opportunity Specialist, who investigates complaints related to reasonable accommodations. The investigations are prompt, impartial, confidential and retaliatory-free.

All requests for reasonable accommodation will be dealt with expeditiously by Siena University.

Applicants and employees may be asked about their ability to perform specific functions. Siena University will not ask applicants or employees about the existence, nature or severity of a disability.

Reviewed:

Revised:

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