



SIMMONS UNIVERSITY

Protocol to Request Disability Accommodations

If you are experiencing difficulty performing your job because of a disability, you should seek assistance from the Human Resources Department. Simmons University will make *reasonable accommodations* to the known limitations of a qualified applicant or employee who has a disability.

Who is eligible for accommodation?

A Simmons employee with a disability is:

- Anyone with a physical or mental impairment that substantially limits one or more major life activities (that is, the activities of an average person as part of day-to-day living, like walking, seeing, hearing, speaking, etc.); or
- Anyone who has a record of such impairment.

Having a disability, however, does not make you eligible for an accommodation; you must also be otherwise qualified to perform the essential functions of the job.

What is a reasonable accommodation?

At Simmons, as at most places of employment, a *reasonable accommodation* typically is a modification or adjustment to the work environment, or to the manner or circumstances under which the position is held or is customarily performed, that enables a qualified individual with a disability to perform the essential functions of that position or to enjoy the same benefits and privileges of employment as are enjoyed by the University's other similarly situated employees without disabilities.

Reasonable accommodations may include, but are not limited to: job restructuring; temporary part-time or modified work schedules; temporary reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar adjustments in the work environment.

Requested accommodations may not be provided if they are not aligned with the disability in question, would not be effective, would not allow the individual to perform the essential functions of their position, or would constitute an undue hardship for the University.

PROTOCOL

Simmons has established a protocol for receiving and responding to employee requests for reasonable accommodations.

The goals of this protocol are:

- To ensure that a request for assistance or an accommodation because of a disability receives appropriate and prompt attention.
- To ensure that a request is considered in the appropriate context and determine whether other laws and/or policies, such as the Family Medical Leave Act, are implicated.
- To ensure that employees have a mechanism to appeal decisions with which they disagree.
- To ensure that the entire process, from request to determination, is handled with dignity, respect, confidentiality, and in accordance with all parties' rights and responsibilities.

Filing a Request — Employee Responsibilities

If you have a disability and wish to receive assistance or reasonable accommodation for that disability, you should speak with the Senior Employee Relations Specialist in HR, David Hollinden, and you should submit a written request for consideration.

Your request should be made on the *Employee Disability Accommodation(s) Request and Authorization Form*, available on [Benefits's website](#). This form will provide HR with a brief overview of the limitations caused by your disability and the assistance or accommodation(s) requested.

Note: If you are seeking an accommodation, you may have an initial conversation about your accommodation request with your manager or Dean, but you are not obligated to do so. Your manager or Dean may have input on your request, but they do not decide whether the requested accommodation is reasonable or should be approved.

Receiving a Request — HR Responsibilities

HR will date-stamp your accommodation request and any supporting documents. A "Request for Accommodation" file bearing your name will be created, and that file will be kept separately from your personnel file and will be treated *confidentially*. HR will maintain accommodation requests, medical information, and information about the process and outcome in confidential

files that will be shared only with those who have a need to know in order to implement the accommodation.

HR will confirm its receipt of your accommodation request in writing in a timely manner. Email suffices for a written communication.

HR will schedule a meeting with you to discuss the request and to explain the process and next steps, which will likely include giving you a cover letter and form, titled *Licensed Health Care Professional Disability Accommodation(s) Documentation Form*, to be given to and completed by your health care provider to respond to questions regarding the nature of your diagnosis and any resulting limitations that are the basis for the accommodation request. HR may request additional medical documentation if the form you submit is insufficient in establishing that you are a qualified person with a disability and/or is insufficient in supporting your request for an accommodation. HR will notify you, in writing, if further information is required, either from you or your health care provider. If HR is seeking information directly from an outside health care provider, a HIPAA release form may need to be executed by the employee to allow Simmons to speak with the health care provider.

Defining the Appropriate Accommodation

HR will carefully review your accommodation request and all relevant medical documentation.

If this review confirms that you are a qualified individual with a disability and that you need an accommodation, the University will engage in dialogue with you, your manager or Dean, and, potentially, your health care provider to identify appropriate accommodation(s) for the workplace. This interactive process is intended to be a collaborative effort, with the goal of reaching an agreement on adjustments in the work environment that meet the needs of both you and the University.

HR will work with you and your manager or Dean to analyze the essential functions of your position to determine the manner in which your job-related limitations could be addressed with a reasonable accommodation.

HR may also consult with others at the University who have expertise in assessing disability accommodation requests and identifying effective appropriate accommodations. These consultations will occur on a need-to-know, confidential basis.

Implementing an Accommodation

The University will notify you in writing once an accommodation has been approved.

This notification will include specifics regarding the accommodation(s), including the effective dates, an implementation plan, and any further actions required of you.

HR will provide (on a confidential basis) your manager, and the Dean/VP of the appropriate College or department, a copy of the approval notification provided to you. This notice *will not* include medical documentation or discussion of the medical condition that serves as the basis of the accommodation request, unless relevant and necessary to implement the accommodation.

Typically, your manager will play a significant and critical role in ensuring the implementation of the approved accommodation. HR will work in collaboration with applicable departments and resources to secure necessary equipment.

Your manager is expected to review with you the manner in which the accommodation will affect your day-to-day responsibilities.

Periodic Review

At least once annually, as appropriate, HR may require employees receiving an accommodation to provide updated medical documentation certifying that the disability and need for accommodation(s) continues to exist. If such information is requested, it is your responsibility to see that your treating health care provider(s) provide the information requested in a timely manner.

HR will repeat the applicable steps of the Protocol as outlined above in confirming the need for continued accommodation. You will be notified of the determination in writing. HR will work in collaboration with you and your manager to determine next steps should the outcome of the review suggest either that an accommodation is no longer required or that modifications to existing accommodations or new accommodations are required.

It is your responsibility to inform your manager and HR promptly of any problems you experience pertaining to your accommodation(s).

If an accommodation is denied

If the process results in a denial of the request for assistance or accommodation,

- HR will notify you, in writing, that your request for assistance or accommodation has been denied.
- Notification will include the specific reason(s) for denial and instructions on how to file an appeal.
- HR will provide you and the appropriate Dean/VP a copy of the denial notification provided to you.
- HR will work in collaboration with you and your manager to establish expectations for your performance going forward.

Appeal Process

If you wish to appeal the denial of a request for accommodation, you should provide the following within 30 days of written notification of the denial:

- A letter detailing the reasons for the appeal
- Any additional documentation you believe supports the appeal

Your appeal should be submitted to Sara Simberg, Institutional Equity Investigator, via email at sara.simberg@simmons.edu, for review and determination.

Records Maintenance

HR will maintain all Accommodation Request files in a secure and confidential location. Files on terminated employees will be maintained onsite for three (3) years after the date of termination.

A SPECIAL NOTE REGARDING COVID-19

To *non-essential* employees being asked to return to work on campus

The ongoing epidemic of COVID-19 has created special challenges for both employees and the University. As we continue to adapt our workplaces to meet the needs of current circumstances, we all need to remain flexible and understanding of one another.

Employees who may be asked to return to campus to work should be aware of the following:

Personal Circumstances

While personal circumstances are not covered by disability accommodation laws, if you are facing a personal challenge or obstacle in returning to work on campus, you should discuss those challenges with your supervisor at your earliest opportunity. By assessing circumstances on a case-by-case basis, the University will make a good faith effort to provide flexibility for those individuals who need it.

Medical Conditions

If you have a medical condition that places you in a higher risk group for COVID-19 and that you anticipate may complicate or delay your return to the workplace, you should discuss those concerns with your manager at your earliest opportunity. Simmons can offer resources including reasonable disability accommodations, family and medical leave options, and other benefits.

According to the CDC, older adults and people of any age with serious underlying medical conditions, including those who may be immunocompromised, may be at higher risk for severe illness from COVID-19.

For additional information about accommodations and leave options, contact HR at hr@simmons.edu, or by phone at 617.521.2084.