

**THE LUTHERAN UNIVERSITY ASSOCIATION, INC.**  
**d/b/a VALPARAISO UNIVERSITY**

**DISABILITIES IN THE WORKPLACE POLICY**

**1. Policy**

It is the policy of Valparaiso University to comply with the Americans with Disabilities Act (ADA) as amended and other related and applicable federal and state laws. An individual must be qualified for the position and must be able to perform the essential functions of the job with or without reasonable accommodation. Before making a job offer, Valparaiso University may not ask job applicants about the existence, nature, or severity of a disability, but can ask about their ability to perform specific job functions.

Where an individual's functional limitation impedes job performance, ability to participate in the application process or ability to enjoy other benefits and privileges of employment, the employee may have a right to a reasonable accommodation to compensate for the impediment.

Valparaiso University will not select a qualified individual without a disability over an equally qualified individual with a disability merely because the individual with a disability may require a reasonable accommodation.

Supervisors must seek to ensure a work environment free from harassment because of a disability or perceived impairment. All incidents and suspected violations of Valparaiso University's Nondiscrimination, Harassment, and Sexual Assault Policy (which prohibits discrimination or harassment because of a disability) should be reported immediately to Human Resource Services.

**2. Procedures**

**A. Job Notices and Hiring**

Valparaiso University will not classify applicants or employees in a way that adversely affects employment opportunities or status on the basis of disability. Human Resource Services will seek to ensure a fair employment process in all terms and conditions of employment.

**B. Accommodation Request Process**

1. Contact Human Resource Services: Employees believing they might have a disability and need an accommodation to allow them to perform their job must meet with Human Resource Services and engage in an interactive discussion. The discussion will focus on the employee's job duties and limitations claimed by the employee.

The employee may be asked to submit a form to the employee's medical provider. Should that occur, the employee must return the filled out form to Human Resources Services as soon as possible.

2. Analysis: Human Resource Services will assess the situation and make a determination as soon as possible but no later than ten (10) business days of the meeting or return of the form from 1 above. In the interim, the employee may take any sick, vacation, or personal days off or take unpaid time off. The determination will include whether or not the employee is disabled and whether or not the University can provide the employee a reasonable accommodation to help the employee perform his/her job or whether or not an accommodation would be an undue hardship on the University. During the application process, Human Resource Services may engage in an informal process with the employee to clarify the employee's request and to help determine if an effective reasonable accommodation can be made without undue hardship. Human Resource Services always reserves the right to grant an alternative reasonable accommodation.
3. Reconsideration: If the employee disagrees with Human Resource Service's determination, the employee should meet with Human Resource Services again and provide any additional information establishing a disability or showing that the granted accommodation will be ineffective. This meeting must take place as soon as possible but no later than three (3) business days from the employee's notice of the determination. In the interim, the employee may take any sick, vacation, or personal days off or take unpaid time off.

### **C. Fitness Tests and Medical Examinations**

Valparaiso University will not use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability. Only employees who meet the stated qualifications for the job and can perform the essential functions, with or without reasonable accommodation, will be qualified to receive confirmed offers of employment and begin working.

Any information obtained regarding the medical condition or history of the applicant will be collected and maintained on separate forms and in separate medical files and will be treated as a confidential medical record to the extent required by law, except that:

- Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

- Government officials investigating compliance with the ADA will be provided relevant information on request.

#### **D. Posting notices**

Pursuant to federal law, Valparaiso University posts the notice pertaining to the applicability of the ADA as prescribed by the Equal Employment Opportunity Commission or its authorized representative, or the Office of Federal Contract Compliance Programs.

### **3. Additional Information**

Disability discrimination can include harassment, adverse employment actions, or other actions that create a hostile or intimidating work environment for those in the protected class. Valparaiso University is committed to being an equal opportunity employer and maintains separate nondiscrimination, harassment, and equality of opportunity employment policies. The grievance procedures listed in the language of these policies do not apply to employees whom were denied their requested accommodation pursuant to this policy and are encouraged to meet with Human Resource Services as set forth in 2. B. 3. above, entitled “Reconsideration.”

Valparaiso University will not retaliate against any individual who requested accommodation, opposed any unlawful act or practice, or made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce anti-discrimination laws.

#### **A. Definitions**

Disability is defined as a physical or mental impairment that substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. A minor or temporary impairment may not be considered a disability.

Reasonable accommodation is any change in the work environment or in the way things are usually done that result in equal employment opportunity for an individual with a disability. Pursuant to University policy, Valparaiso University will make a reasonable accommodation to the known limitations of a qualified applicant or employee with a disability, unless the University can show that the accommodation would cause an undue hardship on business operations.

Undue hardship is defined as an action that is excessively expensive, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the University.