

BOWIE STATE UNIVERSITY POLICIES AND PROCEDURES

BSU VI– 1.03 –POLICY ON REASONABLE ACCOMMODATIONS

I. PURPOSE

Bowie State University (BSU) is committed to fundamental principles of equal opportunity, respect, civility and human dignity for all members of the campus community. In compliance with federal, state of Maryland, and local laws prohibiting discrimination,¹ this policy prohibits discrimination against individuals because of their disability and/or their sincerely held religious, ethical or moral beliefs. No employee, job applicant or third-party individual shall be harassed, discriminated or retaliated against for seeking a reasonable accommodation for his or her disability or sincerely held religious, ethical or moral beliefs.

II. DEFINITIONS

A. “Applicant”

For the purpose of this policy, is an individual who submits an application for employment or admission according to the University’s application procedure and requests an accommodation for the application or interview process. An applicant has not received or accepted an offer of employment or acceptance. This policy applies to two (2) types of applicants, including:

1. Job Applicants (Faculty, Student, or Staff)
2. Prospective Students (Undergraduate, Graduate, or Transfer Students)

B. “Disability”

A physical or mental impairment that substantially limits one or more of the major life activities of an individual. A person can show that he or she has a disability in one of three ways:

1. A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, breathing, standing, talking, seeing, hearing, or learning).
2. A person may be disabled if he or she has a history of a disability (such as cancer that is in remission).
3. A person may be disabled if he or she is believed to have a physical or mental impairment that is not transitory in nature (lasting or expected to last six months or less).

C. “Disability Supporting Documentation”

Medical, psychological or other relevant supporting documentation provided by a

¹ These laws include, but are not limited to, the Americans with Disabilities Act of 1990 (ADA), Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, the Equal Pay Act of 1963, the Age Discrimination Act, Federal Executive Order No. 11375, and Article 49B of the Annotated Code of Maryland.

credentialed third-party that establishes a person has a disability as defined above and demonstrates how the disability affects the person's ability to perform the essential functions of their job or to participate in educational programs, services, or activities of the University. The University reserves the right to obtain an independent medical examination of a requesting employee by a third-party medical practitioner.

D. "Discrimination"

Unequal treatment based on a disability, religion or sincerely held belief that interferes with an individual's ability to participate in the University's educational programs, services, or activities, or with an individual's ability to perform their job responsibilities.

E. "Employee"

For the purpose of this policy, includes an individual who submits an application for employment and who receives an offer of employment for an hourly pay rate or a salary or an individual who is currently employed by the University. BSU employees include faculty members (regular and adjunct), staff members, contingent employees, contractual employees, and/or student employees.

F. "Essential Functions"

The fundamental job duties of the employment position. The term "essential functions" does not include the marginal functions of the position.

G. "Interactive Process"

Ongoing communication between the employee and the University, as facilitated by the University's Office of Equity Compliance, or between the student and the University's Office of Disability Support Services, for the express purpose of providing a reasonable accommodation.

H. "Major Life Activities"

For the purpose of this policy, includes, but is not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and working. Major bodily functions include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, cardiovascular functions, brain, respiratory, circulatory, endocrine, and reproductive functions.

I. "Qualified Individual with a Disability"

A person who satisfies the needed skill, experience, education, or other requirements of an employment position that he or she holds or seeks, and who can perform the "essential functions" of the position with or without reasonable accommodation.

J. "Reasonable Accommodation for a Disability"

Any change in the work or campus environment (or in the way things are usually done) to

help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. Similarly, reasonable accommodations for students serve to help students with disabilities to enjoy equal opportunities in their pursuit of higher education. BSU is required to make reasonable accommodations for known disabilities only. Reasonable accommodations may take a variety of forms. The following are examples of different types of possible reasonable accommodations:

1. Reasonable modification(s) or adjustment(s) to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
2. Reasonable modification(s) or change(s) to the work environment, i.e. ergonomic chair that enable a qualified individual with a disability to perform the essential functions of that position; or
3. Reasonable modification(s) or adjustment(s) that enable an employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by other similarly situated employees; or,
4. Reasonable modification(s) or adjustment(s) that facilitate a campus visit and/or equal access to BSU's programs or services to a third-party individual with a disability.

K. “Reasonable Accommodation for a Sincerely Held Belief”

Assistance, adjustment or modification to rules, policies or practices due to a conflict between an applicants, employees or third-party individual's religion or sincerely held beliefs and his/her work, job application or visit to the university. Applicants, employees and third parties are obligated to explain the nature of the belief or practice, and cannot assume the University will have awareness or understanding of the belief.

L. “Reasonable Accommodations for Students”

Adjustments including academic assistance, modifications to rules, policies, or practices; environmental adjustments, such as the removal of architectural, communication, or transportation barriers; or auxiliary aids and services necessary for a student to participate in University programs, services, or activities. Adjustments must address the disability of the requesting student and shall not fundamentally alter the academic objectives of an individual course, curriculum, program, or degree. Examples of accommodations include, but may not be limited to, extended time for timed exams, reduced distraction environments for exams, sign language interpreters, transcribers, alternate texts and reading materials, recorded lectures, and assistive technologies.

M. “Request for Accommodation”

A verbal or written request for modification or adjustment in the work environment or process of job application.

N. “Retaliation”

Any action taken against an individual solely because of his or her request for an accommodation based on a disability or a religious practice. Retaliation is strictly prohibited under BSU policy, federal, state, and local laws.

O. “Sincerely Held Beliefs”

Religious, ethical or moral beliefs that are held in sincerity. The following factors are considered in determining whether conduct may undermine an employee’s assertion that he/she sincerely holds the belief at issue:

1. Whether the individual has behaved in a manner markedly inconsistent with the professed belief;
2. Whether the accommodation sought is of such a particularly desirable benefit that it is likely to be sought for specious reasons and not a sincerely held belief;
3. Whether the timing of the request renders it suspect (e.g., it follows an earlier request by the employee for the same benefit for secular reasons); and
4. Whether the employer otherwise has reason to believe the accommodation is not sought for religious or sincerely held reasons.

None of these factors alone is dispositive. An individual’s beliefs – or degree of adherence – may change over time, and therefore an individual’s newly adopted or inconsistently observed religious practice may nevertheless be sincerely held. An individual will not be presumed to be insincere simply because some of his or her practices deviate from the commonly followed tenets of his or her religion.²

P. “Substantially Limits”

Generally means substantial limitation of an individual to perform a major life activity that the average person in the general population can perform. Substantial limitation(s) can include an impairment that is episodic or in remission if it limits a major life activity when active. This should be broadly interpreted without consideration of mitigating measures such as:

1. Medication, medical supplies, equipment, or appliances;
2. Low-vision devices (which do not include ordinary eyeglasses or contact lenses)
3. Prosthetics, including limbs and devices
4. Hearing aids and cochlear implants or other implantable hearing devices
5. Mobility devices
6. Oxygen therapy equipment and supplies
7. Use of assistive technology
8. Reasonable accommodations or auxiliary aids or services
9. Learned behavior or adaptive neurological modifications

Q. “Third-Party Individual”

For the purpose of this policy includes volunteers, visitors, guests, contractors and vendors with a disability; a record of a disability; or sincerely held religious, ethical or moral beliefs, observances or practices, who are seeking an accommodation to facilitate their visit or access to BSU’s programs or services.

² This definition is derived from the EEOC COMPLIANCE MANUAL, *available at* https://www.eeoc.gov/policy/docs/religion.html#_Toc203359488.

R. “Undue Hardship for Disability Accommodations”

For the purpose of this policy, means significant difficulty or expense incurred by the employer to provide a reasonable accommodation. The analysis of what constitutes undue hardship will be determined on a case-by-case inquiry, requiring consideration of financial costs, additional administration burden, complexity of implementation, and any negative impact the accommodation may have on the business operations.

S. “De Minimis Hardship in Religious Accommodations”

For the purpose of this policy means that the accommodation would require more than *de minimis* burden. A *de minimis* burden may exist if an accommodation may cause undue hardship, if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially burdensome work. Relevant factors for consideration may include the cost of the accommodation in relation a department’s or office’s operating budget, the overall unrestricted operating budget of the University and the number of individuals who will in fact need an accommodation.

III. POLICY

A. Scope and Applicability

It is the policy of Bowie State University to provide reasonable accommodations for individuals with disabilities and for individuals with sincerely held religious, ethical or moral beliefs. This policy applies to BSU employees (faculty, staff and student-workers), job applicants and third-party visitors, students and prospective students.

Upon receipt of a reasonable accommodation request, BSU employees are responsible for ensuring that the requests are forwarded to either the Office of Equity Compliance or to the Office of Disability Support Services (as further described below) within 48 hours of receipt (excluding University holidays).

1. Reasonable Accommodation for Disabilities

The University’s Office of Equity Compliance processes requests for reasonable accommodation for employees (faculty, staff, and student-workers), job applicants, and third-party visitors with disabilities. These individuals shall direct their requests for reasonable accommodation to:

Office of Equity Compliance
Bowie State University
Thurgood Marshall Library, Suite 247
14000 Jericho Park Rd. Bowie, MD 20715
Email: EEO@bowiestate.edu
Phone: (301) 860-3442

The University's Office of Disability Support Services processes requests for reasonable accommodation for currently enrolled students and prospective students with disabilities. The Office of Disability Support Services is responsible for student-related academic and athletic reasonable accommodation requests. These individuals shall direct requests for reasonable accommodation to:

Office of Disability Support Services
Bowie State University
Thurgood Marshall Library, Room 079
14000 Jericho Park Road
Bowie, MD 20715
Phone: 301-860-4067
Fax: 301-860-4086
Email: mhughes@bowiestate.edu

2. Reasonable Accommodation for Sincerely Held Religious, Ethical or Moral Beliefs

The University's Office of Equity Compliance processes requests for reasonable accommodation by job applicants, student employees, students, prospective students and third-party visitors for sincerely held religious, ethical, or moral beliefs.

B. Confidentiality

Reasonable accommodation requests will be kept confidential, maintained separately from personnel records in the Office of Equity Compliance, and will be handled with sensitivity and the appropriate discretion.

The University requires documentation that is sufficient to establish that an individual has a disability or to evaluate a request for accommodation based on a religious or sincerely held belief, and to determine whether the individual needs the accommodation requested. The University instructs individuals and health care providers not to disclose any genetic information when responding to a request for medical information.

Supporting medical documentation and/or religious or sincerely held belief documentation provided during the accommodation process is considered a confidential record and will be retained in a file separate from the individual's employment file by the Office of Equity Compliance and/or the Office of Disability Support Services.

The University may release confidential information to the following persons, **to the extent necessary**: (a) first aid and safety personnel, if emergency treatment is necessary; (b) individuals who have responsibilities to effectuate an emergency evacuation plan; (c) managers and supervisors, to discuss necessary work restrictions or reasonable accommodations; or (d) government officials, to investigate compliance with the law. Information may also be released as otherwise required by or permissible under federal law, court order, or a subpoena approved by a court.

IV. PROCEDURES FOR REASONABLE ACCOMMODATION REQUESTS

A. Reasonable Accommodation Requests

An individual may make a verbal or written request for a reasonable accommodation directly to the Office of Equity Compliance, Human Resources or the Office of Disability Support Services. The following sections describe the specific process for requesting reasonable accommodations for Job Applicants; Prospective Students; Currently Enrolled Students; Employees (Faculty, Student Workers or Staff); and Third-Party Individuals/Visitors.

1. Reasonable Accommodation Requests for Disability

a. Job Applicant Requests for Reasonable Accommodation

- i. An individual seeking employment may make a verbal or written request for a reasonable accommodation directly to the Office of Equity Compliance or Human Resources. Either Office may request that the job applicant complete a “Reasonable Accommodation Request Form.” The Reasonable Accommodation Request form is available on the BSU website and in Appendix A. The University may request additional information from the applicant, or the applicant’s health care provider, to establish the existence of a disability that is not obvious or to establish the need for an accommodation.
- ii. All reasonable accommodation requests pertaining to employment submitted to Human Resources shall be forwarded to the Office of Equity Compliance within two (2) days of receipt.
- iii. Requests for accommodations should be made far enough in advance to allow the Office of Equity Compliance adequate time to review the request, facilitate the interactive process, and implement the accommodation.
- iv. The Office of Equity Compliance will respond to a request for reasonable accommodation and initiate the interactive process within five (5) business days (excluding University holidays). The interactive process is described below in section IV. B.
- v. As soon as possible following the interactive process, either the Office of Human Resources or the Office of Equity Compliance will notify the applicant of the University’s decision regarding the accommodation request. The notice will be in writing and will include the following: (a) an explanation of the basis for the decision; (b) the types of accommodations considered; and (c) the nature and duration of any accommodation offered.
- vi. The University will use good faith efforts to implement reasonable accommodations within thirty (30) days (excluding University holidays).

b. Prospective Student Requests for Reasonable Accommodation

- i. A prospective student, including an undergraduate, graduate, and transfer student, may make a verbal or written request for a reasonable

accommodation directly to the Office of Admissions or the Office of Disability Support Services at any time. Any requests for student disability accommodations submitted to the Office of Admissions shall be forwarded to the Office of Disability Support Services immediately upon receipt. A prospective student may be asked to complete a “Current/Prospective Student Intake Form.” The Current/Prospective Student Intake Form is available in the Office of Disability Support Services and in Appendix B. Additional information may be requested from the prospective student, or the prospective student’s health care provider, to establish the existence of a disability that is not obvious or to establish the need for an accommodation to the application process.

- ii. Requests for accommodations should be made far enough in advance to allow the Office of Disability Support Services adequate time to review the request, facilitate the interactive process, and implement the accommodation.
- iii. The Office of Disability Support Services will respond to a request or reasonable accommodation and initiate the interactive process within five (5) business days (excluding University holidays). The interactive process is described below in section IV. B.
- iv. As soon as reasonably possible following the interactive process, the Office of Disability Support Services or the Office of Admissions will notify the prospective student of the decision regarding the accommodation request. The notice will be in writing and will include the following: (a) an explanation of the basis for the decision; (b) the types of accommodations considered for the application process; and (c) the nature and duration of any accommodation offered.
- v. The University will use good faith efforts to implement reasonable accommodations within thirty (30) days (excluding University holidays).

c. Currently Enrolled Student Requests for Reasonable Accommodation

- i. A currently enrolled student may make a verbal or written request for a reasonable accommodation directly to the Office of Disability Support Services at any time. The Office of Disability Support Services may request that the student complete a “Current/Prospective Student Intake Form.” The Current/Prospective Student Intake Form is available in the Office of Disability Support Services and in Appendix B. Additional information may be requested from the student, or the student’s health care provider, to establish the existence of a disability that is not obvious or to establish the need for an accommodation to the application process.
- ii. Requests for accommodations should be made far enough in advance to allow the Office of Disability Support Services adequate time to review registration documentation, establish whether the student is qualified, and determine a reasonable accommodation through an interactive process with the student. Generally, it is best to request accommodations several weeks before a semester begins or as soon as a disability becomes known.
- iii. The Office of Disability Support Services will respond to a request for

- reasonable accommodation and initiate the interactive process within five (5) business days. The interactive process is described below (see section IV. B).
- iv. As soon as reasonably possible following the interactive process, the Office of Disability Support Services will notify the student of the decision regarding the accommodation request. The notice will be in writing and will include the following: (a) an explanation of the basis for the decision; (b) the types of accommodations considered for the student; and (c) the nature and duration of any accommodation offered.
 - v. The University will use good faith efforts to implement reasonable accommodations within thirty (30) days (excluding University holidays).

d. Employee (Faculty, Staff, Student Worker) Requests for Reasonable Accommodation

- i. The Office of Equity Compliance will assist with employment-related requests for accommodations, including facilitation of the interactive process to determine the individual's needs and identify the appropriate reasonable accommodation. Individuals may be required to complete a "Reasonable Accommodation Request Form." The Reasonable Accommodation Request form is available on the BSU website and in Appendix A.
- ii. Requests for accommodations should be made far enough in advance to allow the Office of Equity Compliance adequate time to review the request, facilitate the interactive process, and implement the accommodation.
- iii. Within five (5) business days of receipt of a request for reasonable accommodation, the Office of Equity Compliance will initiate the interactive process by reviewing the Reasonable Accommodation Request Form (if provided), speaking with the requesting employee regarding the accommodation, obtaining supporting documentation, and notifying the employee's supervisor in writing of the request.
- iv. Supporting documentation may be required to establish that the individual has a disability and to determine an effective accommodation. Such information may not be necessary if an effective accommodation is obvious or if the disability is obvious (e.g., if the disability is already known to University and the individual currently has an accommodation for the same disability).
- v. The Office of Equity Compliance will seek input from the employee's supervisor and/or others during the interactive process. If the supervisor has an objection to the requested disability accommodation on the basis of undue hardship, i.e., predicated on cost, he/she will be required to provide written documentation to the Office of Equity Compliance explaining the reason for the undue hardship.
- vi. The Office of Equity Compliance, in conjunction with the supervisor may provide a modified or an alternative accommodation in place of the requested accommodation.
- vii. At the conclusion of the interactive process, the Office of Equity Compliance shall approve, deny or modify the accommodation request. The Office of Equity Compliance will notify the requesting employee and the department

head or supervisor. If there are costs associated with approved accommodation, such costs will be borne by department or unit where the employee (faculty, student worker, or staff) works unless an alternative funding source is identified.

- viii. Approved accommodations may be periodically reviewed to assess effectiveness. The interactive process will entail an ongoing, continuous discussion and the preceding steps may be repeated as necessary.
- ix. The University will use good faith efforts to implement reasonable accommodations within thirty (30) days.

e. Third-Party Individuals/Visitors

- i. A third-party individual or visitor may make a verbal or written request for a reasonable accommodation directly to the Office of Equity Compliance. The Office of Equity Compliance may request that the third-party individual or visitor complete a “Reasonable Accommodation Request Form.” The Reasonable Accommodation Request form is available on the BSU website and in Appendix A. The University may request additional information from the third-party individual or visitor, or the applicant’s health care provider, to establish the existence of a disability that is not obvious or to establish the need for an accommodation.
- ii. Requests for accommodations should be made far enough in advance to allow the Office of Equity Compliance adequate time to review the request, facilitate the interactive process, and implement the accommodation.
- iii. The Office of Equity Compliance will respond to a request for reasonable accommodation and initiate the interactive process within five (5) business days. The interactive process is described below in section IV. B.
- iv. As soon as possible following the interactive process, the Office of Equity Compliance will notify the third-party individual or visitor of the University’s decision regarding the accommodation request. The notice will be in writing and will include the following: (a) an explanation of the basis for the decision; (b) the types of accommodations considered; and (c) the nature and duration of any accommodation offered.
- v. The University will use good faith efforts to implement reasonable accommodations within thirty (30) days (excluding University holidays).

2. Reasonable Accommodation for Sincerely Held Religious, Ethical or Moral Beliefs

An individual (applicant, student, employee, or third-party individual or visitor) may make a verbal or written request for a reasonable accommodation for a religious or sincerely held belief directly to the Office of Equity Compliance. When an individual makes a request for an accommodation for a sincerely held religious, ethical or moral belief, the individual need not mention the terms “Title VII” or “religious accommodation.” However, the applicant, student, employee or third-party individual or visitor must provide sufficient information to make the University aware that there

exists a conflict between the individual's religious practice, observance or sincerely held belief and a policy, practice or requirement for applying for a position, performing the job or their visit to BSU.

The Office of Equity Compliance may require an individual to provide supporting documentation in order to evaluate the individual's request for accommodation based on a sincerely held religious, ethical or moral belief.

B. Interactive Process for Individuals Requesting a Disability Accommodation

Both the individual with a disability and the University have a role in identifying effective reasonable accommodations. All parties are expected to cooperate and work collaboratively with the Office of Equity Compliance or the Office of Disability Support Services. Communication throughout the entire interactive process is critical, particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation. The Office of Equity Compliance and the Office of Disability Support Services will work with the individual making the request and the impacted department or unit to identify effective accommodations.

In some instances, the Office of Equity Compliance or the Office of Disability Support Services may need additional information to determine if an individual's impairment is a "disability" or to determine an effective accommodation. The Office of Equity Compliance may also need to consult with other university personnel or outside sources to obtain information necessary to make a determination regarding a request for reasonable accommodation. Such information may not be necessary if the disability is obvious (e.g., the requestor is blind or has paraplegia), or if the disability is already known to the Office of Equity Compliance, e.g., the individual previously requested an accommodation and submitted supporting information confirming the individual's disability, and there would be no change in the individual's medical condition.

1. Interactive Process for Job Applicants Requesting a Disability Accommodation

The Office of Equity Compliance will assist with employment-related requests for accommodations, including facilitation of the interactive process to determine the applicant's needs and to identify the appropriate reasonable accommodation. The interactive process will begin within five (5) business days following an applicant's request for accommodation to the application process and will include the applicant, the Office of Equity Compliance and other individuals identified by the Office of Equity Compliance relevant to the interactive process. The interactive process involves the following:

- a. Reviewing the application process and identifying barriers to completion;
- b. Identifying reasonable accommodations to the application process and determining whether each accommodation is effective;
- c. Determining whether additional information is required from the job applicant or

- other sources to reach a decision regarding any reasonable accommodation(s);
- d. Discussing any additional information with the individual once the information becomes available;
- e. Consulting with other individuals to the extent necessary to facilitate the interactive process.

2. Interactive Process for Prospective Students Requesting a Disability Accommodation

For prospective students, the Office of Disability Support Services will assist with requests for accommodations, including facilitation of the interactive process to determine the prospective student's needs and to identify the appropriate reasonable accommodations. The interactive process will begin within five (5) business days following a prospective student's request for accommodation to the application process. The interactive process involves the following:

- a. Reviewing requests for reasonable accommodations that arise during the admission process.
- b. Determining whether additional information is required from the prospective student or other sources to reach a decision regarding any reasonable accommodation(s);
- c. Discussing any additional information with the individual once the information becomes available;
- d. Consulting with the Office of Admissions and other departments to the extent necessary to facilitate the interactive process.

3. Interactive Process for Current Students Requesting a Disability Accommodation

For current students, the Office of Disability Support Services will assist with requests for accommodations, including facilitation of the interactive process to determine the student's needs and to identify the appropriate reasonable accommodation. The interactive process will begin within five (5) business days following a student's request for accommodation. The interactive process involves the following:

- a. Reviewing the student's request and identifying any barriers which may inhibit a student's ability to becoming a full member of the college community;
- b. Identifying reasonable accommodations and determining whether each accommodation is effective;
- c. Determining whether additional information is required from the student or other sources to reach a decision regarding any reasonable accommodation(s);
- d. Discussing any additional information with the individual once the information becomes available;
- e. Consulting other individuals to the extent necessary to facilitate the interactive process.

4. Interactive Process for Employees Requesting a Disability Accommodation

The Office of Equity Compliance will assist with employment-related requests for accommodations, including facilitation of the interactive process to determine the applicant's needs and to identify the appropriate reasonable accommodation. The interactive process will begin within five (5) days of receipt of an employee's request for accommodation for a disability. The interactive process involves the following:

- a. Reviewing the essential functions of the position, or the benefits and privileges of employment, and identifying barriers to performance or participation;
- b. Identifying reasonable accommodations and determining whether each accommodation is effective;
- c. Determining whether additional information is required from the employee or other sources to reach a decision regarding any reasonable accommodation(s);
- d. Discussing any additional information with the individual once the information becomes available;
- e. Consulting with requesting employee's departmental supervisor and/or other individuals to the extent necessary to facilitate the interactive process.

5. Interactive Process for Third-Party Individuals or Visitors Requesting a Disability Accommodation

The Office of Equity Compliance will assist with third-party individual or visitor requests for accommodations, including facilitation of the interactive process to determine the applicant's needs and to identify the appropriate reasonable accommodation. The interactive process will begin within five (5) business days upon receipt of a third-party individual or visitors request for accommodation for a disability. The interactive process involves the following:

- a. Reviewing the third-party individual or visitor's request and identifying any barriers which may preclude the third-party individual or visitor from fully functioning on campus or at a BSU sponsored event;
- b. Identifying reasonable accommodations and determining whether each accommodation is effective;
- c. Determining whether additional information is required from the third-party individual or visitor or other sources to reach a decision regarding any reasonable accommodation(s);
- d. Discussing any additional information with the individual once the information becomes available;
- e. Consulting other individuals to the extent necessary to facilitate the interactive process.

C. Interactive Process for Individuals Requesting an Accommodation for Sincerely Beliefs

The Office of Equity Compliance will initiate the interactive process regarding the requested accommodation by requiring the requesting individual to provide additional information, i.e. to complete a “Reasonable Accommodation Request Form.” Supporting documentation is required to establish that the individual has a sincerely held religious, ethical or moral belief, observance or practice and to determine what would be an effective accommodation. The Office of Equity Compliance will also facilitate an interactive process between the employee, job applicant or third-party individual and the respective BSU staff member to determine and implement a reasonable accommodation. The Office of Equity Compliance will review the accommodation request and the supporting documentation in relation to the individual’s conflict between their religious practice or belief and the requirements for applying for a position, performing the job or the third-party individual’s needs during their visit to BSU. Upon completion of review, the Office of Equity Compliance will notify the requesting employee or applicant of the decision regarding the accommodation request.

D. Determination of Reasonable Accommodation

The decision to grant or deny a reasonable accommodation request will be in writing. The University is not required to provide the specific reasonable accommodation that the requesting individual wants. While the University may grant the requested accommodation, a modified reasonable accommodation may be implemented instead. When a requested reasonable accommodation is denied, an offer to implement an alternative accommodation may be extended.

1. Accommodations for Disabilities

BSU may deny a request for reasonable accommodation for a disability if it will cause an undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of BSU. BSU may also take into consideration legitimate safety concerns and the impact of the accommodation, including the impact on the ability of other employees to perform their duties and the impact on the ability to conduct business. If the requested accommodation would impose an undue hardship, BSU will make a good faith effort to identify an alternative accommodation that will not pose such a hardship. If cost is the basis for the undue hardship, BSU will also consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency.

2. Accommodations for Religious or Sincerely Held Beliefs

A request for a religious or sincerely held belief accommodation may be denied if it will be more than a *de minimis* cost or burden.

E. Implementation

If an accommodation is provided to an employee, the manager/supervisor, in consultation with the Office of Equity Compliance, shall complete a follow-up evaluation regarding the effectiveness of the accommodation. If the requesting employee perceives a change in his/her disability, the functions of his/her job, the benefits or privileges of employment, the effectiveness of an accommodation, or a change in other relevant factors that have an impact on the continuing effectiveness of the accommodation provided, then the requesting employee may submit a request for a different or modified accommodation.

1. **Departmental Responsibility**: It is the responsibility of the respective university department, division or office on campus to implement reasonable accommodations for an applicant or third-party individual.
2. **Supervisor Responsibility**: It is the responsibility of the supervisor or department chair to work in coordination with the employee to ensure appropriate implementation of reasonable accommodations.

F. Time Frame for Processing Requests and Providing Reasonable Accommodations

1. Job Applicants, Employees and Third-Party Individuals or Visitors

- a. The Office of Equity Compliance will make every good faith effort to process a request (including providing accommodation, if approved) within thirty (30) business days from the date of the request. The Office of Equity Compliance will contact the applicant or employee within 10 business days after the request is made (even if the request is initially made to another entity) to confirm formal receipt of the request and begin the interactive process. The 30-day period includes the 5-day period during which the Office of Equity Compliance must contact the requesting employee, applicant, third-party individuals and/or visitors.
- b. If an applicant, employee or student worker makes a reasonable accommodation request to someone other than the Office of Equity Compliance, such as to his/her department head, supervisor, and/or manager, the supervisor/manager must forward the request to the Office of Equity Compliance immediately, but no later than within two (2) business days. **The reasonable accommodation process begins as soon as the oral or written request for accommodation is made to any manager/supervisor in an employee's chain of command. It is therefore imperative that the manager/supervisor forward the request to the Office of Equity Compliance within two (2) business days.**

2. Currently Enrolled and Prospective Students

- a. The Office of Disability Support Services will make good faith effort to process a request (including providing accommodation, if approved) within thirty (30) business days from the date of the request. The Office of Disability

Support Services will contact the currently enrolled student or prospective student within 10 business days after the request is made (even if the request is initially made to someone else) to confirm receipt of the request and begin the interactive process. The 30-day period includes the 5-day period during which the Office of Disability Support Services will contact the requesting enrolled student or prospective student.

- b. If a currently enrolled student or a prospective student makes a disability reasonable accommodation request to someone other than the Office of Disability Support Services, such as the Office of Admissions, faculty member, etc., that individual must forward the request to the Office of Disability Support Services immediately, but no later than within two (2) business days. **The reasonable accommodation process begins as soon as the oral or written request for accommodation is made. It is therefore imperative that the request be forwarded to the Office of Disability Support Services within two (2) business days.**

G. Documentation

1. Job Applicant, Employee, and Third-Party/Visitor Reasonable Accommodation Documentation

The Office of Equity Compliance will be responsible for maintaining all documentation related to a job applicant, employee or third-party/visitor's request for reasonable accommodations. This includes, but is not limited to:

- a. Reasonable Accommodation Request Form (if available).
- b. Supporting medical records submitted by the applicant/employee.
- c. Supporting religious or sincerely held belief documentation submitted by the individual.
- d. Any applicable correspondence between the applicant/employee and the Office of Equity Compliance relating to the reasonable accommodation request.
- e. Documentation accumulated during the interactive process.
- f. Documentation noting whether the accommodation request was approved, denied or granted in a modified form.

2. Prospective Student and Current Student Reasonable Accommodation Documentation

The Office of Disability Support Services will be responsible for maintaining all documentation related to a prospective student or current student's request for reasonable accommodations. This includes, but is not limited to:

- a. Current/Prospective Student Intake Form (if available).
- b. Supporting medical records submitted by the prospective student/student.
- c. Any applicable correspondence between the student, Department Chair, Faculty

and/or the Office of Disability Support Services relating to the reasonable accommodation request.

- d. Documentation accumulated during the interactive process.
- e. Documentation noting whether the accommodation request was approved, denied or granted in a modified form.

V. COMPLAINT PROCEDURES

Job applicants, prospective students, currently enrolled students, employees, or visiting third-parties who believe that they have been discriminated against or retaliated against in violation of this Policy may file a complaint with the Office of Equity Compliance. All such complaints will be reviewed in accordance with the University's Complaint Filing Procedures, available [here](#).

Direct all inquiries and complaints to:

Bowie State University
Office of Equity Compliance
Thurgood Marshall Library, Room 247
14000 Jericho Park Rd. Bowie, MD 20715
Email: EEO@bowiestate.edu
Phone: (301) 860-3442

Complaints of discrimination or retaliation in violation of this Policy should be made within thirty (30) calendar days following an incident of discrimination or retaliation. The Office of Equity Compliance may waive the time limit upon a showing of good cause.

VI. RECONSIDERATION

Upon written denial of an accommodation or where an individual believes the accommodation is ineffective, the individual may submit a written request to the Office of Equity Compliance or the Office of Disability Support Services to reconsider the decision or accommodation. The individual may present new and/or additional information or documentation in support of his or her request. A department head or supervisor may also request reconsideration if either believes an accommodation offered is ineffective.

The granting or denial of an accommodation does not preclude a subsequent request based on changes in circumstances (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation).

Approved on May 15, 2017.