



# Disability Accommodation Process for Faculty and Staff

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## POLICY STATEMENT

When a faculty or staff member is unable to perform the essential functions of a currently held position because of a disability covered under the federal Americans with Disabilities Act or other federal, state, and local laws and regulations, Cornell University has established this policy and procedure to evaluate requests for reasonable workplace accommodations that allow the staff or faculty member to perform these responsibilities.

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## REASON FOR POLICY

The university is committed to diversity, inclusion, and nondiscrimination, and supports the employment of qualified individuals with disabilities in its workforce in accordance with federal, state, and local laws, and regulations.

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## ENTITIES AFFECTED BY THIS POLICY

- Ithaca campus units of the university

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## WHO SHOULD READ THIS POLICY

- Faculty and staff members
- Applicants for employment, who may request a reasonable accommodation to participate in the application/interview process

◆**Note:** Undergraduate students, graduate students, and student employees should refer to the Office of Student Disability Services, at [sds.cornell.edu](https://sds.cornell.edu).

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## WEB ADDRESS FOR THIS POLICY

- This policy: [www.dfa.cornell.edu/tools-library/policies/disability-accommodation-process-faculty-and-staff](https://www.dfa.cornell.edu/tools-library/policies/disability-accommodation-process-faculty-and-staff)
- University Policy Office: [www.policy.cornell.edu](https://www.policy.cornell.edu)

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President and Chief Human  
Resources Officer  
Responsible Office:  
Department of Inclusion and  
Workforce Diversity  
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2002  
Last Updated: January 7, 2020

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## RELATED RESOURCES

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### University Policies and Documents

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[University Policy 6.2.1, Leaves for Professors and Academic Staff](#)

[University Policy 6.4, Prohibited Discrimination, Harassment, Sexual and Related Misconduct](#)

[University Policy 6.9, Time Away from Work \(Excluding Academic and Bargaining Unit Staff\): section on Medical Leaves for Staff](#)

[University Policy 8.6, Environment, Health, and Safety](#)

[Collective Bargaining Agreements \(for bargaining unit employees\)](#)

[Human Resources Policy 6.11.4, Staff Complaint and Grievance Procedure](#)

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### External Documentation

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[Americans with Disabilities Act of 1990](#)

[Americans with Disabilities Act Amendments Act of 2008](#)

[New York City Human Rights Law](#)

[New York City Local Law 58 – Accessibility](#)

[New York State Human Rights Law](#)

[Pregnancy Discrimination Act \(amendment to Title VII of the Civil Rights Act of 1964\)](#)

[Rehabilitation Act of 1973 \(Section 504\)](#)

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### University Forms and Systems

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Disability Accommodation Forms and Information at  
[www.hr.cornell.edu/policies/all/disability\\_accommodation.html](http://www.hr.cornell.edu/policies/all/disability_accommodation.html)

Used to request an accommodation based on a disability as defined by this policy.

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## CONTACTS

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Please direct general questions about University Policy 6.13, Disability Accommodation Process to your human resources representative. If you have questions about specific issues, call the following offices:

| Subject  | Contact  | Telephone                        | Email/Web Address  |
|--|--|----------------------------------|--|
| Policy Clarification   | College/Unit Human Resources Representative<br>Medical Leaves Administration | (607) 255-1177                   | wcds@cornell.edu   |
| Accessibility to Facilities on Campus: Faculty and Staff   | ADA Coordinator for Facilities   | (607) 255-5150                   | ah45@cornell.edu   |
| Accessibility to Facilities on Campus: Students  | Student Disability Services  | (607) 254-4545                   | sds_cu@cornell.edu<br>sds.cornell.edu                        |
| Accessible Transportation and Parking Requests   | Commuter and Parking Services  | (607) 255-7275                   | transportation@cornell.edu<br>www.transportation.cornell.edu |
| Counseling   | Faculty and Staff Assistance Program (FSAP)                                  | (607) 255-2673 (5-COPE)          | www.fsap.cornell.edu   |
| Medical Leaves for Faculty   | Academic Human Resources   | (607) 254-6404                   | sd255@cornell.edu  |
| Resolving Disagreements with the Determination Regarding Accommodation and/or the Proposed Accommodation | University Ombudsman   | (607) 255-4321                   | ombudsman@cornell.edu<br>ombudsman.cornell.edu               |
|  | Department of Inclusion and Workforce Diversity (DIWD)                       | (607)255-3976                    | owdi@cornell.edu   |
| Request for Workplace Accommodation - Applicants for Employment  | Department of Inclusion and Workforce Diversity (DIWD)                       | (607)255-3976                    | owdi@cornell.edu   |
| Request for Workplace Accommodation: Faculty and Staff   | Medical Leaves Administration (MLA)  | (607) 255-1216<br>(607) 255-1260 | wcds@cornell.edu   |
| Returning from Leave Due to Disability   | Medical Leaves Administration (MLA)  | (607) 255-1216<br>(607) 255-1260 | wcds@cornell.edu   |
| Transitional Work Opportunities for Faculty and Staff Members Recovering from Illness or Injury          | Musculoskeletal Injury Prevention Program (MIPP)                             | (607) 255-1360                   | www.hr.cornell.edu/benefits/medical_leaves/mipp.html         |

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### RESPONSIBILITIES

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The major responsibilities each party has in connection with this policy are as follows:

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| <b>Faculty and Staff Assistance Program (FSAP)</b>                           | <p>Provide confidential counseling to faculty and staff members.</p> <p>Upon request, refer faculty and staff members with disability accommodation request concerns to Department of Inclusion and Workforce Diversity (DIWD).</p> <p>Refer requests regarding return from leave or short-term disability to Medical Leaves Administration (MLA).</p>   |
| <b>Individual (Faculty or Staff Member Seeking Disability Accommodation)</b> | <p>Contact the local human resources representative or MLA to initiate requests for any desired disability-related workplace accommodation.</p>  |
| <b>Local Human Resources Representative</b>                                  | <p>Provide information to faculty and staff members about disability accommodations.</p> <p>Refer faculty and staff members who request disability accommodation to MLA.</p> <p>Provide ongoing assistance to faculty and staff members, supervisors, and unit heads regarding disability accommodation.</p>   |
| <b>Medical Leaves Administration (MLA)</b>                                   | <p>Provide consultative services for the university community with regard to disability-related workplace accommodations.</p> <p>Review, administer, and provide assistance for disability-related workplace accommodation requests.</p> <p>Make a determination as to whether the individual requesting accommodation is a qualified individual with a disability, the nature and appropriateness of an accommodation, and whether such accommodation may cause any undue hardship for the unit or the university.</p> <p>May need to discuss with others, such as DIWD, the basis of the employee's request for accommodation, where this would assist accommodating the request.</p> <p>Before any request for accommodation is denied, consult with the AVP for Inclusion and Workforce Diversity or that AVP's designee.</p> <p>Notify Local HR and the supervisor or department chair of the faculty, staff, or student employee making the request of its outcome and, if granted, of the type of accommodation.</p> <p>Coordinate accommodation efforts with local HR and supervisor, where appropriate.</p> |
| <b>Musculoskeletal Injury Prevention Program (MIPP)</b>                      | <p>Facilitate the return to work of faculty or staff members who cannot perform all of their job duties due to illness, injury, or disability, and coordinate these efforts with DIWD and MLA, where appropriate.</p>  |
| <b>Supervisor or Unit Head</b>   | <p>Immediately notify the appropriate HR representative of any disability accommodation request received from a faculty or staff member.</p>   |

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**RESPONSIBILITIES, CONTINUED**

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|   | <p>Provide to MLA a job description, other information about the essential functions of a job, and information about reasonableness of an accommodation.</p> <p>Implement reasonable accommodations determined and recommended by MLA.</p> <p>Except where necessary for the accommodation, preserve the confidentiality of the faculty or staff member who has requested disability accommodation.</p>                             |
| <b>University</b>   | <p>Strive to maintain an environment that is committed to diversity, inclusion and nondiscrimination.</p> <p>In certain situations, provide reasonable accommodations that allow staff and faculty members with disabilities to perform their responsibilities.</p>   |
| <b>Department of Inclusion and Workforce Diversity (DIWD)</b> | <p>Coordinate overall responses to disability accommodation requests, as appropriate.</p> <p>Respond to inquiries regarding disability issues, referring inquiries to the appropriate office, as necessary.</p> <p>Administer requests from applicants for positions at Cornell University for disability accommodation related to the application/interview process.</p> <p>Review denial of reasonable accommodation request.</p> |

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### PRINCIPLES

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#### Overview

Cornell University is committed to diversity, inclusion, and nondiscrimination and supports the full employment of qualified individuals with disabilities in its workforce. To support this commitment, the university uses an interactive process to assist individuals with disabilities in requesting a reasonable accommodation. Retaliation against an individual seeking an accommodation is prohibited.

#### Scope of Policy

This policy requires university faculty and staff members to act in a prescribed manner on requests for reasonable accommodations based on disabilities. In addition, this policy provides a means for current faculty and staff members, faculty and staff members on leave, and applicants for employment to request such accommodations.

◆**Note:** An applicant for employment at Cornell who may require an accommodation for a disability in order to participate in the application/interview process may contact the Department of Inclusion and Workforce Diversity (see Contacts).

◆**Note:** A faculty or staff member who is pregnant or has given birth may be entitled to a reasonable accommodation due to work limitations caused by pregnancy, childbirth, or any related medical condition.

## Disability Accommodation Process for Faculty and Staff

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### PROCEDURES

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#### **Requesting a Disability Accommodation: Faculty and Staff Members**

The complete procedures to request a reasonable accommodation, the implementation responsibilities for university offices, a list of support offices to assist faculty and staff members, and the accompanying definitions for each element of requesting a reasonable accommodation are maintained by the Medical Leaves Administration (MLA). Contact MLA for a printed copy of this information (see Contacts).

The procedure for requesting an accommodation consists of three primary steps:

1. The faculty or staff member submits to MLA a completed Request for Accommodation and Medical Verification forms accompanied by all required medical or other documentation (see Related Resources).

◆**Notes:**

- To discuss the request prior to submission, contact MLA (see Contacts).
  - Staff members requesting an accommodation who are returning from medical leave should also see University Policy 6.9, Medical Leaves for Staff. Faculty members, see University Policy 6.2.1, Leaves for Professors and Academic Staff. (See Related Resources.)
2. MLA evaluates the request through discussion among the employee and others, as necessary. An MLA representative will:
    - a. Determine whether an employee requesting accommodation is a qualified individual with a disability, the nature and appropriateness of an accommodation, and whether such accommodation may cause any undue hardship for the unit or the university.

◆**Note:** When considering an accommodation request, MLA may enlist the assistance of others with responsibility for certain aspects of this procedure, including, but not limited to, the supervisor, the local human resources (HR) representative, the Department of Inclusion and Workforce Diversity (DIWD), Faculty and Staff Assistance Program, or Musculoskeletal Injury Prevention Program, as in the case of accommodations needed upon return from medical leave.

- b. Discuss the results of the request with the unit or individual seeking the accommodation, as necessary and appropriate.



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### PROCEDURES, CONTINUED

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- c. Notify the associated HR representative and supervisor or unit head of the approval or denial of the request, as needed.
  - d. If an accommodation cannot be made, explain the university's accommodation process to the employee and advise the employee of the next steps to be taken, if any.
3. The university will take steps according to the outcome of the determination:
- a. If an accommodation is granted, the university will implement the accommodation by informing the unit of such accommodation. There is no appeal by the unit from the granting of an accommodation.
  - b. If an accommodation will not be pursued, the university will notify the unit.
  - c. If the accommodation is not granted, or if the requestor of the accommodation is not satisfied with the accommodation that is granted, the requestor of the accommodation may seek to resolve such disagreement informally, through DIWD or the University Ombudsman. In the event that the faculty or staff member disagrees with the determination and/or proposed accommodation, the individual may contact DIWD or the University Ombudsman for assistance. If the faculty or staff member continues to have concerns about the accommodation, they can consult with the Department of Inclusion and Workforce Diversity.

**Requesting a  
 Disability  
 Accommodation:  
 Applicants for  
 Employment**

An applicant for a position at Cornell who may require an accommodation for a disability in order to participate in the application/interview process may contact DIWD (see Contacts).

**Confidentiality and  
 Records**

Faculty and staff members should send medical information to MLA and not to their unit heads, HR representative, or supervisors. Unit heads, HR representatives, or supervisors who receive confidential medical information regarding a faculty or staff member's disability are responsible to maintain the confidentiality of such information. To that end, materials related to an employee's disability, including the Request for Accommodation and any medical information, must be placed in a

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**PROCEDURES, CONTINUED**

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separate employee medical file. This file should be held in a separate, distinct, and secure location.

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