



## **YESHIVA UNIVERSITY** **REASONABLE ACCOMMODATION/COOPERATIVE DIALOGUE POLICY**

### **Policy**

Yeshiva University (the University) is committed to protecting individuals from discrimination as mandated by The Americans with Disabilities Act, the Rehabilitation Act, and various other applicable New York State and New York City local laws. Accordingly, it is the policy of the University to provide reasonable accommodations to qualified applicants and employees for their disability or religious observance, and to provide reasonable accommodations to employees for their pregnancy, childbirth or related medical condition and to employees who are victims of domestic violence, sex offense or stalking.

Reasonable accommodations are intended to enable the individual to participate in all aspects of the employment process, which includes performing the essential functions of a job. No accommodation is on its face unreasonable. An accommodation is unreasonable if it results in an undue hardship to the University (such as if it poses a direct threat of substantial harm to the health or safety of the applicant, employee or others).

### **Scope**

This Policy applies to all University employees (faculty and staff) seeking a reasonable accommodation on the basis of their disability; pregnancy, childbirth or a related medical condition; religious observance; or domestic violence, sex offense or stalking victim status, to perform the essential functions of their jobs. This Policy also applies to all applicants seeking vacant University positions and in need of an accommodation on the basis of their disability or religious observance during the job application process.

### **Definitions**

A. **The Americans with Disabilities Act (ADA)** guarantees individuals with disabilities access to employment, public accommodations, transportation, public services and telecommunications. Title I of the ADA, which applies to the University's relationship with its employees, prohibits discrimination against qualified individuals on the basis of a disability in the job application procedure, hiring, firing, advancement, compensation, training and other terms and conditions of employment.

B. **Cooperative Dialogue:** This is the procedure through which an employer and an individual requesting an accommodation (on the basis of their disability; pregnancy, childbirth or a related medical condition; religious observance; or domestic violence, sex offense or stalking victim status) work together, in a good faith written or oral dialogue concerning the requestor's accommodation needs; the potential accommodations that may address the requestor's accommodation needs, including alternatives to a requested accommodation; and the difficulties that such potential accommodations may pose for the University. This

process will help to identify what barriers exist to the job application process, to the requestor's performance of the essential functions of a job, or to the requestor's participation in other terms, conditions and privileges of employment (as applicable). The intention is to find a reasonable accommodation that would enable the requestor to participate in the job application process, to perform the job, or to participate in the other employment terms, conditions and privileges (as applicable). The interactive process is a flexible and individualized approach and often includes a review of the requestor's abilities and limitations (including supporting documentation), the essential functions of the job, factors or tasks that may pose a difficulty, and how the requestor may be accommodated without creating an undue hardship for the University.

C. An individual with a **Disability** is a person who: (1) has a physical or mental impairment consistent with applicable law, (2) has a record of such an impairment, or (3) is regarded or perceived as having such an impairment.

D. A victim of **Domestic Violence** is a person who has been subjected to acts or threats of violence, not including acts of self-defense, by:

- i. a current or former spouse,
- ii. a person with whom the victim/survivor shares a child in common,
- iii. a person who is living with or has lived with the victim/survivor,
- iv. a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim/survivor, or
- v. a person who is or has continually or at regular intervals lived in the same household as the victim/survivor.

E. **Essential Functions of the Job:** Job duties typically, but not exclusively, found on a job description, considered fundamental to the job. Qualified individuals must be able to reasonably perform the essential functions of a job either with or without a reasonable accommodation.

F. **Pregnancy, Childbirth or a Related Medical Condition:** The condition of being pregnant, having a child, or a medical condition related to pregnancy or childbirth.

G. A **Qualified Individual with a Disability** is a person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position that such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

H. A **Reasonable Accommodation** is any change, modification or adjustment to the application process, a job or work environment that enables a qualified applicant or employee to participate in the job application process, perform the essential functions of a job, or to participate in other terms, conditions and privileges of employment. A reasonable accommodation may include but is not limited to: (1) making existing facilities used by employees readily accessible to and usable by persons with disabilities; (2) job restructuring, modifying work schedules, reassignment to a vacant position; and (3) acquiring or modifying examinations, training materials or policies, and providing qualified readers or interpreters.

I. **Religion:** An individual's belief, creed or commitment of religious attitudes, beliefs and practices. Religion may consist of a belief system that does not include a traditional concept of God.

J. A victim of **Sex Offense or Stalking** is a person who is the victim of acts that would constitute violations of the applicable sections of the New York Penal Law.

K. An **Undue Hardship** is the result or impact of an accommodation that requires significant expense or difficulty (including significant interference with the safe or efficient operation of the workplace, or a violation of a bona fide seniority system) or that otherwise fundamentally alters the nature of the University's operations. Determinations of whether a requested accommodation constitutes an undue hardship will be made in accordance with applicable law.

### **Establishing Eligibility**

An individual who has requested a reasonable accommodation for a disability; pregnancy, childbirth or a related medical condition; religious observance; or domestic violence, sex offenses, or stalking victim status must provide documentation to establish the existence of a qualifying disability and/or the need for an accommodation on any other basis. This requirement may be satisfied by providing documentation from a health care provider; a member of the clergy; an employee, agent, or volunteer of a victim services organization; an attorney from whom the employee (or the employee's family or household member) has sought assistance in addressing domestic violence, sex offenses or stalking and the effects of the violence or stalking; a police or court record; or any other corroborating evidence. Information submitted to the University in connection with a requested accommodation will be held in the strictest confidence.

The University may require the applicant/employee to undergo further testing or evaluation by a certified health care provider to verify or further establish the claimed impairment or other accommodation reason.

### **Process**

To request a reasonable accommodation, (this includes accommodation needs that may arise on an emergency basis) individuals should complete and submit a Reasonable Accommodation Request Form, along with all supporting documentation, directly to:

**Yeshiva University**  
**University Benefits**  
**2495 Amsterdam Avenue, Belfer Hall, Room 824**  
**NY, NY 10033**  
**Phone: 646-592-4339/Fax: 212-960-0034**  
[www.yu.edu/hr/](http://www.yu.edu/hr/)

Cooperative Dialogue: Upon learning of the need for an accommodation, the University will engage with the individual in a Cooperative Dialogue in order to understand the needs of the individual and, based on the circumstances, to identify any reasonable accommodations. The University is committed to communicating in good faith with the individual in a transparent and expeditious manner and will evaluate the individual's needs and consider the possible accommodations for the individual that would allow them to perform the essential functions of the job or to enjoy the right or rights in question, without creating an undue hardship on the University. The University will determine the feasibility of the requested accommodation and any possible alternative accommodations by considering various factors, including, but not limited to, the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the University's overall financial resources and organization, and the accommodation's impact on the operations of the University (including its impact on the ability of other employees to perform their duties and on the University's ability to conduct business).

The University will, as appropriate, consider the applicant/employee's preference for the accommodation, but may determine another accommodation is reasonable.

Once a conclusion is reached, either to offer or deny an accommodation, the University will promptly notify in writing the individual seeking the accommodation of the determination.

The University will thoroughly review all requests on a case-by-case basis, in accordance with applicable federal, state and local laws.

New Requests/Updates: As an individual's condition changes over time, an individual may make new requests for an accommodation. Each time an individual initiates a new request, the University will engage in a Cooperative Dialogue with the individual.

In addition, the need for a previously-approved reasonable accommodation may, and often does, change. Therefore, an employee who receives a reasonable accommodation may be required to establish their eligibility for an accommodation every six (6) months or more frequently, as may be appropriate, as determined by the University.

## **Sick Time**

Requests for sick time related to medical issues should be requested pursuant to the University's Family and Medical Leave Act (FMLA) Policy and state and city earned sick time laws, as applicable.

## **Confidentiality**

All requests for accommodations and all supporting documentation, including, but not limited to, medical information, will be considered confidential by the University and will be shared by the University on a need-to-know basis or as otherwise required by law. Such information and documentation will only be used by the University to evaluate the accommodation requested.

## **Retaliation**

The University prohibits retaliation against any employee or applicant for requesting an accommodation or engaging in a Cooperative Dialogue.

## Complaints

If an applicant or employee believes they were subjected to discrimination, they should refer to the internal complaint process set forth in the University's Non-Discrimination & Anti-Harassment Policy, which can be found at: [www.yu.edu/hr/](http://www.yu.edu/hr/).

## Questions

Please contact University Benefits, 2495 Amsterdam Avenue, Belfer Hall, Room 824, NY, NY 10033 / 646-592-4339 if you have any questions regarding this Policy.

## Forms:

- [Reasonable Accommodation Instructions](#)
- [Reasonable Accommodation Request Form](#)
- [Reasonable Accommodation Health Care Provider Release Form](#)
- [Reasonable Accommodation Health Care Provider Statement Form](#)