



## I. 4.2.3 Requests for Accommodations Under the ADA and the ADA Amendments Act of 2008 (ADAAA)

Chapter 4 - General Personnel	Original Effective Date: November 2000
Section: 4.2 Employee Relations	Date Last Reviewed: January 2025
Responsible Entity: Senior Vice President and Chief Human Resources Officer and Vice President for Academic, Faculty and Student Affairs	Date Last Revised: January 2025

### II. Purpose

This policy articulates The University of Texas Health Science Center at San Antonio's responsibilities and implementation processes in compliance with the Americans with Disabilities Act (ADA), the ADA Amendments Act of 2008 (ADAAA) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

### III. Scope

This policy applies to current employees or applicants for employment with The University of Texas Health Science Center at San Antonio, also known as UT Health San Antonio. It also applies to applicants for admission as a student or resident to one of UT Health San Antonio's schools or graduate medical education programs.

### IV. Policy

Title I of the ADA requires an employer to provide Reasonable Accommodations to Qualified Individuals with a Disability who are employees or applicants for employment or applicants for admissions as students, residents to one of UT Health San Antonio schools or graduate medical education (GME) programs. Title II of the ADA and Section 504 requires UT Health San Antonio educational programs be accessible to students with disabilities. Accommodations and modifications of policies and practices are not required when it would fundamentally alter the nature of the service, program, or activity or give rise to an undue financial or administrative burden.

Reasonable Accommodations for employees will be decided by the Office of Human Resources. Reasonable accommodations for students and residents will be decided by the department, school or GME program in concurrence with the Office of Educational Support Services. It may be determined that additional medical or supporting documentation is needed. If so, the individual may be provided with necessary forms/questionnaires for the applicable health care provider to complete.

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##### A. Requesting Accommodation

1. Employees (faculty or staff) can request an accommodation under the ADA through any of the following methods:
  - a. Call UT Health San Antonio's dedicated toll-free phone number, 833-224-2912, Monday through Friday between 8:00 am - 5:00 pm CST,
  - b. Send an email to [UTHealthSA@leavesolutions.com](mailto:UTHealthSA@leavesolutions.com), or
  - c. Submit an online request to the university-approved contractor.
2. Students and residents requesting an accommodation under ADA are to submit [Request for Accommodation Under the Americans with Disabilities Act \(ADA\) for Students](#), form ADA-100, or [Request for Accommodation Under the Americans with Disabilities Act \(ADA\) for Residents](#), form ADA-101, to the Office of Educational Support Services with applicable supporting documentation (if appropriate).

##### B. Interactive Process & Reevaluation

Upon submission of an accommodation request, the applicable office will engage with the requestor in an Interactive Process, to evaluate the need and feasibility of the request and to determine if the accommodation request is reasonable.

Reasonable Accommodation is an ongoing process. At any point in time, the individual receiving the Reasonable Accommodation may request a reevaluation of their request from Flores Leave Solutions, the Office of Human Resources or the Office of Educational Support Services. At that point, an Interactive Process will be implemented to process new requests and/or revisions to initial requests.

##### C. Request for Reconsideration & Appeal (Students and Residents only)

###### 1. Request for Reconsideration

Students or residents who disagree with the determination of academic accommodation or implementation of academic accommodation, may submit a request for reconsideration. Students and residents have five (5) business days from the final accommodation determination or implementation incident of concern to submit a request for reconsideration in writing to the Office of Educational Support Services. The request should include a clear statement describing the reason(s) for seeking reconsideration.

After the request has been submitted, the Director, Educational Support Services or designee will review the request for reconsideration and may consult with relevant parties. The Director, Educational Support Services or designee will notify the student or resident in writing of the decision regarding the request for reconsideration within five (5) business days from receiving the request. This timeframe may be extended for good cause. In such an instance, the Office of Educational Support Services will provide written notice to the student or resident of the delay or extension and the reason(s) for the action.

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The Director, Educational Support Services or designee may consider provisional accommodation while the request for reconsideration is pending.

##### 2. Appeal

If the student or resident does not agree with the request for reconsideration determination, the student or resident may file a written appeal with the identified appellate officer within five (5) business days from written notification of the request for reconsideration determination. A written appeal should include a clear statement describing the request or concern; reason(s) for the appeal; and desired remedy and resolution.

##### 3. During the appeal process, the student or resident may be eligible to receive the academic accommodation/services offered, if any, by the University. The appellate officer at their sole discretion, may gather additional information necessary to the consideration of the appeal, including, but not limited to, consulting with relevant parties and interviewing individuals, including the student or resident, who may possess relevant information. The appellate officer will issue a written final determination within ten (10) business days. This timeframe may be extended for good cause. In such an instance, the Office of Educational Support Services will provide written notice to the student or resident of the delay or extension and the reason(s) for the action.

#### D. Confidentiality

All medical-related information shall be kept confidential and maintained in the applicable office (Office of Human Resources or university-approved contractor or the Office of Educational Support Services) and will be maintained separately from other personnel, faculty, student, or resident records. However, supervisors and managers and certain faculty in a school and/or program of study may be advised of information necessary to make the determinations they are required to make in connection with a request for an accommodation. First aid and safety personnel may be informed, when appropriate, if the Disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations. Government officials investigating compliance with the ADA and the ADAAA may also be provided relevant information as requested.

#### E. Records Retention

Requests, medical documentation, Form ADA-100, and other attached documentation submitted to the Office of Human Resources or university-approved contractor or the Office of Educational Support Services will be maintained in a confidential manner in accordance with applicable federal and state mandated retention schedules.

#### F. Pregnancy and Religious Accommodations

Pregnancy itself is not considered a Disability under the ADA. However, employees, students and residents who suffer from pregnancy related conditions, such as

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preeclampsia or diabetes, are entitled to Reasonable Accommodations from the employer and/or school and/or program of study and educational environment.

UT Health San Antonio will offer reasonable accommodation related to a student's pregnancy, pregnancy-related conditions, or childbirth, in accordance with state and federal laws and regulations. Student seeking accommodation based on pregnancy, pregnancy-related conditions, or childbirth are directed to follow the process described in [IHOP 14.2.5 Student Pregnancy and Parenting Nondiscrimination Policy](#), administered by the Office of Educational Support Services. Examples of pregnancy accommodations in the workplace include a reduced work schedule, restrictions on lifting, and providing ergonomic office furniture, time, and place for lactation activities.

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. This includes refusing to accommodate an employees' sincerely held religious beliefs or practices unless the accommodation would impose an Undue Hardship. A religious practice may be sincerely held even if newly adopted, not observed consistently, or different from common tenets of an individual's religion.

Examples of religious accommodations in the workplace and/or educational environment include exceptions to the dress code, schedule changes, and additional breaks during the workday and/or school day.

## V. Definitions

When used in this document, the following words have the meaning set forth below unless the context requires a different meaning.

**Disability** - a mental or physical impairment that substantially limits at least one or more major life activities of an individual, a record of such an impairment, or being regarded as having such an impairment as described in the ADAAA listing of major life activities. The term does not include:

1. a current condition of addiction to the use of alcohol, a drug, an illegal substance, or a federally controlled substance; or
2. a currently communicable disease or infection as defined in Section 81.003, Health and Safety Code, or required to be reported under Section 81.041, Health and Safety Code, that constitutes a direct threat to the health or safety of other persons or that makes the affected unable to perform the duties of the person's employment.

**Interactive Process** - the collaborative process by which the applicable office (Office of Human Resources or the university-approved contractor or the Office of Educational Support Services engages with the requestor to evaluate need and assess reasonableness of the accommodation request.

**Qualified Individual with a Disability** - a person with a Disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position

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or educational program of study; such individual holds or desires, and who, with or without Reasonable Accommodation, can perform the essential functions of such position.

Reasonable Accommodation – generally speaking, a change in the work environment or work procedure that enables an individual with a Disability to enjoy equal employment opportunities. Examples of possible Reasonable Accommodations include making existing facilities accessible, job restructuring, modified schedules, and acquiring or modifying equipment.

Undue Hardship – an action that is excessively costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the business. In determining Undue Hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature, and structure of the employer's operation, as well as the impact of the accommodation on the specific facility providing the accommodation.

### VI. Related References

[UT Health San Antonio Americans with Disabilities Act Employee Resource Site](#)

Forms

*Student Accommodation Request Form:*

[ADA-100, Request for Accommodation Under the Americans with Disabilities Act \(ADA\) for Students](#)

Resident Accommodation Request Form:

[ADA-101, Request for Accommodation Under the Americans with Disabilities Act \(ADA\) for Residents](#)

Federal Law

Americans with Disabilities Act of 1990 (ADA)

ADA Amendments Act of 2008 (ADAAA)

Title VII of the Civil Rights Act of 1964

Section 504 of the Rehabilitation Act of 1973

FERPA Regulations, 34 C.F.R. Part 99

Institutional Handbook of Operating Policies (IHOP)

[2.2.1 Records Management](#)

[14.2.5 Student Pregnancy and Parenting Nondiscrimination Policy](#)

[4.2.1 Nondiscrimination Policy and Complaint Procedure](#)

### VII. Review and Approval History

The approving authority of this policy is the University Executive Committee.

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Effective Date	Action Taken	Approved By	Effective Date
11/2000	Policy Origination	Executive Committee	
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07/2023	Policy Reviewed/Discretionary Edits		
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