



VCU Equity and Access Services

ADA Services Definitions

Accessible: A site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

Accommodation: An accommodation is a reasonable modification or adjustment to a course, program, service, activity or facility that enables a qualified person with a disability to have an equal opportunity to attain the same level of performance or enjoy equal benefits and privileges as those available to similarly situated people without disabilities. Such modifications may include changes in the length of time permitted for completion of degree programs, substitution of specific required courses, adaptations in the manner courses are conducted and examination modifications. This may also involve workplace modifications and environmental adjustments.

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Disability Discrimination: Unequal treatment of a qualified individual with a disability who is an employee or student because they have a disability. Disability discrimination also occurs when a covered employer or other entity treats an applicant or employee less equally because they have a history of a disability (such as cancer that is controlled or in remission) or because they are believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less).

Equal Opportunity: An opportunity to attain the same level of performance and to enjoy equal benefits and privileges as are available to an average similarly-situated person without a disability. For employment the ADA requires reasonable accommodation in three aspects of employment: 1) to ensure equal opportunity in the application process, 2) to enable a qualified individual with a disability to perform the essential functions of a job, and 3) to enable an employee with a disability to enjoy equal benefits and privileges of employment.

Essential Functions: The minimum required duties and abilities necessary to perform the tasks of a job. Essential functions of a job can often be determined by writing accurate job descriptions to determine which tasks are a major part of the job and which are not. Factors that may be considered include the percentage of time spent performing necessary duties, the qualifications required to do these tasks and whether the job exists in order to have these duties performed. If the individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform these functions with a reasonable accommodation.

Otherwise Qualified: An individual that meets the same academic/employment requirements, qualifications and standards as their peers without disabilities. These requirements and standards must be considered necessary to maintain the integrity of a course, work environment, program or college policy. For example, a student with a disability is required to meet the instructor's expectations for all students in regards to class participation, work standards, attendance and ability to demonstrate acquired knowledge.

Participation: The act of taking part or sharing in something.

Qualified Person: A person who meets the legitimate skill, experience or education levels, or other requirements of an employment position that she or he holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation. Requiring the ability to perform "essential" functions assures that an individual

with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions

Reasonable Accommodation: A modification or adjustment to a job, class, curriculum, work environment or the way things usually are done that enables a qualified individual with a disability to enjoy equal opportunity to access employment, education, recreation and services.

Regarded As: To satisfy the "regarded as" standard, an individual need only show that he or she has been subjected to an action prohibited under the statute (e.g., termination; failure to hire) because of an actual or perceived impairment. It is no longer necessary that the impairment be perceived by the employer to limit or "substantially limit" a major life activity. However, to satisfy the "regarded as" standard, an impairment must not be one that is "transitory and minor." Meeting the "regarded as" standard does not mean that a person has been the victim of unlawful discrimination. It means only that a person is an individual with a disability entitled to the protections of the ADA or Rehabilitation Act. Whether unlawful discrimination has occurred is a separate determination.