

## 08.01.02 Civil Rights Protections for Individuals with Disabilities and Certain Other Employees



Revised [February 26, 2021](#)

Next Scheduled Review: February 26, 2026

Click to view [Revision History](#).

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### Regulation Summary

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The Texas A&M University System (system) and its members provide equal opportunity to all employees, students, applicants for employment and admission, and the public who have disabilities.

This regulation provides guidance in complying with local, state, and federal civil rights laws and regulations with regard to qualified individuals with disabilities (IWDs). This includes providing reasonable accommodations to IWDs with regard to employment and educational opportunities, as well as access to public events and services. Members must also provide reasonable workplace accommodations to certain other employees in accordance with applicable state and federal laws and this regulation.

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### Definitions

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Click to view [Definitions](#).

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### Regulation

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1. The system must not discriminate against a qualified individual on the basis of disability in such matters as job application procedures; hiring, advancement or discharge practices; compensation; job training; or other terms, conditions and privileges of employment. Further, no individual must be excluded from participation in, or be denied the benefit of, or be subjected to discrimination based on disability under any system program or activity. In accordance with System Regulation *29.01.04, Accessibility of Electronic and Information Resources*, members' electronic and information resources must meet the appropriate Technical Accessibility Standards. Further, members must provide reasonable accommodations to qualified individuals with a disability under the provisions of this regulation. Members must also provide reasonable workplace accommodations for employees with sincerely held religious beliefs in accordance with the Texas Labor Code, and/or for employees who qualify under the Pregnancy Discrimination Act of 1978 and Section 7(r) of the Fair Labor Standards Act, if the requested accommodation does not

constitute an undue hardship. Members must use the same process as outlined for ADA accommodation requests.

2. Section 503 of the Rehabilitation Act of 1973 allows federal contractors and subcontractors to invite individuals with disabilities to identify themselves for affirmative action purposes. However, this information may not be provided to search committees or hiring officials, and it must be maintained as a separate, confidential record, apart from the hiring or personnel file.
3. Position descriptions and job vacancy announcements must not specify any physical or mental requirements unless they are job-related and essential to the successful performance of the job. In making this determination, members may consider whether the removal or redistribution of certain tasks is possible, the amount of time spent performing the function, and the critical nature of the requirement if not frequently performed. Essential functions must state what is done or required of the position, not how it must be accomplished.
4. Members must be prepared to respond to requests for reasonable accommodations in the application process. If the need for an accommodation is not obvious, the member may ask the applicant for reasonable documentation about the applicant's disability. Job vacancy announcements and admissions forms must include a point of contact for applicants with disabilities to request assistance. In addition, advertisements for events open to the public must include a point of contact for IWDs who seek accommodations or assistance.
5. Pre-Offer Stage. Members may not ask any disability-related question or require any medical examination before an offer of employment has been made. Members may state the requirements of a job and ask if an applicant can meet those requirements with or without a reasonable accommodation. Members may also ask applicants to describe or demonstrate how they would perform job tasks, as long as all applicants in the job category are asked to do this. However, if an applicant states that the applicant needs a reasonable accommodation in order to demonstrate the tasks, the member must be prepared to provide the accommodation or allow the applicant to identify the type of accommodation needed and describe how the task can be accomplished with that accommodation.

When the member reasonably believes that an applicant is not able to perform a job function because of an obvious or voluntarily disclosed disability, the member may ask that particular applicant to describe or demonstrate how the applicant would perform the function without having to ask all applicants to do so.

6. Post-Offer Stage. A medical examination may be required after an offer of employment has been made and, prior to commencement of employment duties, if all persons offered the position are required to have the examination. The examination cannot include any inquiry about genetic information. An offer of employment may be conditioned on the results of such an examination if any identified disabilities would preclude the individual from accomplishing the essential functions of the position and no reasonable accommodations are available. If an offer is withdrawn because of a disability, the member must document in the hiring file that the reason was job-related and consistent with business necessity.
7. Employment Stage. Members may ask disability-related questions or require a medical examination when they are job-related and consistent with business necessity and when there is a reasonable belief, based on reliable evidence, that an employee's ability to perform

essential job functions may be impaired by a medical condition or when an employee may pose a direct threat to others due to a medical condition.

8. Applicants extended an offer of employment, employees, program participants and students who request an accommodation are responsible for obtaining a medical statement that contains a diagnosis, prognosis and the major life function that is substantially limited, unless the disability is visible and/or obvious. This medical statement must include an evaluation as to the effect that the disability has on the prospective employee's or employee's ability to perform the duties associated with the position or the participant's or student's ability to complete the educational program. All medical information must be treated as confidential and kept in a separate file from other personnel or student records.
9. It may be a defense to a charge of discrimination that an alleged application of qualification standards, tests or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by a reasonable accommodation. The term "qualification standards" may include a requirement that an individual not pose a direct threat to the health or safety of other individuals in the workplace.
10. It is the responsibility of the IWD to inform the member that an accommodation is needed for a disability. Complaints alleging discrimination on the basis of disability must be handled in accordance with provisions of System Regulation *08.01.01, Civil Rights Compliance*. Member questions regarding the application of this regulation must be directed to the System Ethics and Compliance Office and/or the System Office of General Counsel.

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## **Related Statutes, Policies or Requirements**

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[Fair Labor Standards Act, Section 7\(r\)](#)

[The Rehabilitation Act of 1973, as amended](#)

[Americans with Disabilities Act of 1990, as amended](#)

[The Genetic Information Nondiscrimination Act of 2008](#)

[The Pregnancy Discrimination Act of 1978, P.L. 95-555](#)

[Tex. Hum. Res. Code, Ch. 121](#)

[Tex. Lab. Code, Ch. 21, Employment Discrimination](#)

[Fair Housing Act](#)

[Texas Fair Housing Act](#)

[System Policy 08.01, Civil Rights Protections and Compliance](#)

[System Regulation 08.01.01, Civil Rights Compliance](#)

[System Regulation 29.01.04, Accessibility of Electronic and Information Resources](#)

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## **Member Rule Requirements**

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A rule is not required to supplement this regulation.

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## **Contact Office**

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Ethics and Compliance  
(979) 458-6203