

Berkeley Accommodation Process for Academic Appointees with Disabilities

Introduction

The procedures described below support Berkeley in implementing Section 711 of the Academic Personnel Manual: <http://www.ucop.edu/academic-personnel/files/apm/apm-711.pdf> This section of the APM states that each University of California campus will provide reasonable accommodations to faculty and other academic appointees with disabilities when the appointee requests them.

Academic appointees with disabilities may request reasonable accommodation to enable them to perform the essential functions of their positions. If the appointee is otherwise qualified, the Campus will provide reasonable accommodation. Through an interactive process, the appointee and appropriate representatives of the Campus engage in dialogue about options for accommodating an appointee with a disability. During this process, the Campus considers information related to the essential functions of the job, the functional limitations of the appointee, the range of possible accommodations, the reasonableness of possible accommodations, and the implementation of reasonable accommodations. The Campus then uses this information to determine what accommodations will be made, if any.

Responsibilities of the academic appointee

The academic appointee has primary responsibility for starting the accommodation process. He or she starts the process by making a request for accommodation. The request should inform the Chair or other unit head that the appointee needs a disability-related accommodation to perform the essential job functions of the position. This request should also describe the accommodations requested. (See APM - 210-1-d, other relevant academic personnel policies, or job descriptions for guidance about which job functions are essential.)

Responsibilities of the department Chair

The Chair is the campus administrator with primary responsibility for responding to the accommodation request of the academic appointee. (The term “chair” broadly designates the head of the appointee’s unit.) Although the Chair makes the decision whether to grant or deny a request for an accommodation, both the Chair and the appointee are expected to engage with one another in good faith as they explore and consider options. Chairs should document the process by which they handle a request for accommodation, including discussions with the appointee, consultations with individuals who have expertise, the reasons for granting or denying the appointee’s request, and steps taken to implement any accommodation granted.

Confidentiality

Information about an academic appointee’s medical condition or disability is confidential, and it should be shared only with those who have a need to know. Implementing an approved accommodation may mean that others will become aware that an appointee is being treated differently, but the differential treatment should be explained simply as required by University policy. The explanation should not disclose the fact that the appointee has a disability.

Decision to grant or deny a request for accommodation

When Chairs receive a request for accommodation, they are strongly encouraged to consult individuals who have relevant expertise before reaching a decision.

- 1) Before considering a request for accommodation, Chairs should generally ask the academic appointee to verify (usually by providing medical documentation) the physical or mental limitations imposed by the disability that may affect the appointee's ability to perform the essential functions of the position. This is a routine request.
- 2) In considering whether a request for accommodation is reasonable (and therefore should be granted), Chairs should determine whether the evidence indicates that the requested accommodation is both
 - a) **appropriate** to the individual: addresses the mental and physical limitations imposed by the appointee's disability so as to enable the appointee to perform the essential functions of his or her job), and
 - b) **feasible** for the University: does not constitute an undue hardship for the University or fundamentally conflict with its academic standards or mission.
- 3) When Chairs are confident that a requested accommodation is reasonable, they may want simply to grant the request for accommodation without further consultation.
- 4) When Chairs are uncertain about the request or are inclined to deny it, they are strongly encouraged to consult with individuals who have expertise.
 - a) Regarding what constitutes an **appropriate** accommodation, Chairs should consult with Disability Management Services (DMS), a unit within University Health Services at the Tang Center. By assessing medical documentation submitted by the academic appointee, DMS can help Chairs to verify the mental and physical limitations imposed by a disability, and it can also assess whether the requested accommodation may enable the appointee to perform the essential functions of the position. In some cases, DMS may suggest technology, equipment, or other accommodations that have not been requested by the academic appointee, but DMS cannot provide a comprehensive assessment of all unrequested accommodations that may be available.
 - b) Regarding **feasible** for the University, Chairs should consult with the Office for Legal Affairs* who can advise Chairs about the nature and extent of the University's legal responsibilities.

Implementation of approved accommodation

The Chair has primary responsibility for ensuring that approved reasonable accommodations are provided to the appointee in an effective and timely fashion. This may include ongoing discussions, review, and new decisions.

*Academic Administrators may contact Associate Campus Counsel Sarah Hawthorne at sarahh@berkeley.edu or (510) 642-1991.

Medical separation

If there is no feasible accommodation that will enable the academic appointee to perform the essential functions of the position, the University may initiate a medical separation review (see APM - 080, Medical Separation). Chairs should seek guidance from their Deans or other higher-level administrators before discussing this option with an appointee.

Requests for leave as an accommodation

Such requests should be considered in accordance with University policies as set forth in the Academic Personnel Manual:

- 1) APM - 710, Leaves of Absence/Sick Leave
- 2) APM - 715, Leaves of Absence/Family and Medical Leave
- 3) APM - 730, Leaves of Absence/Vacation
- 4) APM - 758, Leaves of Absence/Other Leaves With Pay
- 5) APM - 759, Leaves of Absence/Other Leaves Without Pay
- 6) APM - 080, Medical Separation.

Chairs should seek guidance about these policies from the Academic Personnel Office.

Campus support

The office of the Vice Provost for Faculty administers a fund to assist departments when costs for an approved reasonable accommodation exceed one thousand dollars in a given year. The accommodation may entail a one-time expense (e.g., the purchase of adaptive equipment) or an ongoing expense (e.g., the services of an interpreter). This funding process is available to assist with the costs of accommodating the needs of a specific academic appointee; it is not designated for measures intended to improve general accessibility.

For funding of accommodations, the following steps should be followed:

- 1) When annual cost of accommodation is one thousand dollars per year or less, the department is expected to provide the funding. If a Chair believes the departmental budget cannot provide such funding, he or she should request assistance from the relevant Dean. (The term “Dean” broadly includes other higher-level relevant administrators, such as Directors.)
- 2) If the annual cost of accommodation is more than one thousand dollars per year, the Chair may request funding from the Dean for the amount in excess of one thousand dollars. The Chair’s request should describe the accommodation and explain why it is

reasonable. The request should also include a budget showing the cost of accommodation. Deans are expected to supplement departmental funds to the extent that their resources allow.

- 3) If the costs of accommodation exceed one thousand dollars and the Dean concludes that the costs also exceed the resources available at the departmental and decanal levels, he or she may submit a request for supplemental funding to the Vice Provost for the Faculty via the Academic Personnel Office. The Dean's funding request should describe the accommodation and explain why it is reasonable. The funding request should also include a budget showing the cost of the accommodation and indicating the contributions to be made from departmental and decanal resources.
- 4) In most cases, the Vice Provost's office will provide funding via reimbursement. The reimbursement would be provided upon presentation of receipts or other documentation of expenditures. Where the costs are substantial, however, the Vice Provost will consider requests for advance funding.
- 5) The Vice Provost's office will endeavor to review requests promptly, but Chairs should be aware that they are responsible for providing accommodations in a timely manner regardless of the status of a request for funding from Dean or Vice Provost.

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