

Berkeley Accommodation Process for Academic Appointees with Disabilities

1. Introduction

The procedures described below support UC Berkeley in implementing Section 711 of the Academic Personnel Manual.¹ Section 711 of the APM states that each University of California campus will provide reasonable accommodation to faculty and other academic appointees who are disabled and need assistance to perform the essential functions of their positions.

This document is intended to provide a clear, equitable and consistent interactive process for all academic appointees and their departments.

2. Policy Statement and Definitions

The University provides reasonable accommodation to otherwise qualified academic appointees who are disabled or become disabled and need assistance to perform the essential functions of their positions (see APM-711). An accommodation is reached after an interactive process between the University and the appointee.

Reasonable accommodation for an otherwise qualified academic appointee who is disabled or becomes disabled may include, but is not limited to:

- a. making existing facilities readily accessible to and usable by the disabled appointee
- b. providing classrooms with appropriate accessibility and instructional facilities
- c. restructuring the job to eliminate non-essential job functions
- d. granting a leave of absence in accordance with policy
- e. reduction of appointment percentage on a temporary basis with corresponding reduction in duties, compensation and benefits
- f. modifying the appointee's work schedule
- g. acquiring or modifying equipment or devices
- h. providing qualified readers or interpreters
- i. reassignment to an available alternative position for which the academic appointee is qualified

In addition to the examples given above, a permanent reduction in time with corresponding reduction in duties, compensation and benefits may be considered.

An "interactive process" is an on-going, timely and good faith communication between the employee and manager/supervisor to explore whether or not the employee needs reasonable accommodation for the employee's disability to perform the essential functions of the job, and if so, how the person can be reasonably accommodated. Both parties are expected to participate in good faith in the process.

3. Confidentiality

Information about an academic appointee's need for an accommodation and their medical restrictions will be treated and retained as confidential information. It should be shared only with those who have a need to know that information in order to accomplish their job. Appointees should not share the diagnosis or other details of the underlying condition. Implementing an approved accommodation may mean that others will become aware that an appointee is being treated differently than other colleagues, but the

¹ <https://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/index.html>

University will not disclose the any private medical restriction or accommodation information with individuals who do not have a need to know that information as part of their job responsibilities.

4. Overview of the process

Through an interactive process, the appointee and appropriate representatives of the campus communicate regarding 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 University will consider this information in determining the types of accommodations that can be offered. An appointee is not entitled to the accommodation of their choice, but to one that is reasonable.

A. Responsibilities of the academic appointee

The academic appointee has primary responsibility for starting the accommodation process and providing necessary documentation. Specific responsibilities include:

1. Starting the process by making a request for accommodation with the Chair or other unit head.
2. Providing information from a health care provider regarding limitations or restrictions to an appropriate campus office.
3. Providing the required forms (see section 4.C, below) to the Chair.
4. Engaging with the Chair in good faith in exploring accommodation options.

B. Responsibilities of the Chair

The Chair is the campus administrator with primary responsibility for responding to the accommodation request of the academic appointee. (Henceforth, the term “Chair” broadly designates the head of the appointee’s unit.) The Chair’s specific responsibilities include the following:

1. Explaining the interactive process by which the campus handles a request for accommodation.
2. Providing the required forms (see section 4.C, below) to the academic appointee and to appropriate campus offices.
3. Engaging with the academic appointee in good faith in exploring accommodation options.
4. Consulting with campus offices (see section 4.C.5, below) on appropriate accommodations.
5. Communicating the final decision to the academic appointee.
6. 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.

If the University knows of an appointee’s disabling condition, the chair or unit head is encouraged to initiate a discussion with the academic appointee to determine if there is a need for accommodation.

C. Process for deciding to grant or deny a request for accommodation

As part of the interactive accommodation decision process, an academic appointee must furnish appropriate documentation from a health care provider regarding functional limitations or restrictions related to their ability to perform essential job functions, and the Chair must consult appropriate campus

office(s) in reaching a decision to approve reasonable accommodations (if any). The steps of this process are as follows:

1. Upon receipt of a request for accommodation, the Chair shall provide the appointee with a Physical, Environmental, and Mental (PEM) Demands of the Job form and a job description describing the essential job functions.² The Academic Personnel Office can assist the Chair in accessing these documents.
2. The academic appointee provides the PEM form and job description to their health care provider, along with a Certification of Health Care Provider form which the health care provider fills out.³ The Certification form references the job functions in the PEM form and job description. Note that the Certification form does not include personal medical information such as diagnosis, treatment, or prognosis; it does include a time span during which the stated limitations are expected to apply.
3. The academic appointee provides the completed Certification form to the Chair, including any request for a specific accommodation.
4. The Chair consults with the Academic Personnel Office, or with Disability Management Services,⁴ regarding appropriate and feasible accommodations for the appointee's limitations. Typically, a Chair will start with the Academic Personnel Office, but in more complex situations, or in the event of disagreement, the Academic Personnel Office or the Chair will contact Disability Management Services as well. These offices will advise the Chair on accommodations that are
 - a) **appropriate** to the individual appointee, addressing the appointee's documented functional limitations so as to enable the appointee to perform the essential functions of their job), and
 - b) **feasible** for the University; *i.e.*, do not constitute an undue hardship for the University and do not fundamentally conflict with its academic standards or mission.
5. The Chair discusses potential accommodations with the appointee.
6. In cases of disagreement among the academic appointee, Chair, the Academic Personnel Office, and/or Disability Management Services regarding the appropriateness or feasibility of a recommended accommodation, the matter shall be elevated to the Office of Disability Access and Compliance.⁵
7. The accommodation decision is conveyed to the academic appointee by the Chair.

D. Requests for leave as an accommodation

Leave 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

² https://apo.berkeley.edu/sites/default/files/faculty_pem_form_oct_2019.pdf (faculty);
https://apo.berkeley.edu/sites/default/files/ase_pem_form_2021_5.12.21.docx (GSIs)

³ <https://ucnet.universityofcalifornia.edu/tools-and-services/administrators/docs/certification-of-health-care-provider-for-employees-serious-health-condition.pdf>

⁴ <https://uhs.berkeley.edu/bewellatwork/disability-management>

⁵ <https://dac.berkeley.edu>

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

The Academic Personnel Office can provide guidance regarding these policies.

E. Campus support

The office of the Vice Provost for the 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.

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.
2. If the annual cost of accommodation exceeds what the department can cover, a department Chair may request funding from the Dean. The Chair's request should describe the accommodation and 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 Dean concludes that the costs exceed the resources available at the departmental and decanal levels, they 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 include a budget showing the cost of the accommodation and indicating the contributions to be made from departmental and decanal resources.

F. Medical separation

If the Chair, Academic Personnel Office, Disability Management Services, and the Office of Disability Access and Compliance all agree that there is no feasible accommodation that will enable a faculty member to perform the essential functions of their position, the University may initiate a medical separation review (see APM-080, Medical Separation). Chairs must consult with their Deans or other central campus administrators before discussing this option with an appointee.