

TO: University Committee

FROM: Disabilities Accommodation Advisory Committee (DAAC)

DATE: 6 November 2014

RE: Revised faculty policy regarding accommodation for reason of disability

On 4 November 2014, the DAAC unanimously approved a revised Faculty Accommodation Under ADA policy and changes to FP&P 6.33. We submit our work to you in two formats:

- a comparison document (file: FP&P and policy comparison), with strikeout font for the text deleted from the original policy and grey highlighted text indicating new and/or revised text
- as well as separate documents: the current 1995 document (file: University of Wisconsin Faculty Document 1159a: Faculty Accommodation Under ADA) and our proposed document (file: FP&P and policy revised)

Since our work significantly rewrote FP&P section 6.33 and the existing 6 November 1995 policy, we provide separate texts to make reading the proposed policy easier, with the current policy at hand for comparison.

There is one point in particular on which we would like to seek the University Committee's advice: that is, on page 9, with regard to a possible final grievance to the University Committee (UC) on matters of accommodation for reason of disability. The 1995 policy clearly states that even after a final internal appeal a faculty member may submit a grievance to the UC if he/she feels he/she has been treated unfairly. In our deliberations, the DAAC was unsure about the clause. While appeals are extremely rare, the DAAC was concerned about parity between Classified Staff, Academic Staff, and Faculty policies. The Classified Staff document does not provide any recourse for an internal grievance procedure, and the Academic Staff policy specifically denies recourse to the general Academic Staff grievance procedure in matters of disability accommodation. The DAAC also felt that having medical information provided to the UC for a faculty grievance may represent a confidentiality concern. Thus, in the end, there are three options regarding the clause.

1. The clause is included in the policy, and the UC would make the final decision regarding disability accommodations in some cases.
2. The clause is removed, and by simply not mentioning the grievance procedure, the faculty document reduces disparity between policies, yet does not preclude anyone from following the grievance procedure, described in FP&P 8.15, if they feel their rights have been violated in this or any type of action.
3. The clause is changed to deny a grievance, as in the Academic Staff policy, in which case it would be clear that the final appeal is the last internal step.

Since this was a difficult matter to decide, we thought it important to seek the UC's input on this aspect of the policy, with the understanding that State and Federal law does not mandate that the

UC have a vote in the process. This is strictly a matter of internal procedure. We look forward to your thoughts on this question.

In all else, we are confident in the policy we submit. We look forward to discussing with you any questions or comments you may have.