

Faculty Accommodation Under ADA

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FACULTY ACCOMMODATION UNDER AMERICANS WITH DISABILITIES ACT

The University of Wisconsin-Madison will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable accommodations as required to afford equal employment opportunity to qualified individuals with disabilities. The University will provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment. The purpose of such accommodation is to allow individuals to perform the duties associated with their positions.

The purpose of this document is to describe the procedure by which disability-related accommodations can be requested by current or potential members of the faculty. A brief overview of definitions is followed by description of policies and procedures.

DEFINITIONS

The following definitions and explanations may help faculty members and their departments in consideration of accommodation requests.

1. A qualified individual with a disability is someone a person who, with or without reasonable accommodation, can perform the essential functions of the employment position.
2. Reasonable accommodations are modifications which that facilitate performance of the essential functions of a job by a qualified individual with a disability. Examples include, but are not limited to, making facilities accessible, adjusting work schedules, restructuring jobs, providing assistive devices or equipment, providing readers or interpreters, and modifying work sites.
3. A job function may be considered essential for any of several reasons, including but not limited to the following: (a) the reason the position exists is to perform the function, (b) there are a limited number of available employees among whom the performance of that job function can be distributed, and/or the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function (e.g., teach a particular required course). Some of the factors that may be considered in determining whether a job function is essential include the amount and or percent of time spent performing the function and the consequences of not requiring an individual to perform the function.
4. An employer is not required to make an accommodation if it would impose an undue

hardship. The concept of undue hardship includes any action that is unduly excessively costly, extensive, or disruptive. Administrative units are not required to make accommodations that would impose an undue hardship on them.

POLICIES AND PROCEDURES

Many accommodation requests are simple and straightforward and have little impact on department functioning. For example, a person with back pain may request a better chair for his/her computer work station, an individual with carpal tunnel syndrome may ask for a wrist rest for his/her computer, or a faculty member with a mild hearing loss might request a volume device for the telephone. Other requests may be more complex and have more impact on the functioning of the unit. For example, a faculty member who acquired a disability might request an extension of the tenure clock, or modifications to an office or laboratory.

Disability-related documentation is not normally needed. In most situations, the faculty member will have adequate personal knowledge to request appropriate accommodations. In situations where it is needed, it should be kept confidential and not incorporated in the personnel file.

INFORMAL PROCEDURES TO REQUEST ACCOMMODATIONS

A faculty member who needs a modified work environment as the result of a temporary or permanent disability is encouraged to arrange accommodations on an informal basis.

1. In this informal process, faculty members may discuss their needs and requests with chairs or executive committees, seek advice and information from college-level personnel representatives, or consult informally with the Office for Equity and Diversity.
2. Accommodations granted through at this level (i.e., on an this informal procedure basis) require documentation only for reporting purposes. Specifically, the department chair will report to the Dean's Office using the UW-Madison Faculty Disability Accommodation Form. This form is solely for reporting purposes and the faculty member's name need not be used.
3. If the department does not agree with the need for the accommodation requested through the informal process, the faculty member should be advised to may initiate a formal request.

FORMAL PROCEDURES TO REQUEST ACCOMMODATIONS

The formal procedures to request accommodation shall be used to resolve accommodation issues after the informal procedures have been exhausted. A faculty member may also begin formal procedures at this point without using any informal procedures.

1. To initiate a formal request for disability accommodation, it is the responsibility of the faculty member to should provide a written request for an accommodation to the department chair. The faculty member is encouraged to work with the department chair and the Office for Equity and Diversity to prepare the accommodation request and, if necessary, to obtain the appropriate documentation from medical or rehabilitation professionals.

2. If disability-related documentation is considered necessary by the department, it is also the responsibility of the faculty member to make the initial request to the health care provider(s) (e.g., medical or rehabilitation professionals) for written verification of the need for a disability accommodation. The letter to the health care provider(s) should communicate the requirements of the position as understood by both the department chair and the faculty member, and ask the health care provider(s) whether and how (i.e., with what accommodations) the faculty member can meet these responsibilities. The letter should request that the health care provider(s) reveal only such information about the disability as is necessary to answer the questions posed.

3. If the reply from the health care provider(s) does (do) not, in the opinion of the chair, include enough information to enable the executive committee to make an informed decision about accommodations, the chair may compose a follow-up letter seeking clarification and additional information. This letter should be reviewed by the Office for Equity and Diversity and may not be sent without the consent of the faculty member.

4. "If the executive committee does not feel qualified to assess the accommodation request and attendant documentation, it should seek the advice of the 'Disability Accommodations Advisory Committee' (DAAC) before any action is taken. The DAAC will make every attempt to maintain the material as confidential."

5. The formal accommodation request and the response by the executive committee are shall be forwarded to the dean for final action approval. The dean shall file a report on the final disposition of all requests for faculty disability accommodation with the Office for Equity and Diversity.

6. Requests for tenure clock extensions must additionally be approved by the provost and the University Committee.

7. Requests should not be denied without prior consultation with the Office for Equity and Diversity.

8. If the dean If the executive committee denies the a request, or does not propose an accommodation that the faculty member regards as reasonable, the faculty member may file a grievance with the University Committee.

9. Before denying a request, however, the executive committee or dean should consult with the Office for Equity and Diversity. The executive committee must make every effort to keep the request, and information regarding it, confidential. In the event that a

request for accommodation in the form of a tenure clock extension requests that are is denied, the decision may be appealed to the chancellor through the ADA coordinator.

10. The executive committee, the dean, the DAAC, the University Committee, and all other involved university personnel must make every effort to keep accommodation requests and related information confidential.

11. A faculty member who, in the interest of confidentiality, does not wish to reveal to the executive committee the details of the claimed disability, may seek the assistance of the DAAC in framing the request, securing the necessary documentation, and presenting the request to the departmental executive committee in a form that maximizes confidentiality. The concerned faculty member should address a request for advice and assistance from the DAAC to its chair, who will make every effort to maintain the request as confidential. If the executive committee decides that requests more information that it considers is necessary, and the DAAC determines that such a request agrees that that information is necessary, the faculty member shall abide by that request.

Requests for a disability accommodation from tenured and probationary faculty members, including requests for tenure clock extensions for probationary faculty, shall be treated alike. Faculty may seek the guidance or assistance of a mentor, or another faculty member, in securing documentation, if necessary, from medical or rehabilitation professionals and presenting the request to the executive committee. The dean must approve all formal requests and all denials of requests for disability accommodations. The dean, the provost, and the University Committee must approve all requests for tenure clock extensions. The dean shall file a report on the final disposition of all requests for faculty disability accommodations with the Office for Equity and Diversity (OED).

<http://adac.wisc.edu/wiscinfo12020111.html>