

## DISABILITIES ACCOMMODATION ADVISORY COMMITTEE (DAAC) REPORT 2013-14 THROUGH NOVEMBER 2014

August 20, 2013 charge from University Committee to the DAAC:

The University Committee charges the Disabilities Accommodation Advisory Committee with:

- reviewing the University of Wisconsin-Madison's policy on faculty accommodation and the process of reviewing requests by faculty for accommodations based on disability;
- making a recommendation to the University Committee and the Faculty Senate on any changes required to bring the UW-Madison's policy into compliance with the ADA.

From the letter of charge: "To do so, we are asking the Committee to review current university policy on faculty accommodations, re-familiarize itself with the Americans with Disabilities Act, review best practices as represented by peer institutions' policies and procedures, and recommend specific changes in how accommodation requests are made."

### 2013-14 Committee Membership

Members: Ivy Corfis (chair), Barbara Lanser, Robert Lavigna, Gary Lyons, Ellen Samuels, Brian Vaughan

Consultants: Margaritis Fourakis, Cory Geisler, Bethany Pluymers

### 2014-15 Committee Membership

Members: Ivy Corfis (chair), Barbara Lanser, Robert Lavigna, Gary Lyons, Ellen Samuels, Brian Vaughan

Consultants: Margaritis Fourakis, Bethany Pluymers, Benedict Weisse

Members of the DAAC were identified and notified of the committee roster on October 3, 2013. Since the committee was constituted after the start of the semester, and many members' calendars were already filled with meetings for the fall, the DAAC held its first meeting on November 22, 2013. The committee met monthly after that date.

The DAAC began its work by surveying the CIC and other peer institutions for models and best practices. Several institutions had centralized models: e.g., Michigan State, Minnesota, Iowa, and Nebraska. All of those models have trained HR professionals as the point of contact for faculty accommodation requests. Currently at UW-Madison, it is the department chairs/directors/deans who receive and review such information. Additionally, Ohio State has a specific funding policy. The area of funding is an important issue related to disability accommodations, and the fact that a peer institution had identified funding procedures was interesting to note.

The idea of moving to a more professionalized model had several positive aspects. First, it removes any potential concern on the part of faculty (especially probationary faculty) regarding making their disabilities known to the chair/director/dean and, possibly, the departmental executive committee (EC), since those are the people who may later pass judgment on their annual or post-tenure reviews or decisions regarding promotion and tenure or employment in some way. Second, it assures that sensitive and confidential medical information is in the hands

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of HR personnel, to ensure that such material will not inadvertently end up in personnel files or that confidential information is not accidentally disseminated by chairs or EC members to other faculty members or administrators. Professionalization at the point of contact would help make the process feel safer and more welcoming, as well as confidential, and puts the verification of the disability condition, and what would constitute possible accommodations for the given condition, in the hands of HR professionals who are able to evaluate and assess such matters. Chairs/directors/deans and EC members are not trained to make such specialized determinations.

The DAAC then looked at recent campus surveys of faculty with disabilities carried out by the Women in Science & Engineering Leadership Institute (WISELI) and the Committee on Access and Accommodation in Instruction (CAAI). Both surveys had similar results. WISELI found that 8.1% of tenure/tenure-track instructional and clinical faculty on campus identified themselves as a person with a disability. The CAAI survey included roughly 1,000 participants. Of those, the 308 who completed the survey were instructional staff, 6% of whom identified themselves as having a disability. The percentages indicate that persons with disabilities are among the largest minority group found in the survey samples of instructional personnel. With an aging population and more diversity among the workforce, these numbers most likely will increase in the future. Indeed, according to US Department of Health and Human Resources,<sup>1</sup> there has been an 18% increase in the population age 65 and over between 2000 and 2011; and it is estimated that the number of people age 65 and over will more than double in number from the 35 million in 2000 to reach 79.7 million in 2040.<sup>2</sup> In Wisconsin, 17.1% of the population is projected to be 65+ by 2020, in comparison to the 13.1% recorded in the 2000 census,<sup>3</sup> and increasingly those people are staying in the workforce. According to a study of the US Bureau of Labor Statistics, 12.9% of the workforce was age 65 and older in 2000, compared to 16% in 2007, with the projected change in the labor force between the ages of 65-75 being 83.4% between the years 2006 – 2016.<sup>4</sup> Locally, at the University of Wisconsin-Madison the current percentage of faculty members ages 55-64 is 25.2%, and those 65 and over represent 10.10% of the employees. As the work-force population ages, the number of accommodations for reason of disability rises. Thus, appropriate policies and procedures for requesting accommodations and putting those requests in the hands of people trained and dedicated to deal with such matters is increasingly important. Chairs/directors/deans will not be able to deal with an increasing number of accommodation requests.

The information outlined above was confirmed to the DAAC through interviews held with 11 chairs/directors/deans who previously had worked with disability accommodations. The committee wanted to learn from those who had experience with the current accommodation process to know how it was working. The response from chairs/directors/deans highlighted several areas, some of which we had seen from reviewing the process overall and by comparing the UW policies to best practices elsewhere. In general, the themes that arose from chair/directors/deans (from L&S, CALS, SVM, and SMPH) stressed the need for the following:

- a professional staff to deal with accommodation requests
- confidentiality at all steps of the process

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<sup>1</sup> [http://www.aoa.gov/AoARoot/Aging\\_Statistics/Census\\_Population/census2010/Index.aspx](http://www.aoa.gov/AoARoot/Aging_Statistics/Census_Population/census2010/Index.aspx)

<sup>2</sup> [http://www.aoa.gov/AoARoot/Aging\\_Statistics/Profile/2012/4.aspx](http://www.aoa.gov/AoARoot/Aging_Statistics/Profile/2012/4.aspx)

<sup>3</sup> [http://www.aoa.gov/AoARoot/Aging\\_Statistics/future\\_growth/future\\_growth.aspx#state](http://www.aoa.gov/AoARoot/Aging_Statistics/future_growth/future_growth.aspx#state)

<sup>4</sup> [http://stats.bls.gov/spotlight/2008/older\\_workers/data.htm#chart\\_01](http://stats.bls.gov/spotlight/2008/older_workers/data.htm#chart_01)

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- centralized funding of accommodations to take the burden off departments, divisions, and colleges
- similar processes for academic staff, classified staff, and faculty
- more information available to faculty and chairs/directors/deans regarding the process and what it means to provide a reasonable accommodation
- updating physical structures in older buildings to accommodate faculty, staff and students with disabilities.

Paraphrasing a comment made by more than one chair/director/dean sums up the essential concern:

Not many departments are equipped to take on the responsibility of arranging an accommodation. There needs to be support from the Provost or central administration to help departments understand the importance of accommodations and make them feel supported in carrying out the accommodation and funding those efforts.

The DAAC also sent an e-mail to all faculty to ask those with disabilities to give us feedback on their experience with the accommodation process or tell us why they may not have requested an accommodation. All was done in the strictest of confidence.

There were 19 interviews with faculty members, conducted by Barbara Lanser or her faculty designee, with two additional faculty members sending comments by e-mail without a formal interview. In the interviews, the following themes emerged:

- There is a lack of communication and awareness regarding the process/policy for faculty to make accommodation requests.
- A faculty member is often willing to accept limitations and work with those limitations as they impact his/her work rather than request assistance.
- Faculty members are hesitant to make a request because they do not want to be seen as a “burden” on the department. This is especially true for probationary faculty, and the “burden” relates both to financial resources as well as seeing the faculty member as needing something.
- Costs for accommodations being paid at the department level can be perceived as a burden or unfair to departments/divisions/schools with less financial resources, and thus could create a potential for disincentive or discrimination – i.e., not hiring someone because they cost more.
- If the disability or medical issue is obvious, there is less concern with confidentiality or sharing medical information.
- Many would not want or have not shared specific details of a medical condition/disability with a chair/director/dean, and were even less interested in doing so with the executive committee.
- Generally if there is a good relationship with the chair and a supportive, open climate in the department, faculty are more willing to share personal medical information.
- Those faculty members who provided medical information for an accommodation to the chair or department are generally unaware where that medical information is being maintained.

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- Faculty members understand that the chair/director/dean and executive committee would need to know some medical information for personnel requests (i.e. tenure clock extensions, requests impacting teaching/clinical service, etc.).
- There is a lack of awareness and understanding regarding tenure clock extensions for reason of disability.
- In some situations faculty members feel the “stereotypes” about people with disabilities held by the chair/director/dean and department administrator impact decisions.
- There is a lack of ongoing attention and follow-up in situations where the faculty member has a chronic condition.
- There was a preference among interviewees for a new system where there is an expert outside the department with whom the faculty member would work when making an accommodation request.
- Getting around campus to teach, attend committee meetings, etc., is a barrier to work.

As the above shows, there is a similarity in the information provided by chairs/directors/deans and faculty members. In particular, both groups stress the need for professional staff to deal with accommodations, a concern for confidentiality, a concern for funding and physical facilities, as well as a need for more communication and information.

In revising the current 1995 policy, the committee was guided by the above information provided by faculty and hopes that its work, in addition to bringing UW-Madison faculty policies in line with state and federal laws, will also achieve the following:

- To make the accommodation request process clear, comfortable and safe for all, so that faculty, and especially probationary faculty, feel free to ask for accommodations without fear that they are imposing on a department/division/school that will later pass judgment on their tenure or other aspects of their employment.
- To offer all faculty a process that provides the opportunity to discuss their disabilities, as well as an accommodation, with someone neutral and fully versed in the disability employment laws, who is able to evaluate properly the disability and make recommendations for a possible accommodation in consultation with the chair/director/dean and possibly executive committee.
- To make the policy for faculty in line with existing policies for classified and academic staff, as much as possible, to attempt to achieve parity between of all levels.

Since the committee had a late start in 2013, it was not able to meet the original April 15, 2014 deadline set in its charge and requested an extension, which was granted through October 2014. It has submitted its policy recommendations to the University Committee as of 6 November 2014.

Submitted by

Ivy Corfis, Margaritis Fourakis, Barbara Lanser, Robert Lavigna, Gary Lyons, Bethany Pluymers, Ellen Samuels, Brian Vaughan, Benedict Weisse

6 November 2014