

# Managing Medical/Disability Accommodation Requests

## THE CHAIR'S ROLE

Office of the Vice Provost – Academic Affairs  
Department Chair Bag Lunch

December 5, 2023

# **PRESENTERS**

## **Academic Affairs**

**Binnie Singh, Assistant Vice Provost**

## **Disability Management Services**

**Elizabeth Delo, Director**

**Roslyn Lopez, Coordinator**

## **Campus Counsel**

**Deborah Maddux, Deputy Campus Counsel**

# AGENDA

- Introductions
- Overview
- How can we help?
- Scenarios
  - Legal and Policy Considerations
  - Interactive Process
  - Reasonable Accommodation
  - Requests for Remote Teaching
  - Best Practices
- Top 10 – best practices
- Resources

# Introductions and what questions do you have?

Share with us examples of what you're currently managing.

# Overview

- A disability is a physical or mental impairment that limits one or more major life activities.
- The chair is required to provide reasonable accommodations to a faculty member with a disability who requests an accommodation.
- An accommodation is determined by engaging in the interactive process to discuss essential job functions and the faculty member's disability related limitations.



# The Legal Framework

- Federal laws – The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act
- State law – The Fair Employment and Housing Act
  - “An employer...has an affirmative duty to make reasonable accommodation(s) for the disability of any individual ...unless the employer...can demonstrate, after engaging in the interactive process, that the accommodation would impose an undue hardship.”

# The Legal Framework, continued

- Legal standard for triggering the accommodation process: “Knew or reasonable should have known of the disability.”
- Reasonable Accommodations are modifications or adjustments which enable employee to perform the essential functions of the job AND to enjoy equivalent benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.
- The Interactive Process: *Timely and good faith* communication between you and the faculty member.

# Legal Support

- We are here for you!
- Counsel works with DMS, Academic Affairs and Academic leadership to provide guidance on Federal and State disability related laws and UC policy and collective bargaining agreements related to disability accommodations.



# Disability Management Services (DMS)

- We help the chair and faculty member engage in the interactive process
- We recommend reasonable accommodations
- We provide guidance on Federal and State disability related laws, UC policy and collective bargaining agreements related to disability accommodations

# Deans Office/Academic Affairs

- Can assist the chair with evaluating workplace adjustments requests based upon a family member's health condition, non-medical reasons, etc.
- Since these requests are not based upon a faculty member's own disability, a Chair can explore ideas/options but decisions are based upon operational needs.

# SCENARIO – PROFESSOR DOWNS

Professor Downs is a professor who has been doing great things in the Department. They always get outstanding reviews from their students.

They contacted you this morning and reported that they broke their toe over the weekend and now need to teach remotely for the rest of the quarter (8 more weeks). They noted that they have to use crutches to get around and it would be easier if they can just remain at home and teach over Zoom. They remind you how effective they were at teaching remotely during the pandemic.

## Academic Affairs

People > Resources > Policies > Programs > Tools > Workshops > Honors > Diversity >



Quick Link



## Navigating Disability Accommodations, including those affecting instruction

Academic Affairs • Policies • Navigating Disability Accommodations, including those affecting instruction

<https://academicaffairs.ucdavis.edu/accommodations>



# Remote Teaching Requests

- Please see this page on the Academic Affairs website:  
<https://academicaffairs.ucdavis.edu/accommodations>
- This page outlines process for disability accommodations, options for leaves, and guidance on teaching and instruction **AND** options for a chair to consider in supporting their faculty with an adjustment, to make the on campus teaching experience as comfortable as possible for the faculty member, e.g., adjustments to the classroom.



# Remote Teaching Requests

- The Academic Senate decides how instruction is offered.
- Requests for remote, hybrid or virtual instruction based upon a faculty member's disability or medical condition should be shared with DMS.
- May be considered as a temporary accommodation only after other accommodations and adjustments have been explored.

# SCENARIO – PROFESSOR ROBBINS

Professor Robbins is a professor who is not considered much of a team player in the department. However; they will offer assistance and suggestions when asked directly.

Earlier this week, they came to meet with you to share that that they have been diagnosed with Stage IV breast cancer. They are scared, and note that their physician is advising that they work and teach remotely next quarter. They report that they will be starting chemotherapy during the winter holiday break and will be immunocompromised.

# POLL QUESTIONS – SET 1

A graphic with the words "QUIZ TIME" in a colorful, 3D, blocky font. The letters are in shades of blue, yellow, and red, and have a dotted texture. The text is set against a white rectangular background.

QUIZ TIME

# POLL QUESTIONS REVIEW

## TRUE OR FALSE?

1. Knowing the faculty member's medical diagnosis is important in providing an effective accommodation. FALSE
2. Faculty have Essential Functions within their role. TRUE
3. If you have a question about the functional limitations and restrictions the faculty member has provided to you, you should call the healthcare provider for clarification. FALSE
4. Reasonable Accommodation applies only to reasonable department members. FALSE

## SCENARIO – PROFESSOR SMITH

Professor Smith is a senior faculty member who asks to discuss a personal issue with you. When you meet, Professor Smith tells you that they have noticed a definite change in their hearing. This is causing a lot of frustration in class, since Professor Smith can't always hear what students say and ask. Professor Smith tells you that they have been seeing their doctor and that they are currently undergoing tests to try to understand what's going on. Professor Smith is noticeably uncomfortable discussing this.



## SCENARIO – PROFESSOR SMITH

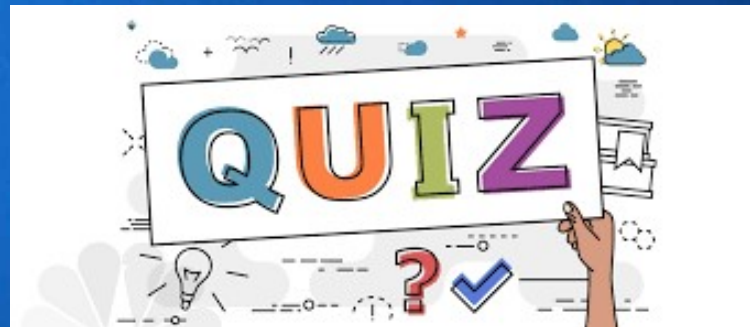
### PART TWO

Professor Smith is very productive and always gets consistently positive teaching evaluations. However, Professor Smith is not the most beloved member of the department. Other faculty members complain about Professor Smith's brusque and often demeaning style of communicating in meetings, and staff have used the word "bully" to describe Professor Smith. You, too, have generally found it very challenging to interact with Professor Smith – both as a colleague and now as department chair -- and you tend to limit your dealings with them as much as possible.

# Communication tips

- Recognize a request for accommodation vs an adjustment
- Let them know you are willing to help them even if you don't have all the answers
- Ask what job functions they are having difficulty performing
- Ask what their disability/medical related limitations are – not diagnosis
- Include a resource partner, e.g., DMS, to help you and your faculty member

# POLL QUESTIONS – SET 2



# POLL QUESTIONS REVIEW

## TRUE OR FALSE?

1. Faculty receive paid medical leave based on their rank and title.  
FALSE
2. Once you have come to an agreement with the faculty about an accommodation, it's important that you document the agreement back to the faculty member. TRUE
3. Providing medical leave is required by federal and state law.  
TRUE
4. You must wait on engaging in the Interactive until the faculty member approaches you. FALSE
5. The Interactive Process ends at the end of the academic year.  
FALSE

## SCENARIO – PROFESSOR JONES

Professor Jones is a tenured member of the department. He is a respected campus citizen, is active within the department, mentors junior faculty well, has been an active teacher, regularly has several graduate students working with him, etc.

Lately, he's been missing department meetings, hasn't been showing up for office hours, and hasn't been as visible on campus. You have heard that he's been ill, but he hasn't requested any medical leave. Rumor has it, he's "very sick." This happens to be a non-teaching quarter for him.



# POLL QUESTIONS – SET 3

The word "QUIZ!" is rendered in a bold, 3D orange font with a slight shadow, set against a white rectangular background.

**QUIZ!**

# POLL QUESTIONS REVIEW

## TRUE OR FALSE?

1. The goal is to achieve an accommodation that works for the department and the faculty member. TRUE
2. The role of the faculty member's healthcare provider is to provide the required accommodation. FALSE
3. A department chair is responsible for making accommodations with the faculty member. TRUE
4. A department chair can make accommodations that temporarily relieve essential functions. TRUE

# Reminder – Best Practices

1. Start with “How can I help you?”
2. Avoid asking or receiving medical diagnosis or specifics about the illness.
3. Engage in the interactive process and document the engagement.
4. Use your resources, DMS, dean, Acad Affairs.
5. Provide the appointee with resources and information.
6. Listen to the appointee.
7. Maintain the appointee’s privacy.
8. Remain open-minded about options.
9. Provide a consistent approach to engaging on these cases, even if they have a different outcome.
10. Document, document document!



Disability Management Services

<https://hr.ucdavis.edu/departments/elr/dms>

Academic Affairs – Accommodation Webpage

<https://academicaffairs.ucdavis.edu/accommodations>

**THANK YOU!**