

Santa Clara University
Procedures for Accommodating Faculty Who Have ADA Qualifying Disabilities
Revised May 26, 2022

Santa Clara University values diversity and is committed to provide equal employment opportunities to all qualified employees, including those with disabilities. The Americans with Disabilities Act (ADA), the California Fair Employment and Housing Act (FEHA), and Santa Clara University policy require the University to provide a workplace free from discrimination based on disability and to provide reasonable accommodations to employees with qualifying disabilities. As part of a reasonable accommodation request process, the University will engage in an interactive process with the employee. Individual faculty members will also be required to provide documentation of any recommended restrictions from an appropriately licensed health care professional so that the faculty member and the University can discuss reasonable accommodations that will enable the employee to perform the essential functions of their job. Medical documentation will be kept confidential within Human Resources. Faculty members must maintain institutional standards of performance. The University is not required to provide an accommodation that will eliminate an essential function of the job. At the same time, the University values the unique contributions to the diversity of the SCU community made by faculty with disabilities of all ranks and appointment types.

Accommodation Request Procedures

To begin the process, the individual should contact the Senior Leave Specialist¹ in the Department of Human Resources who has completed annual ADA training. The Specialist will send out an initial communication that outlines the accommodation request process and provide the necessary forms which include the ADA Employee Accommodation request form, the ADA Healthcare Provider form, the ADA Healthcare Provider Authorization form and the Faculty Job Description. These forms and Job Description are also available on the Department of Human Resources website. The individual must return the fully completed forms and required paperwork to the Senior Leave Specialist.

After reviewing the documentation and the facts of each request, the Senior Leave Specialist will engage with the faculty member in an interactive process to discuss reasonable accommodations. The interactive process is meant to be a back-and-forth dialogue regarding potential accommodations. As part of the interactive process, the Leave Specialist may meet with the faculty member and the Assistant Dean of the College or School to discuss the accommodations, including ideas and suggestions of the faculty member. The Senior Leave Specialist will avoid sharing any information from the faculty member's medical documentation that is not necessary or relevant to the discussion regarding potential accommodations.

¹ All Santa Clara staff in Human Resources and in the College and Schools with a role in the accommodations process must participate in annual ADA training.

Each accommodation request is evaluated on an individualized case-by-case basis. Among some of the factors considered in determining reasonable accommodations are:

- What accommodations may best enable the faculty member to perform the essential functions of their faculty work?
- How will the requested accommodation enable the faculty member to perform their essential job functions effectively?
- Are there other accommodations that could enhance their ability to function optimally?
- How will a proposed accommodation meet the operational needs of the department, including, without limitation, the teaching and other academic requirements the department has for student instruction?
- What strategies can be employed to ensure an inclusive community?

When necessary, the Senior Leave Specialist may contact the Associate Dean, Chair and other individuals, as needed, to ascertain the feasibility of a potential accommodation or plan for the implementation of an approved accommodation(s). Through the interactive process, the participants will seek to:

- discuss the faculty member's specific limitations as they relate to the essential functions of the job;
- identify potential reasonable accommodations that are responsive to the medical professional's evaluation and recommendations and that will also enable the faculty member to perform all essential functions of the job;
- identify the accommodation(s) that best enables the faculty member to perform the essential functions of their job; and
- document the specifics of the approved accommodation and the duration of such.

The Senior Leave Specialist may require the faculty member to provide additional documentation in order to verify a condition or to provide further information that will assist in identifying reasonable accommodations. The Senior Leave Specialist may seek advice from third-party experts when necessary. If the advice is associated with a medical record, the faculty member will be informed in writing of any such consultation and its outcome.

It is the responsibility of the Senior Leave Specialist or Director of Human Resource Operations, in conjunction with the Assistant Dean of the school or college, to determine whether a potential accommodation is reasonable in a particular case in conversation with the faculty member. The faculty member can request that the Ombuds Officer join the dialogue if the faculty member believes that the Ombuds Officer can act as a resource.

The reasonable accommodation shall be documented by placing a copy of the accommodation plan in the faculty member's ADA file in the Department of Human Resources. The faculty member can request a copy of all materials in an accessible format. Medical documentation shall be provided to and retained only by the Department of Human Resources and shall be kept confidential and separate from the faculty member's personnel file. Other offices on

campus (e.g., parking office, facilities) should consult with the Senior Leave Specialist regarding requested accommodations and may not seek redundant documentation from the faculty member. The Senior Leave Specialist will reach out to other campus units as necessary to implement approved accommodations.

If the limitations or restrictions are permanent as certified by the faculty member's medical professional, no resubmission of documentation will be required. After the initial request for accommodations, faculty members whose disabilities include fluctuating limitations or restrictions will be required to resubmit documentation from their health care provider as changes occur that are relevant to the accommodations they have in place. Faculty have the right to submit additional information or seek additional accommodation should the need arise.

Information Related to General Purpose Classrooms

Reasonable accommodations for classroom locations and features will be given the highest priority by the Office of the Registrar. It is helpful when the accommodation requests are made with as much advance notice as possible. Once the Office of the Registrar receives confirmation from Human Resources about the need for reasonable accommodation, it will work with the individual faculty member to assign a general-purpose classroom that includes the features agreed on as part of an approved reasonable accommodation.

Information Related to Funding

Funding for all approved accommodations for faculty will be funded at the University level. Funds will not come from departmental budgets.