

## **Topic**

Academic & Staff Personnel [1]

## **Policy Number**

150-28

## **Reviewed Date**

June 2, 2016

## **Responsible Office**

- Office of the Senior Vice Chancellor, Finance and Administration [2]

## **Purpose**

This policy establishes the decision-making authority and financial responsibilities at UCSF for Programmatic and Physical Barrier Removals and Accommodations required under the federal Americans with Disabilities Act (ADA) and the California State Fair Employment and Housing Act (FEHA).

## **Definitions**

### ADA Accommodation

Any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal access or equal employment opportunities.

### ADA Barrier

An organizational facility, program, service, policy, practice, or equipment that limits or denies equal access opportunities for an individual with a disability.

### ADA Coordinator

At UCSF, the Director of Affirmative Action, EEO, ADA & Title IX Compliance is responsible for coordinating organizational compliance with the Americans with Disabilities Act.

### Direct Threat

A defense available to entities for not providing an accommodation under the Americans with Disabilities Act. It refers to a significant risk of substantial harm to the health or safety of the individual with the disability or to the health or safety of others that cannot be eliminated or

reduced by accommodation. Factors to be considered for direct threat include the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm.

## Undue Hardship

Undue hardship means an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

## Policy

An essential element of compliance with the ADA is the campus' ability to respond promptly to ADA barrier removal and accommodation issues raised by members of the UCSF community. To achieve this capability, the Chancellor and the Chancellor's Executive Committee have established financial and decision-making responsibilities between and among the departments, schools, and the Office of the Chancellor.

### **A. Authority for Determining Programmatic Access for Students with Disabilities**

1. The responsibility for implementing and maintaining program accessibility for students with disabilities is shared jointly by the faculty, the respective Dean's Office or graduate program, the Office of Student Life/Student Disability Services [3], and the student in accordance with the *University of California Guidelines Applying to Nondiscrimination on the Basis of Disability* [4].
2. Due to the potential for significant campus liability in matters of ADA compliance, all decisions regarding undue hardship, direct threat, or fundamental alteration to a program are subject to final review and approval by the Chancellor or the ADA Coordinator.

### **B. Authority for Determining Accommodations for Employees with Disabilities**

1. The responsibility for determining, implementing, and maintaining accommodations for employees with disabilities is a shared responsibility of the employee's home department, the respective Vice Chancellor's or Dean's Office, Disability Management Services [5], Human Resources, and the employee in accordance with the *Guide to the Americans with Disabilities Act* [6].
2. Due to policy and legal obligations in matters of ADA compliance, ultimate decision-makers must consult with the Office of Legal Affairs regarding assessment of undue hardship, direct threat, fundamental alteration to a program, and/or of denial of reasonable accommodation.

### **C. Authority for Physical Barrier Removal in Public Areas**

1. The UCSF Capital Programs has responsibility for review of and capital planning for all accessibility and physical barrier removal in public areas of UCSF owned facilities.
2. The Office of Real Estate Assets and Development serves as liaison with landlords and property owners regarding ADA access issues that occur in rented and leased facilities.

## **D. Authority for Physical Barrier Removal in Work and Academic Areas**

The Capital Programs department has the delegated authority and responsibility for making decisions regarding physical barrier removal in work and academic areas to facilitate public accessibility.

## **E. Financial Responsibilities for Individually Based Accommodations**

Responsibilities for implementing individual accommodations for students will be referred first to Student Disability Services [3] and then to the Dean's Office of the school in which the student is based. For faculty and employees, responsibility for implementing individual accommodations will be referred first to Disability Management Services [5] and then to the administrative units, department and/or the Vice Chancellor for that area of responsibility.

## **F. Financial Responsibilities for Physical Barrier Removals in Public Areas**

1. Expenses for physical barrier removal in public areas of the campus (e.g., elevators, restrooms, water fountains, public telephones) are the responsibility of the UCSF Capital Programs.
2. Expenses for physical barrier removal in public areas of buildings co-occupied by other tenants will be prorated based on negotiations through the Office of Real Estate Assets and Development.

## **G. Financial Responsibilities for Physical Barrier Removal in Work and Academic Areas**

1. Physical barrier removal expenses for individual accommodations in University-owned work and academic areas will be referred for resolution to Disability Management Services [5] (for faculty or staff) or Student Disability Services [3] (for student accommodations). In cases where costs exceed available funding, the Dean's Office of the school where the barrier exists will be approached; for administrative units, the department and/or the Vice Chancellor for that area of responsibility.
2. In facilities not owned by the University, it is the responsibility of the Office of Real Estate Assets and Development to negotiate with the owner of the facility and, with agreement, distribute the costs which the University will bear among the appropriate parties.

## **Responsibilities**

Contact Responsible Office (see above) with any questions.

## **Related Policies**

- 150-12 - Affirmative Action/Nondiscrimination in Employment [7]
- 150-26 - Employee Disability/Reasonable Accommodation [8]

## **References**

- UCSF Campus Code of Conduct [9]
- UCSF Office of Diversity and Outreach [10]
- UCSF Disability Management Services [5]
- UCSF Student Disability Services/Office of Student Life [3]

- [UCSF Committee on Disability Issues](#) <sup>[11]</sup>
- [Disability Resources](#) <sup>[12]</sup>
- [University of California Guidelines Applying to Nondiscrimination on the Basis of Disability](#) <sup>[4]</sup>
- [Guide to the Americans with Disabilities Act](#) <sup>[6]</sup>

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- [2] <mailto:SVCPOLICIES@ucsf.edu>
- [3] <http://sds.ucsf.edu/>
- [4] <http://policy.ucop.edu/doc/2710534/PACAOS-140>
- [5] <http://hr.ucsf.edu/hr.php?org=c&AT=cm&S=Disability+Management>
- [6] <http://hr.ucsf.edu/hr.php?&A=1020&org=c>
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- [8] <https://policies.ucsf.edu/policy/150-26>
- [9] [http://chancellor.ucsf.edu/sites/chancellor.ucsf.edu/files/Code of Conduct.pdf](http://chancellor.ucsf.edu/sites/chancellor.ucsf.edu/files/Code%20of%20Conduct.pdf)
- [10] <http://diversity.ucsf.edu/>
- [11] <http://diversity.ucsf.edu/resources/committees/3296626>
- [12] <http://disability.ucsf.edu/>