



*Disability  
in  
Academe*

*Equal Opportunity and Affirmative Action Office  
Disability Resources  
Office of the General Counsel*

*Partners in Equal Access*

This document is available at:  
[http://fp.arizona.edu/affirm/Doc/Disability\\_in\\_Academe.pdf](http://fp.arizona.edu/affirm/Doc/Disability_in_Academe.pdf)

*The University of Arizona is an equal opportunity, affirmative action institution. The University does not discriminate on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identity in its programs and activities.*

*In accordance with the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973, Section 504, no qualified person will be denied access to, participation in, or the benefits of, any program or activity operated by the University because of disability. The University will not discriminate against qualified individuals with disabilities in employment practices and activities, including, but not limited to, application procedures, hiring, tenure, promotion, advancement, termination, training, compensation and benefits. The University will not discriminate against a qualified individual because of the known disability of another individual with whom the qualified individual is known to have a relationship or association.*

*Updated April 2006*

# *Reframing Disability*

## **How do we often conceptualize disability?**

- ◆ Disability is often seen as a deficiency or abnormality. The “problem” resides within the individual with the disability. The individual is the focus of the remedy.

## **How could we reframe disability?**

- ◆ Disability could be seen as just a difference. The “problem” is primarily derived from the interaction between the individual and society. The environment becomes the focus of the remedy.

### **Medical (Pathological, Individual)**

- ◆ Deficiency/abnormal
- ◆ Negative
- ◆ Problem is within the individual
  
- ◆ The individual is the focus of intervention
- ◆ The intervention agent is the professional

### **Interactional (Social, Cultural)**

- ◆ Different
- ◆ Neutral
- ◆ Problem is from interaction between individual and society
- ◆ The environment is the primary focus of intervention
- ◆ Intervention agents can be anyone

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## **How do we respond to disability?**

- ◆ Access issues are the individual's problem to solve. Access is achieved through accommodations and retrofits that are retroactive, separate, and consumable.

## **How could we respond differently?**

- ◆ Access issues become the designer's problem to solve. Environments are designed to the greatest extent possible to be usable by all. The accommodations become proactive, inclusive, and sustainable.

### **Accommodation**

Accommodations are re-applied each time a new individual enters the environment

- ◆ Individual's problem to solve
- ◆ Accommodations modifications
  
- ◆ Retroactive
- ◆ Separate
- ◆ Consumable

### **Universal Design**

Environments are designed to be inclusive, requiring little continual alteration

- ◆ Designer's problem to solve
- ◆ Environments are designed to be usable by all (greatest extent possible)
- ◆ Proactive
- ◆ Inclusive
- ◆ Sustainable

# Rethinking Obligations

Awareness of what the law says we *must* do, as a University, is imperative.

## So...what *must* we do?

- ◆ **Prohibit Discrimination:** The University prohibits discrimination, including harassment, on the basis of disability (as well as other protected bases such as race, color, religion, sex, national origin, age, veteran status, sexual orientation, or gender identity). Not only is it against University policy to engage in unlawful discrimination, it is against federal and state law to do so. Discrimination in employment can involve *any* aspect of an individual's employment including, but not limited to, hiring, firing, transfer, layoff, promotion, recruiting, applying, testing, compensation, training, and any other terms or conditions of employment.
- ◆ **Prohibit Retaliation:** The University also prohibits retaliation because an individual has engaged in a protected activity. Protected activity consists of (1) opposing a practice made unlawful by one of the employment discrimination statutes or prohibited by University policy; or (2) filing a complaint about such practice, or testifying, assisting, or participating in any manner in an investigation or other proceeding related to such a complaint. Requesting a reasonable accommodation for a disability also may be a protected activity.
- ◆ **Provide Reasonable Accommodation:** Additionally, the University must provide reasonable accommodations to qualified employees or applicants with disabilities. A disability is a known physical or mental impairment that substantially limits an individual in performing a major life activity. To be considered a "qualified" applicant or employee and entitled to receive reasonable accommodation for a disability, an individual must possess the requisite training, education, licenses or certificates (if any are required), and skills to perform the *essential functions* of the job *with or without* reasonable accommodation. An applicant or an employee can request an accommodation without using any sort of "magic words." The law does not require that a request for reasonable accommodation be in writing or that it even necessarily come from the individual requesting the accommodation, though the University has a practice of memorializing such requests in writing.
  - ◆ Reasonable accommodations for disabilities may be needed at various stages, such as during the application stage, in the actual work setting, or in order to allow the employee the enjoyment of equal benefits and privileges of the job or employment. There are numerous possibilities of types of reasonable accommodation. They may include such things as job restructuring, part-time or modified work schedule, modified leave schedules, qualified readers or interpreters, modifying facilities or equipment, or even reassignment to a vacant position (if the employee is otherwise eligible for it). Both the employer and the employee need to participate in the interactive process in determining if a reasonable accommodation exists for an individual's disability.
  - ◆ Of course, if an individual's condition, in relation to the specifics of the job, creates a *direct threat* of severe harm to the applicant, employee, or others, then the employer is not obligated to provide a reasonable accommodation or hire that individual. But that direct threat of severe harm must be based on objective evidence, not on speculation or stereotype, and must pose a significant risk of substantial harm that cannot be eliminated by a reasonable accommodation. In addition, an employer is not legally required to provide any accommodation to an applicant or employee if doing so will pose an *undue hardship* on the business operation or on the institution. An undue hardship means the

accommodation would be excessively costly, extensive, substantial or disruptive, or would fundamentally alter the operation or the nature of the business.

- ◆ **Maintain Confidentiality:** Under the law, medical information must be maintained confidentially, and kept separate from an employee's or applicant's personnel records.

### **Now...what *can* we do?**

A shift in the inquiry, from "What *must* we do?" to "What *can* we do?" is certainly never prohibited. If we "rethink" our obligations, we see that the work environment that we create for *all* individuals, those living with disabilities and those without, can be an exciting, challenging, and rewarding one. And it's that environment that can make the difference for all of our employees here at The University of Arizona.

## ***Framing Resources***

### **Disability Resources**

Highland Commons Building  
1224 E. Lowell Street  
Telephone: 621-3268  
Online: <http://drc.arizona.edu>

Disability Resources is designated to provide services, resources, and programs to facilitate equal learning and working opportunities for disabled faculty, staff, students, and guests of The University of Arizona.

***The Interactive Process:*** The process can be initiated by either the employee or the supervisor contacting Disability Resources regarding potential effects of a disability or medical condition and job responsibilities. If an employee comes forward to his or her supervisor and requests assistance with a disability or medical condition, the supervisor should refer the employee to Disability Resources – an accommodation request may not be denied by the supervisor or department before the request and any possible alternatives are thoroughly evaluated in consultation with Disability Resources.

- ◆ If the supervisor has concerns, he or she should contact Disability Resources before talking to the employee about those concerns.
- ◆ Disability Resources will work with the employee to obtain the request for reasonable accommodation and appropriate medical/disability documentation.
- ◆ Disability Resources, in collaboration with the supervisor and the employee, will determine essential functions of the employee's job and whether the employee is entitled to reasonable accommodation.
- ◆ If the employee is entitled to reasonable accommodation, Disability Resources will interact with the employee and the supervisor to identify potential reasonable accommodations that will allow the employee to perform the essential functions of the job.
- ◆ If the employee is not entitled to reasonable accommodation, Disability Resources may assist the supervisor in identifying voluntary means for meeting the employee's needs.

- ◆ Employees with disabilities are responsible for contacting Disability Resources if reasonable accommodations are not implemented in an effective or timely way.
- ◆ Employees who have been out on an extended FMLA leave for a serious health condition may find it beneficial to contact Disability Resources to discuss the need for possible accommodations.

**Confidentiality:** Disability and medical information is confidential and will not be shared except where disclosure is required by law or is necessary to facilitate legitimate University processes, including granting appropriate accommodations, addressing direct threats or investigating claims or charges. Disability Resources generally is the custodian of records for medical records obtained for the purpose of documenting disability and providing accommodations.

- ◆ Supervisors should not ask the employee for personal medical or disability information or ask questions about the disability itself. The employee is not required to disclose the medical basis for the requested accommodation to his or her supervisor.
- ◆ Should the employee choose to disclose such information, he or she should be advised that disclosure is not necessary, and that the information will be kept confidential. If documents containing medical information are received, immediately forward them to Disability Resources. Do not keep medical records in department files.

### **Equal Opportunity and Affirmative Action Office (EOAAO)**

University Services Building - Suite 217  
888 N. Euclid Avenue  
Telephone: 621-9449; TTY 626-6768  
Online: [affirm@eoaaio.arizona.edu](mailto:affirm@eoaaio.arizona.edu)

Through educational programs, investigation and resolution of complaints, and oversight activities, the EOAAO fosters an environment and culture that supports all members of the University community.

An individual who believes she or he has experienced discrimination or harassment on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identity should contact the EOAAO to speak with someone who can provide advice on handling the situation and information on filing a written complaint.

### **Human Resources (HR)**

University Services – Room 114  
888 N. Euclid Avenue  
Telephone: 621-3662  
Online: [hrinfo@email.arizona.edu](mailto:hrinfo@email.arizona.edu)

**Benefits and Employment Advising:** Provides HR information and operational and employee advising assistance to applicants, employees, and departmental representatives in a variety of areas.  
Phone: 621-3662

**Employee and Career Advising:** Advises employees on employee relations issues, lay-off resources and career development and planning strategies. (Supervisors and managers should refer to their

assigned organizational consultant for employee relations or performance management issues.)

**Phone: 621-2376**

***HR Consulting Services:*** Provides consultation and coaching services to administrators, managers, and supervisors on issues such as: workplace culture, communication and organizational design; policy interpretation and use to achieve organizational goals; performance management and disciplinary actions; work group interactions and conflict management strategies; and strategic planning and development of best practices in organizational management.

**Phone: 621-7701**

***Life & Work Connections:*** Works to increase resiliency, workplace effectiveness, and productivity in employees and the organization, by identifying, designing, and providing specialized services that address the evolving work/life needs of individuals in order to enhance their contribution to The University of Arizona and the community.

**Phone: 621-2493**

## **Rights and Responsibilities**

### *Students, Faculty, Staff, and Guests with disabilities have the right to:*

Full and equal participation in the services and activities of the University of Arizona;

Reasonable accommodations, academic/work adjustments and/or auxiliary aids and services;

Privacy and to not have confidential information freely disseminated throughout the campus;

Limit access to confidential records. In doing so, however, disabled individuals recognize that implementing accommodations may become more difficult; and

Information that is readily available in accessible formats.

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### *The University has the right to:*

Establish essential functions, abilities, skills, knowledge and standards and evaluate on this basis;

Confirm disability status and request and receive current, relevant documentation that supports requests for accommodations;

Have appropriate staff discuss individuals and their respective disabilities in order to implement requested accommodations;

Deny a request for accommodations if the documentation does not demonstrate that the request is warranted, or if the individual fails to provide appropriate documentation;

Select among equally effective accommodations; and

Refuse unreasonable accommodations that impose an undue burden or fundamental alteration.

### *Students, Faculty, Staff and Guests with disabilities have the responsibility to:*

Meet qualifications and maintain essential institutional standards for courses, programs, services, jobs and activities;

Identify as an individual with a disability when an accommodation is needed and to seek information, counsel and assistance as necessary;

Demonstrate and/or document (from an appropriate professional) how the disability limits their participation in courses, programs, services, jobs and activities; and

Follow published procedures for obtaining reasonable accommodations, academic/work adjustments and/or auxiliary aids and services; or when requesting barrier removal.

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### *The University has the responsibility to:*

Provide information to faculty, staff, students and guests with disabilities in accessible formats upon request;

Ensure that courses, programs, services, jobs, activities and facilities are available and usable in the most integrated and appropriate settings;

Evaluate students, faculty, and staff on the basis of their abilities and not their disabilities;

Respond to requests on a timely basis;

Provide or arrange reasonable accommodations, academic/work adjustments and/or auxiliary aids and services in courses, programs, services, jobs, activities, and facilities; and

Maintain appropriate confidentiality of records and communication except where permitted or required by law.

## NOTES