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December 13, 2007

Michael Brown  
CHAIR, UC ACADEMIC SENATE

**In Re: Proposed Changes to APM 710, 080, and 711**

Dear Michael:

Thank you for the opportunity to opine upon the proposed changes to APM 710, 711, and 080. The proposals were also sent to me for review by UCLA Vice Chancellor Tom Rice, whom I have copied to this letter in response. The proposals were sent to all of the committees of the Academic Senate with the specific request that the Executive Board, the Council on Academic Personnel, the Committee on Privilege and Tenure, the Committee on Diversity and Equal Opportunity, and the Faculty Welfare Committee opine. As was the case when these items were first sent for review, faculty, in general expressed support for the attempt to operationalize what they saw as business practices systemwide. Considerable improvements were implemented since the first time these were sent for review. Nonetheless, despite the general agreement of the need for policies addressing these issues, the UCLA Division is not inclined to support the proposals unless the following revisions are included.

**For APM 080**

- This revision moves in a positive direction in terms of two of the problems with the earlier version: offering a justification for itself, clarifying who shall give the faculty member advance notification of the intent to separate him or her, and stating that the proposed separation cannot take place without a hearing being held first. The major problem that remains is that the role of the Academic Senate is still unspecified, unclear, and potentially absent. The proposal now calls for a "hearing," for example, but does not say it should be held by Privilege & Tenure, or any other Senate committee. (See 080-3a) UCLA strongly believes this should be rectified.

**For APM 711**

- UCLA is in general support of proposed APM 711, but is concerned that the current draft could be read as implying that the University regards the provision of 'reasonable accommodations' to be relevant only for the performance of the 'essential functions' of academic jobs. As the UCLA Committee on Privilege and Tenure notes, the University should not adopt a regulation that could be read as disavowing any commitment to

providing 'reasonable accommodations' that speak to job functions that technically fall short of the 'essential function' standard.

Faculty are concerned that accommodations that are of low cost but of high benefit, whether or not the appointee can perform 'essential job functions' without them, can and should be undertaken. For example, opines P&T, "the provision of voice recognition software for visually disabled faculty or those suffering from chronic repetitive stress injury, which typically costs less than \$100, should not depend on whether the appointee is able to make do with touch typing. The goal should be to allow the appointee to enjoy and to contribute to the full spectrum of University life as much as appointees without disabilities."

P&T continues by pointing out that it may not be necessary to provide the full-fledged process contemplated by APM-711 for the provision of accommodations in many of these cases that do not necessarily involve 'essential functions.' "Rather, a simple process for University funding of individual departments, on an 'as-needed' basis, for the provision of accommodations to their appointees that are of low cost and high benefit, should be specified. In the absence of any reference in APM-711 to the provision of reasonable accommodations with respect to nonessential job functions, the draft sends an inappropriate message to appointees with disabilities."

There were no comments for the improvement of APM 710. I look forward to the discussion of these policies in Academic Council.

Sincerely,



Elizabeth Ligon Bjork  
UCLA Divisional Senate Chair

Cc: Tom Rice, UCLA Vice Chancellor for Academic Personnel  
Maria Bertero-Barcelo, Academic Senate Executive Director  
Jaime Balboa, CAO UCLA Academic Senate  
Vivian Rupert, Administrative Analyst, UCLA Academic Personnel Office

December 11, 2007

To: Elizabeth Bjork, Chair  
Academic Senate

From: Barry O'Neill, Chair  
Committee on Privilege & Tenure

Re: Proposals to revise APM 710, 711, 080

The Committee on Privilege & Tenure reviewed and discussed the proposals to revise APM 710, 711, 080 at meetings on November 19 and December 3. We recognize the changes made in response to previous feedback received from the previous year's committee and appreciate this additional opportunity to opine on the proposal.

### **APM 710**

The Privilege and Tenure Committee supports the proposed revision of APM-710, but suggests that a provision be included confirming that Professional Schools within the University are not barred by APM-710 from instituting more generous medical leave policies than are specified in the draft. The medical leave periods specified in the draft revision should function as a floor and not a ceiling, if Professional Schools are able to provide more generous assistance.

*The Committee on Privilege & Tenure voted to endorse the revisions to APM-710.*

### **APM 711**

The Privilege and Tenure Committee is in general support of proposed APM-711, but is concerned that the current draft could be read as implying that the University regards the provision of 'reasonable accommodations' to be relevant only for the performance of the 'essential functions' of jobs. The University should not adopt a regulation that could be read as disavowing any commitment to providing, for 'reasonable accommodations' that speak to job functions that technically fall short of the 'essential function' standard.

Accommodations that are of low cost and high benefit, whether or not the appointee can perform essential job functions without them, can and should be undertaken. For example, the provision of voice recognition software for visually disabled faculty or those suffering from chronic repetitive stress injury, which typically costs less than \$100, should not depend on whether the appointee is able to make do with touch typing. The goal should be to allow the appointee to enjoy and to contribute to the full spectrum of University life as much as appointees without disabilities.

It may not be necessary to provide the full-fledged process contemplated by APM-711 for the provision of accommodations in many of these cases that do not necessarily involve 'essential functions'." Rather, a simple process for University funding of individual departments, on an "as-needed" basis, for the provision of accommodations to their appointees that are of low cost and high benefit, should be specified. In the absence of any reference in APM-711 to the provision of reasonable accommodations with respect to nonessential job functions, the draft sends an inappropriate message to appointees with disabilities.

*A unanimous vote resulted in the committee endorsing the revisions with reservations and specific concerns outlined above.*

### **APM 080**

The revisions to APM-080 responded to the concerns of the faculty. In particular, the Privilege & Tenure Committee supports the role contemplated for it in the Medical Separation process made more explicit in the current revision. The Committee continues to believe, however, that promulgation of this revision should be accompanied by a statement explaining why the changes are needed.

*The Committee on Privilege & Tenure voted to endorse the revisions to APM-080.*

Cc: Jaime Balboa, Chief Administrative Officer, Academic Senate  
Dayna Baker, Senior Policy Analyst, Academic Senate  
Matthew Malkan, Professor, Physics & Astronomy  
Anne Mellor, Professor, English  
Ruth Milkman, Professor, Sociology  
Kyeyoung Park, Professor, Anthropology  
Arnold Scheibel, Professor, Neurobiology & Psychiatry  
Clyde Spillenger, Professor, Law