

080-0 **Policy**

Medical separation will be considered only in cases where a long term or serious disability occurs that cannot be reasonably accommodated. Prior to medical separation, the University will engage in an interactive process in accordance with the provisions of APM - 711, Reasonable Accommodation for Academic Appointees with Disabilities. After an appropriate period of leave and/or other accommodation(s), if an academic appointee is still unable to return to work and/or perform the essential functions of the position within a reasonable period of time, a medical separation review may be initiated. Thereafter, an appointee's inability to perform the essential assigned functions of the position, with or without reasonable accommodation, due to a disability or medical condition will constitute a good cause for termination, and an appointee may be separated after the required review is completed.

080-1 **Basis for Medical Separation Review**

Whenever possible, the chair, Dean, or unit head, or the campus Disability Management office (or equivalent) shall consult with an academic appointee who is being considered for a medical separation review prior to the initiation of such a review.

If after consultation with the Disability Management office (or equivalent) the chair, Dean, or unit head determines that a medical separation review may be appropriate, the chair, Dean, or unit head will prepare written documentation describing the essential functions of the position that the academic appointee is unable to perform, the interactive process that took place in consideration of possible reasonable accommodation, why reasonable accommodations were not possible or were unsuccessful, and any other pertinent documentation. (See APM - 210-1-d, other relevant academic personnel policy, or job description for criteria for standards of essential job functions; see APM - 711-5 and -80 for information about the interactive process and reasonable accommodation). The chair, Dean, or unit head shall notify the appointee in writing that the file has been prepared and that it is being sent to the Chancellor for review. The file will then be reviewed by the Chancellor who, upon approval, will forward the request for a medical separation review to the campus Disability Management office (or equivalent). In cases where the Dean initiates the request for a medical separation review, the chair shall be consulted before the file is submitted to the Chancellor. In cases where the chair or unit head initiates the request for a medical separation review, the Dean must approve the request before the file is submitted to the Chancellor. The file shall include any comments received from the Dean and/or

chair and/or unit head. The Disability Management office (or equivalent) will review the statements of the chair and/or Dean and/or unit head and any other pertinent material. The Disability Management office (or equivalent) will advise the Chancellor whether or not a medical separation is appropriate. The Chancellor shall then determine whether or not to proceed with a medical separation. The authority to make this determination rests with the Chancellor, and this authority may not be redelegated.

The University may also initiate a medical separation review based on notice of approval of disability income from a retirement system to which the University contributes, such as UCRP or PERS, or approval of University long-term disability insurance benefits.

080-3 **Notice**

An academic appointee shall be given advance written notice by the Chancellor of the intention to separate. The notice shall state the reason for medical separation and include copies of the statements of the chair and/or Dean and/or unit head and any other pertinent material considered.

- a. For Academic Senate faculty the notice of intent to separate shall state that the faculty member has the right to respond either orally or in writing within thirty (30) calendar days of the date of issuance of the notice regarding the separation and the right to a hearing before the properly constituted advisory committee of the Academic Senate under Regents Standing Order 103.9. The notice shall include the name of the person to whom the faculty member should respond. The faculty member must respond within thirty (30) calendar days to request a hearing; otherwise, the Chancellor will make a final decision as to whether or not to forward the medical separation recommendation to the President. Upon recommendation of the President, the file shall be forwarded to The Regents for approval. The authority of the Chancellor to recommend medical separation to the President may not be redelegated.
- b. For non-Academic Senate faculty the notice of intent to separate shall state that the faculty member has the right to respond either orally or in writing within thirty (30) calendar days regarding the separation and the right to a hearing before the properly constituted advisory committee of the Academic Senate under Regents' Standing Order 103.9. The notice shall include the name of the person to whom the faculty member should respond. The appointee must respond within thirty (30) days to request a hearing; otherwise,

the Chancellor will make the final decision as to whether or not to proceed with a medical separation. The Chancellor may not redelegate the authority to decide whether to proceed with a medical separation. If the Chancellor decides to proceed, a written notice of medical separation will be issued within sixty (60) calendar days of the notice of intent. The non-senate faculty member shall be notified of the effective date in writing and of the right to grieve under APM - 140 if the appointee did not elect a hearing under Regents' Standing Order 103.9.

- c. For other academic appointees the notice of intent to separate shall state that the appointee has the right to respond either orally or in writing within thirty (30) calendar days. The notice shall include the name of the person to whom the appointee should respond. If the Chancellor determines that a medical separation is appropriate following the review of a timely response, if any, from the appointee, a letter of medical separation shall be issued to the appointee within sixty (60) days of the date of the notice of intent. The letter shall include the separation date and the right to file a grievance under APM -140.

080-24 **Authority**

- a. For Academic Senate faculty, the Chancellor is authorized to recommend medical separation to the President. Authority for approving medical separation of an Academic Senate faculty member rests with The Regents, upon recommendation of the President. The authority of the Chancellor to recommend medical separation to the President may not be redelegated.
- b. The Chancellor has the authority to approve the medical separation of non-Academic Senate faculty in accordance with this policy and after appropriate due process. This authority may not be redelegated.
- c. The Chancellor has the authority to approve the medical separation of other academic appointees in accordance with this policy and after appropriate due process.