

**UNIVERSITY OF CALIFORNIA  
BERKELEY CAMPUS**

**MANAGEMENT/SENIOR PROFESSIONALS PROGRAM**

**POSITION DESCRIPTION**

NAME: Sarah Hawthorne  
TITLE: Assistant Provost, Equity Standards & Compliance

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The Assistant Provost of Equity Standards & Compliance (AP-ESC) is the University's top administrator with responsibility for ensuring the University provides an academic environment that is free from discrimination on the basis of disability, race, color, national origin, gender, age, and other prohibited bases. This position is responsible for supervising several staff and student workers who together implement a program that is both proactive (training , consulting, disseminating educational materials, etc.) and responsive to concerns that the University has failed to provide an academic environment that is free from prohibited types of discrimination. In her area of expertise she advises administrators at the highest level and makes policy decisions related to campus compliance and implementation of anti-discrimination laws, especially the Americans with Disabilities Act (ADA).

**RESPONSIBILITIES:**

The AP-ESC's functions and responsibilities are predominantly devoted to disability access and compliance, including providing campus-wide leadership in disability services and the programmatic removal of physical barriers to Access on the campus. The AP-ESC has overall authority and responsibility to ensure that students with disabilities are provided Program Access to UC Berkeley's programs, services and activities.

With respect to the responsibility to be ensure that persons with disabilities have access to University facilities, routes of travel, transportation, technology, parking, emergency evacuation, etc., this position responds to issues brought to its attention by partnering to develop solutions and providing recommendations as to policies and procedures. To this end, the AP-ESC regularly meets with representatives of Facilities Services/Capital Projects, the Disabled Students Program, and academic administrators and supervisors. She advises other campus units as appropriate, such as Space Management, Parking & Transportation, the Registrar's Office, the Admissions Office, Educational Technology Services, Education Abroad, Office of Emergency Preparedness, Disability Management Services, Risk Management, Office of Student Life, ASUC, Cal Performances, the Ombuds, and Alumni Association. The AP-ESC is a member of campus wide committees, e.g., such as the Joint Oversight Committee for Parking & Transportation, and the Committee for Campus Classroom Policy and Management.

**Complaint Resolution**

With respect to those entities on campus that have responsibility to process complaints, grievances, and allegations of noncompliance with University policy and/or state/federal laws, the AP-ESC enables such entities to identify and appropriately respond to allegations of

discrimination on a prohibited bases. Such entities include the Academic Personnel Office, the Graduate Grievance Procedure, the Student Judicial Affairs Office, Human Resources, Admissions and Enrollment, Whistleblowers Process, Housing's Student Judicial Affairs, etc. The AP-ESC also supports the Academic Senate in fulfilling its obligation to ensure that 1) faculty conduct is consistent with the University's commitment to maintain an academic environment free of discrimination on prohibited bases, and that 2) policies and procedures are in place with respect to University accommodation of faculty with disabilities. In particular, the AP-ESC is charged with the responsibility for ensuring that procedures are in place to determine the validity of all complaints and proposals regarding accessibility to UCB and all of its facilities.

Regarding complaints related to academic departments and filed with entities outside the University, the AP-ESC acts as campus liaison between the University and external regulatory agencies including the Office of Federal Contract Compliance Programs (OFCCP), Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of California Department of Fair Employment and Housing (DFEH). With respect to the foregoing, the AP-ESC is responsible for coordinating and responding (including coordination of data collection) on behalf of the campus to nondiscrimination compliance reviews of campus programs, and ensuring compliance with any agreements reached with these agencies.

The AP-ESC consults and works with Assistant Chancellor-Legal Affairs, with General Counsel of the University, and other legal representatives as appropriate. In legal proceedings pertaining to discrimination allegations related to the academic departments, the AP-ESC (or designee) often acts as the campus representative, and supports University Counsel in negotiating settlements in consultation with the Executive Vice Chancellor and Provost. She oversees implementation of such settlements/orders in collaboration with appropriate units on campus.

#### Gustafson v. UC Regents Settlement

This position serves as campus coordinator for issues related to physical access covering the entire Berkeley campus. As specified in the Gustafson v. UC Regents agreement (March 23, 2005), AP-ESC must have experience in analysis and evaluation of Accessibility, from the standpoint of people with disabilities, of public entities' programs, services and activities. This position has monitoring authority over all Access issues related to policy, programs, equipment selection and environments, and is accountable for internal monitoring of compliance with Access standards and ensuring campus-wide Access. The AP -ESC co-chairs the campus Facilities Access Program Oversight Committee ("FAPCO"), which oversees implementation of the campus multi-million dollar long term (14 year) program to significantly upgrade the accessibility of campus facilities and paths of travel. She solicits expert opinion on construction, alteration, demolition, and removal of accessibility barriers according to law and rules of reason.

The AP-ESC shall report directly to the University's Executive Vice Chancellor and Provost with respect to the topics addressed by the Gustafson Agreement. This reporting relationship is to be memorialized in the University's organizational chart and publicized through its websites. In accordance with the Gustafson v. UC Regents settlement, the AP-ESC has the duty and authority to carry out the following responsibilities:

- a. Periodically reviewing, implementing, and modifying as appropriate UC Berkeley's policies and procedures to ensure that Program Access is achieved and maintained and that students with disabilities receive appropriate auxiliary aids, services and accommodations;
- b. Regularly evaluating the Accessibility of programs, services and activities;
- c. Regularly assessing and identifying physical Access barriers which impede Program Access to any or all of UC Berkeley's programs, services and activities and initiating steps to eliminate or obviate any such barriers;
- d. Assessing whether the purchase or provision of Accessible equipment is needed to ensure the Accessibility and usability of any or all of UC Berkeley's programs, services and activities;
- e. Reviewing the Building Evacuation Policy and ensuring implementation of procedures designed to protect the safety of persons with disabilities during emergencies;
- f. Supervising staff in the Office of Equity Standards and Compliance;
- g. Providing a website containing University policies relevant to students with disabilities, as well as links to other pertinent sites;
- h. Providing a centralized point of contact and an avenue of appeal for students raising disability Access and accommodation issues, and responding to inquiries and complaints from students on those issues;
- i. Clarifying and streamlining procedures (i) for students to obtain Access modifications or accommodations, and (ii) for students to appeal denial of same;
- j. Overseeing the effectiveness of classroom re-assignment and other activities as necessary to provide Program Access for students with disabilities to any or all of UC Berkeley programs, services and activities;
- k. Administering special funds, specifically the Berkeley Campus Plan for Funding Reasonable Accommodations for Individuals with Disabilities and the "Quick Fix" physical access discretionary fund, which is available to the AP-ESC to address disability Access issues encountered by individual students. The AP-ESC will maintain a log of all requests received and the responses thereto, which shall be attached to each Gustafson Settlement Progress Report. During the first year of the Monitoring Period, and thereafter as necessary, the AP-ESC will assess whether this fund is sufficient to accomplish its intended purpose of resolving individual Access issues in a timely manner, and will include those findings in the Settlement Progress Reports;
- l. Identifying any other measures that may be necessary during the Gustafson Monitoring Period to ensure Program Access to any or all of UC Berkeley's programs, services, and activities, and taking steps to implement such measures;
- m. Training students and faculty concerning the needs and rights of students with disabilities, including effectively disseminating clear, simple, non-contradictory explanations of rights, policies, procedures, and appeal processes; and
- n. Providing internal monitoring of the University's compliance with this Agreement, including without limitation its reporting obligations.

**KNOWLEDGE:**

This position requires thorough knowledge of anti-discrimination and equal employment opportunity laws, regulations and guidelines, and at least three years of professional level experience. Ability to work with and gain the confidence of senior administrators, faculty, University and outside legal counsel, and officials of state and federal agencies. Experience dealing with confidential and highly sensitive issues. Superior negotiation skills. Excellent verbal, analytical and written communication skills. Demonstrated ability to develop detailed,

precise responses to requests from legal counsel and external agencies while also keeping broader ramifications and issues in view.

This position also requires an intimate working knowledge of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended and modified by court decisions. Familiarity with ADA and Section 504 regulations as adopted by federal agencies with special regard to their impact on postsecondary educational institutions. Direct working knowledge of, and experience in, the development and conduct of an ADA or 504 self-evaluation as applied to institutional services, policies, procedures, and practices to assure compliance; and a clear understanding of the means of achieving program accessibility and the factors used to determine when structural rather than non-structural changes are appropriate as required for the development of an ADA or 504 transition plan. Working knowledge of architectural accessibility standards contained in the various editions of ANSI and Title 24 of the California Code of Regulations, as well as the Uniform Federal Accessibility Standards \*UFAS), UFAS Retrofit Manual, and ADA Accessibility Guidelines (ADAAG). Thorough familiarity with ADA & 504 non-discriminatory employment practices, with special emphasis on knowledge of reasonable accommodation techniques and methods for determining essential job functions and relatedness.

**SKILLS:**

The AP-ESC must have a superb ability to analyze complex issues and make recommendations that balance multiple competing interests. She must be able to function well under pressure and be capable of effective action and follow-up. This position requires a high degree of originality and adaptability. It frequently requires the development of new analytical techniques, creative approaches in resolving policy or management dilemmas, the ability to take established policies or procedures and to apply them to solve problems, and the ability to recommend changes in policies and management procedures. This position has always been held by an individual with a law degree as legal analysis is a core component of the skills/knowledge necessary to successfully fulfill the job responsibilities.

**RESOURCE MANAGEMENT:**

The AP-ESC supervises and coordinates the work of staff in the office of Equity Standards & Compliance. The staff positions in this office include professional personnel, in addition to part-time student workers.

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Vice Provost Jan de Vries  
Academic Affairs and Faculty Welfare

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Date

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Assistant Provost Sarah Hawthorne  
Equity Standards & Compliance

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Date