

General University Policy Regarding Academic Appointees: APM - 080 - Medical Separation

080-0 Policy

Medical separation will be considered only in cases where an academic appointee has a disability (or a medical condition that has become disabling) that cannot be reasonably accommodated without causing undue hardship. 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](#). If an academic appointee holding an appointment that is not self-terminating is still unable to return to work and/or perform the essential functions of the academic position after the interactive process has been exhausted, a medical separation review may be initiated. The interactive process is exhausted when it has been determined that (a) no reasonable accommodation(s) can be provided that would enable the academic appointee to perform the essential assigned functions of the position without causing undue hardship and (b) there is no alternative vacant position on campus for which the employee is qualified and can perform the essential functions, with or without reasonable accommodation.¹ Such a determination shall constitute good cause for medical separation. After the required medical separation review has been completed, the academic appointee may be medically separated pursuant to the procedures in this policy.

080-10 Procedures for Medical Separation Review

This section sets forth the procedures for conducting a medical separation review.

- a. Prior to the initiation of such a review, the Department Chair, Dean, or unit head, with the assistance of the campus Disability Management office (or equivalent), shall attempt to consult with an academic appointee who is being considered for a medical separation review.
- b. Thereafter and after consultation with the Disability Management office (or equivalent), and discussion with the appointee, if possible, the Department Chair, Dean, or unit head may determine that a medical separation review should be initiated.

Another ground for initiating medical separation review is the employee's receipt of or University approval of disability income from a retirement system to which the University contributes, such as the University of California Retirement Plan (UCRP) or Public Employees' Retirement System (PERS), or the approval of benefits from University long-term disability insurance.

¹ The academic appointee would be expected to apply for the position. See [APM - 711-5](#) and [APM - 711-80](#) for descriptions of the interactive process and reasonable accommodation for academic appointees.

- c. To initiate a medical separation review, the Department Chair, Dean, or unit head will prepare, in coordination with the Disability Management office (or equivalent), a medical separation review file. The file should describe the essential functions of the position, those functions that the academic appointee is unable to perform, the interactive process that took place to consider possible accommodations, and why reasonable accommodations were not possible or were unsuccessful; and it should contain any other pertinent documentation. (In determining essential job functions, see [APM - 210-1-d](#) or other academic personnel policies relevant to the appointee's title series. Concerning the interactive process and reasonable accommodation, see [APM - 711-5](#) and [APM - 711-80](#).)
- d. After a review and recommendation by the Department Chair or unit head and the Disability Management office (or equivalent), the Dean shall decide whether to forward the file to the Chancellor for a determination. If forwarding it, the Dean shall first send to the appointee a copy of the medical separation review file with a notice of intent to forward the file to the Chancellor and stating that the appointee may respond verbally or in writing to the Dean within thirty (30) consecutive days of the date of the notice. Following a review of any such response, which shall be added to the review file, the Dean may decide to forward the file to the Chancellor.

080-20 Notice of Intent to Separate and Notice of Action

If determining to proceed with a medical separation, the Chancellor shall provide written notice to the appointee of the intention to separate, stating (1) the reason for medical separation, and (2) that the appointee has the right to respond either verbally or in writing, to a designated person, within thirty (30) consecutive days of the date of the notice. Accompanying the notice of intent to separate will be a copy of the review file upon which the Chancellor relied. Any subsequent written response of the appointee shall be added to the review file.

a. Faculty with Tenure or Security of Employment

- (1) For faculty with tenure or security of employment, the notice of the intent to separate shall also state that the faculty member has the right to a hearing before the properly constituted advisory committee of the Academic Senate under [Regents' Bylaw 40.3\(c\)](#) and [Academic Senate Bylaw 337](#).
- (2) For cases involving faculty with tenure or security of employment, only, and prior to making a determination of medical separation, the Chancellor, in accordance with [Regents' Bylaw 40.3\(e\)](#) shall consult with the Chair of the Committee on Privilege and Tenure who shall respond in writing to the Chancellor within fifteen (15) business days. The Chancellor shall then determine whether to continue the process of a medical separation. The authority to make this determination for faculty with tenure or security of employment rests with the Chancellor and may not be redelegated.
- (3) Following a response from the Chair of the Committee on Privilege and Tenure, and following a response by the faculty member and/or following a hearing, if any, the

Chancellor shall decide, based on the file and any hearing record and recommendation, whether to recommend medical separation. If so recommending, the Chancellor shall forward a recommendation with the medical separation file to the President for a decision whether to recommend medical separation to The Regents for approval in accordance with [Regents' Bylaw 40.3\(e\)](#).

b. Faculty without Tenure or Security of Employment

- (1) For faculty without tenure or security of employment, the notice of intent to separate shall state that the faculty member has the right, within thirty (30) consecutive days of the notice of intent, to request a hearing before the properly constituted advisory committee of the Academic Senate under [Regents' Bylaw 40.3\(c\)](#) and [Academic Senate Bylaw 337](#).

Typically, within sixty (60) consecutive days of a recommendation following a hearing, or the waiver of a hearing by the failure to request it within thirty (30) consecutive days from the date of the notice of intent, the Chancellor shall determine, based on the file and any hearing record and recommendation, whether to proceed with medical separation.

- (2) If proceeding, the Chancellor shall send to the faculty member a written notice of action to medically separate, which shall state the effective date of separation and the right to grieve under [Academic Senate Bylaw 335](#) for Academic Senate faculty or under [APM - 140-33](#), Non-Senate Academic Appointees/Grievances, for Non-Senate faculty (if the faculty member did not previously elect a hearing under [Regents' Bylaw 40.3\(c\)](#)).

c. Other Academic Appointees

For other academic appointees, if having determined that a medical separation is appropriate following review of the file, the Chancellor shall issue a written notice of action to medically separate, typically within sixty (60) consecutive days of the date of the notice of intent. The written notice shall state the effective date of separation and the right to grieve under [APM - 140-33-B](#), Non-Senate Academic Appointees/Grievances.

d. Adequacy of Notice

During the review process a documented effort to contact the appointee via phone, mail, and email shall be made. The written notice of intent and notice of action to medically separate shall be sent by U.S. first class mail to the appointee's home address on file with the payroll office.

080-24 Authority

- a. For faculty with tenure or security of employment, the Chancellor has the authority to recommend medical separation to the President; this authority may not be redelegated. Authority for approving medical separation of a faculty member with tenure or security of employment rests with The Regents, upon recommendation of the President.

- b. For faculty without tenure or security of employment, the Chancellor has the authority to approve medical separation in accordance with this policy. This authority may not be redelegated.
- c. For other academic appointees, the Chancellor has the authority to approve medical separation in accordance with this policy.

Revision History

April 20, 2022:

- Technical revisions to update references to Regental governing documents.

For details on prior revisions, please visit the [Academic Personnel and Programs website](#).