

 KENNESAW STATE UNIVERSITY	Policy Title	ADA Reasonable Accommodation Policy
	Issue Date	December 20, 2021
	Effective Date	July 1, 2024
	Last Reviewed/Updated	April 8, 2024
	Responsible Office	Human Resources
	Contact Information	Office of Human Resources Phone: 470-578-6030 Email: hr@kennesaw.edu

1. Policy Purpose Statement

This policy is to inform all Kennesaw State University (KSU) employees and job applicants that the University complies with the Americans with Disabilities Act (ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). This policy provides for the procedures established to assist job applicants and KSU employees, including faculty and staff with disabilities, with requesting a reasonable accommodation.

2. Background

The Americans with Disabilities Act (ADA), as amended by the Americans with Disabilities Amendments Act (ADAAA), prohibits discrimination in the workplace on the basis of a disability and requires that employers provide reasonable accommodation to qualified individuals with a disability. Kennesaw State University also has a [Non-Discrimination Policy](#) that similarly prohibits discrimination on the basis of disability. Therefore, absent undue hardship, both the ADA and KSU policy require the University to provide a reasonable accommodation to job applicants and employees who are qualified individuals with a disability so they may perform the essential job duties of a position.

3. Scope (Who is Affected)

All KSU employees, including faculty, staff, and student employees, and applicants for employment at KSU.

Note: KSU students (undergraduate and graduate) should refer to the Office of Student Disability Services at <https://sds.kennesaw.edu/>.

4. Exclusions or Exceptions

None

5. Definitions and Acronyms

Applicant: An individual pursuing an employment opportunity with the University by submitting a completed application for a specific, vacant position.

Employee: Any faculty member, staff member, or student employed by KSU, including hourly, salary, part-time, and full-time employees.

Essential Function(s): The ADA generally defines essential functions to mean the fundamental job duties of the position the individual with a disability holds or desires. This term does not include the marginal functions of the position. A job function may be considered essential because for any of several reasons, including, but not limited to, the following: (1) the function may be essential because the reason the position exists is to perform that function; (2) the function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or (3) the job function is highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Disability: Defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

Human Resources (HR): KSU Office of Human Resources.

Major Life Activities: Identified by the ADA to include, but not limited as, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of major bodily functions.

Major Bodily Functions: Identified by the ADA to include, but not limited as, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Reasonable Accommodation: A modification or adjustment to the job application process, or the work environment, that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.

Substantial Limitation (Substantially Limiting): Defined by the ADA as the inability of an individual to perform a major life activity as compared to most people in the general population.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodation or auxiliary aides or services; or learned behavioral or adaptive neurological modifications.

Qualified Individual with a Disability: An individual with a disability (*see definition above*) is qualified if he or she possesses the requisite skills, education, experience, and other job-related requirements of the position the individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position. An applicant must satisfy the minimum qualifications for the job for which he or she is applying in order to be considered qualified.

Undue Hardship: The ADA defines undue hardship as significant difficulty or expense incurred by an employer, with respect to the provision of accommodation. Hardship also refers to an accommodation that is unduly extensive, substantial, or disruptive; or one that would fundamentally alter the nature of the position or operation of the business. Factors considered in determining whether accommodation is an undue hardship may include cost of the accommodation, size of the employer, financial resources, and the nature and structure of the operation.

6. Policy

Kennesaw State University will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so creates an undue hardship to the University or the accommodation causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated or reduced by reasonable accommodation.

7. Associated Policies/Regulations

- a. [University System of Georgia Human Resource Administrative Practice Manual, Employment: Americans with Disabilities Act](#)
- b. [U.S. Equal Employment Opportunity Commission Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)
- c. [U.S. Department of Labor Office of Disability Employment Policy](#)
- d. [KSU Non-Discrimination Policy](#)

8. Procedures Associated with this Policy

For further information, refer to KSU's Americans with Disabilities Act (ADA) Accommodation Process and Procedures.

The Human Resources Benefits team department is responsible for administering and overseeing the ADA Reasonable Accommodation Policy and process, including the determination of employee eligibility, initiating the interactive process, assessing safety/direct threat and undue hardship issues, and making the determination (approval, denial, amendment) of reasonable accommodation.

The decision as to whether the employee is eligible under the ADA and whether reasonable accommodation, if any, can be made without undue hardship or threat to health and safety is decided on a case-by-case basis in accordance with the ADA, USG and KSU policy. Employees are not guaranteed to receive their preferred reasonable accommodation. The employee will be provided accommodation that is effective. The principal test is whether the accommodation will provide an opportunity for a person with a disability to achieve the same level of performance and to enjoy benefits equal to those of an average similar-situated person without a disability.

Appeal

Employees may appeal a denial of or an amendment to a request for an ADA accommodation by submitting a written request to the University's Chief Human Resources (CHRO) within 15 calendar days of receipt of the Determination. The CHRO will determine whether the denial or amendment of an accommodation request complies with the University's ADA policy, process

and procedures. The decision of the CHRO is a final decision.

Confidentiality

While supervisors may know the functional limitations of an employee or applicant, only designated Human Resources or Legal employees will have access to an employee's or applicant's confidential medical information. This confidential medical information will only be disclosed with the written consent of the employee or applicant. Designated Human Resource employees may contact an employee's health care provider, with the appropriate signed medical release, to secure relevant and necessary information to process the employee's ADA accommodation request.

Other Procedures:

[KSU ADA Accommodation Request Process](#)

9. Forms Associated with this Policy

- a. [KSU Accommodation Request Form](#)
- b. [KSU Employee ADA Medical Certification Form](#)

10. Violations

Employees who violate the Americans with Disabilities Act (ADA) Reasonable Accommodation Policy will be subject to corrective action up to, and including, termination.

11. Review Schedule

This policy is reviewed annually by the Chief Human Resources Officer or designee.

For use by the KSU Institutional Policy Facilitator Only

At Kennesaw State University, institutional policies that have undergone the established shared governance review and feedback process are presented to the President and Provost for final approval. The signatures below indicate this institutional policy has been reviewed and approved by the President and Provost.

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June 18, 2024
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DocuSigned by:

June 18, 2024
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Dr. Kathy S. Schwaig,
President
Kennesaw State University

Dr. Ivan Pulinkala
Provost and Executive Vice President for
Academic Affairs
Kennesaw State University