



## **Policy on Americans with Disabilities Act (ADA)**

### **Policy Statement and Purpose**

Fort Valley State University (FVSU) is committed to providing equal employment opportunities and access to all employees and applicants in accordance with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act of 2008 (ADAAA). It is the policy of FVSU to ensure that individuals with disabilities are not discriminated against in any terms, conditions, or privileges of employment. This policy ensures consistency with the practices state and federal law, as well as University System of Georgia (USG) and the Board of Regents (BOR) policies and procedures.

#### **A. Policy Application and Effective Date**

This policy applies to all FVSU employees (faculty, staff, and student workers) and applicants for employment at FVSU. This policy is effective as of October 27, 2025.

#### **B. Definitions**

**I. ADA:** Americans with Disabilities Act

**II. ADAAA:** Americans with Disabilities Act Amendments of 2008

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

**IV. Direct Threat:** A significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

**V. Disability:** A physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such impairment, has a record of such an impairment, or is regarded as having such an impairment is a “disabled individual.”

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

**VII. Essential Job Function:** Refers to those activities of a job that are core to performing said job for which the job exists that cannot be modified.

**VIII. Qualified Employee:** An individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

**IX. Reasonable Accommodation:** Any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, teleworking, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, additional unpaid leave, and other similar accommodations for individuals with disabilities.

**X. Undue Hardship:** An action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

### **C. Policy**

FVSU prohibits discrimination against qualified applicants with disabilities and employees with disabilities in all employment practices who can perform the essential functions of the job, with or without reasonable accommodation(s).

FVSU will reasonably accommodate qualified applicants and employees with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to FVSU. Individuals currently using illegal drugs are excluded from coverage under FVSU's ADA Policy.

The Office of Human Resources (HR) is responsible for implementation of this Policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

#### **I. An individual with a disability**

An individual is disabled under the ADA, ADAAA, and this Policy if he or she:

- Has a physical or mental impairment that substantially limits one or more major life activities (actual disability)<sup>1</sup>;
- Has a record of such an impairment (record of a disability); or
- Is regarded as having such impairment (regarded as having a disability).

#### **II. Accessing Disabilities and Impairments**

##### **In accordance with the ADA and ADAAA:**

- Mitigating measures (excluding ordinary eyeglasses or contact lenses) shall not be considered in assessing whether an individual has a disability;
- An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active;

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<sup>1</sup> The term "major life activities" includes, but is not limited to performing manual tasks, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, as well as the operation of major bodily functions such as the immune system, normal cell growth, digestive, neurological, respiratory, circulatory, endocrine, and reproductive systems.

- An individual subjected to an action prohibited by the ADA (e.g., failure to hire) because of an actual or perceived impairment will meet the “regarded as” definition of disability, unless the impairment is transitory and minor<sup>2</sup>;
- Individuals covered only under the “regarded as” prong are not entitled to reasonable accommodation; and
- The definition of “disability” should be interpreted broadly.

### **III. Reasonable Accommodations for a Qualified Employee or Applicant with Disability**

A qualified employee or applicant with a disability may make a reasonable accommodation request with the Office of HR’s ADA Coordinator.<sup>3</sup>

Reasonable accommodation may include, but is not limited to:

1. Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
2. Job restructuring, modifying work schedules, reassignment to a vacant position.
3. Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.
4. Making a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the operation of the employer’s business.
5. FVSU is not required to lower quality or production standards to make an accommodation; nor is FVSU obligated to provide personal use items such as glasses or hearing aids.

### **IV. Requesting Reasonable Accommodation**

Any person wishing to self-identify as disabled or request a reasonable accommodation due to a disability should contact the Office of HR’s ADA Coordinator by phone, email, or in person. The ADA Coordinator will actively engage in an interactive process with the employee or applicant who request accommodations to determine what, if any, accommodation can be provided. The Office of HR and the ADA Coordinator aims to process requests for accommodations in a prompt and efficient manner.

The employee or applicant must provide the ADA Coordinator with documentation provided by an appropriate health care professional which may include, but not limited to:

- a. Diagnosis of existing physical or mental impairment that substantially limits one or more major life activities.
- b. Identification of the accommodation(s) which will allow the employee to meet all of the essential functions of the employee’s job.

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<sup>2</sup> An individual is “regarded as” having a disability if they are subjected to discrimination or adverse treatment based on an actual or perceived physical or mental impairment, regardless of whether the impairment limits a major life activity. This ensures that individuals are not excluded or penalized because of unfounded assumptions, stereotypes, or misconceptions related to disability.

<sup>3</sup> The decision as to the appropriate (reasonable) accommodation is made on a case-by-case basis. Employees and applicants are not guaranteed to receive their preferred reasonable accommodation but will receive an 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.

- c. A prognosis for return in cases where leave is requested.

The ADA Coordinator will provide the employee or applicant with a medical certification to be completed by their physician along with a specified timeframe for return, if applicable. ADA accommodations cannot be determined or provided if insufficient documentation is received. FVSU will not provide a reasonable accommodation until sufficient documentation is received.

## **V. Appealing Reasonable Accommodation**

Employees or applicants have the right to appeal decisions, in full or in part, related to their request for reasonable accommodation. This process ensures that concerns regarding denied, delayed, or insufficient accommodation are reviewed promptly, fairly, and in compliance with state and federal law, as well as USG and BOR policies and procedures.

### **a. Informal Resolution Prior to Formal Appeal**

Before initiating a formal appeal, the ADA Coordinator will make reasonable efforts to engage in an informal resolution process with the employee or applicant promptly and collaboratively by clarifying any concerns and/or exploring alternative accommodations, if needed.

Following the informal resolution, the ADA Coordinator will provide the employee or applicant with notice of their reasonable accommodation decision in writing.

If the matter cannot be resolved informally to the satisfaction of the employee or applicant, the employee or applicant may proceed with submitting a formal appeal in writing to the Office of HR's Chief Human Resources Officer (CHRO).

### **b. Grounds for Appeal**

- 1. Procedural Error** – There was a procedural error made during the accommodation review process that substantially impacted the outcome of the decision.
- 2. Substantive Error** – There was a substantive error made during the accommodation review process that substantially impacted the outcome of the decision.
- 3. Evidence of Bias** – There is evidence of bias on the part of the person(s) who made the accommodation decision that rendered them unable to consider the accommodation request objectively and completely.

General dissatisfaction with the accommodation decision is not grounds for an appeal.

### **c. Initiating and Filing an Appeal**

An employee or applicant's appeal period begins the day in which the accommodation decision is received. An employee or applicant has ten (10) business days from the date of receipt to submit an appeal.

To initiate an appeal, an employee or applicant should reach out to the Office of HR's CHRO regarding their concerns in writing.

The written appeal should include:

- A copy of the accommodation decision letter.

- A description of the accommodation(s) requested.
- A detailed explanation of why the employee or applicant believes that a procedural error, substantive error, and/or evidence of bias impacted the decision regarding the accommodation(s).
- Any supporting documentation.

The CHRO will determine whether the denial of accommodation complies with the policy and procedures outline herein. The decision of the CHRO is a final decision.

#### **d. Appeal Review Process**

Following the receipt of an employee or applicant's appeal, the CHRO will promptly:

1. Acknowledge receipt of the appeal in writing.
2. Re-evaluate the reasonable accommodation request, which may involve:
  - a. A review of all documentation;
  - b. A follow-up meeting with the employee or applicant; or
  - c. Consultation with medical professional, if needed, and with the permission of the employee or applicant.
3. Issue a written decision after re-evaluating the reasonable accommodation request.

#### **D. Responsible Parties and Contact Information**

<b>Party</b>	<b>Office</b>	<b>Phone/Email/URL</b>
Chief Human Resource Officer	Office of Human Resources	(478) 825-6301 hrfvsu@fvsu.edu

#### **E. Related Documents and Resources**

- [I. The Americans with Disabilities Act](#)
- [II. The Americans with Disabilities Amendments Act of 2008](#)
- [III. U.S. Equal Employment Opportunity Commission](#)
- [IV. USG Human Resources Administrative Practice Manual \(HRAP\): Americans with Disabilities Act](#)

#### **Policy History and Revisions**

<b>Date</b>	<b>Notes</b>
July 2025	Revised to include definitions, how to access disabilities and impairments, and a process for requesting and appeal ADA Accommodations.