



UNIVERSITY POLICIES

Title: Americans with Disabilities Act Policy

Effective Date: August 1, 2024

Issuing Authority: Executive Vice President for Finance and Administration

Responsible Officer: Associate Vice President for Human Resources

Statement of Policy

Pursuant to Section 504 of the Rehabilitation Act of 1973, Title I of the Americans with Disabilities Act of 1990 (ADA), and the ADA Amendments Act of 2008 (ADAAA), Mercer University does not discriminate against qualified individuals with disabilities. Mercer will reasonably accommodate employees and applicants for employment who are qualified individuals with a disability, and is committed to making all of its programs, services, and activities fully accessible to all employees and applicants. The Human Resources Office is responsible for administering this policy for employees and applicants for employment, including resolution of reasonable accommodation requests. Human Resources will actively engage in an interactive process with those who request accommodations to determine what, if any, accommodation can be provided, and aims to process requests for accommodations in a prompt and efficient manner. Reasonable prior notice is needed to evaluate requests for accommodation and to implement them when appropriate.

Visitors, prospective students, current students and parents in need of an accommodation should contact Mercer University's Office of Access and Accommodation.

To Whom the Policy Applies

This policy applies to all employees and applicants for employment while they are participating in the application process of Mercer University.

Definitions

As used in this policy, the following terms have the meaning specified below:

Applicant: Any individual who submits an expression of interest in employment by completing an application for a particular position through the Mercer Careers website.

Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

Employee: Any faculty (including, but not limited to, regular, visiting, or adjunct), any individual who has an appointment at the University, and all regular and temporary staff.

Essential job function: Job duties that are fundamental to the position and an individual must be able to complete with or without an accommodation.

Major life activities: Includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. In addition, may also include operation of a major bodily function, including but not limited to: functions of the immune system, normal cell growth, digestive, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Qualified individual with a disability: An individual who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.

Reasonable Accommodation: Any reasonable change in the work environment or in the way things are customarily done that enables an individual with a disability to perform the essential functions of their job in order to remove barriers to equal employment opportunity.

- The reasonable accommodation requested must not place an undue hardship on the University and must not cause a direct threat to others.
- Accommodations that may not be considered reasonable, include, but are not limited to, eliminating an essential function of a position, lowering production standards, providing personal use items needed in accomplishing daily activities both on and off the job or providing personal use amenities.
- The ADAAA does not entitle a qualified individual with a disability to an accommodation of choice, but rather to an effective, reasonable accommodation.

Policy and Procedures

Eligibility

To be eligible for a reasonable accommodation under this policy, the individual must have an impairment that substantially limits one or more major life activities, or have a record of such an impairment.

Process

Applicants or employees who wish to request an accommodation for a diagnosed physical, medical, psychological, or learning disability or for temporary injuries, must complete a Request

for Accommodation form and the Medical Certification for Accommodation Request form, if applicable. All documentation must be submitted to Human Resources.

After review of the provided information, Human Resources will engage in an interactive dialogue with the individual, appropriate supervisor(s), and in some instances, the individual's healthcare provider regarding the reasonable accommodations needed. Generally, accommodations are not provided until approved and are not retroactive in nature.

It is a violation of this policy for anyone to intentionally misrepresent or omit facts during the application and interactive process. If an employee is found to have done so, appropriate disciplinary action will be taken.

Confidentiality

Information about an individual's documented disability and accommodation request will be kept confidential to the extent practicable and information will only be shared with individuals to the extent allowed by law. Restrictions, limitations and accommodations may be discussed with necessary supervisory staff in order to implement accommodations and is only shared as a matter of business necessity. When necessary, for environmental, health and safety, and legal matters, employee accommodation information may be shared with persons who will treat such disclosed information confidentially.

Appeal Procedures

If an accommodation is not granted, or if the individual is not satisfied with the accommodation that is granted, they may file an appeal with the Executive Vice President for Administration and Finance. A written request for appeal must be submitted within ten (10) working days after receipt of the final determination made by Human Resources. The Executive Vice President for Administration and Finance shall make a decision within 30 working days of receipt of the appeal. The Executive Vice President's decision is final.

Discrimination or Complaint Procedures

An individual alleging discrimination or a violation of this policy may file a complaint by following the procedures set forth in the University's Non-Discrimination and Anti-Harassment Policy.

Related Policies

Equal Opportunity and Affirmative Action Policy
Non-Discrimination and Anti-Harassment Policy
Service Animals and Emotional Support Animals Policy