

Excerpt from article: “Failure to tell university about his disability dooms ex-prof’s case.” (2015). *Dean and Provost*, 26(6), 11. <https://onlinelibrary.wiley.com/doi/10.1002/dap.30031>:

... **Summary:** In 1997, John Kao became a tenured mathematics professor at the University of San Francisco.

In January 2008, Kao met with Professor Paul Zeitz and an associate dean about the university’s failure to advertise in professional journals for teaching candidates. According to Zeitz, Kao started yelling and screaming. At that time, Zeitz allegedly feared for his personal safety.

On multiple other occasions, Kao acted in a way that frightened colleagues. For example, he ranted in a meeting and bumped into a colleague walking on campus.

In a letter dated Dec. 29, USF informed Kao in writing that he was suspended without pay and that his employment would be terminated if he did not submit to a “fitness for duty” examination by Jan. 15, 2009. In response, Kao declined to submit to an examination, claiming that he never intentionally tried to frighten or threaten anyone. He then offered to provide a letter promising not to harm anyone.

The university terminated Kao and banned him from campus. Kao sued the university, but a jury ruled against him.

On appeal, Kao claimed he was disabled because of a major depressive disorder and the side effects of his prescribed medication. He asserted that California’s statute concerning disabled persons required USF officials to engage in an interactive process with him before demanding a medical examination.

The appellate court ruled that there was no requirement for an interactive process because Kao never acknowledged having a disability or sought an accommodation for one. ...