



Operating Policy and Procedure

OP 30.010 Americans with Disabilities Act (ADA)

DATE: October 15, 2025

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to affirm Kellogg Community College's commitment to fostering an inclusive and accessible environment for individuals with disabilities. In alignment with Section 504 of the Rehabilitation Act of 1973, Titles I and II of the Americans with Disabilities Act of 1990 (ADA), and the Americans with Disabilities Act Amendments Act (ADAAA), the College upholds policies designed to ensure equal access, support, and opportunity for all members of its community.

REVIEW: This OP should be reviewed in May of odd-numbered years by the office of the President in consultation with college legal counsel. Revisions shall be forwarded to the Board of Trustees through President's Council by the Office of the President.

POLICY/PROCEDURE

1. Policy

Kellogg Community College (KCC) is committed to fostering an inclusive and accessible environment that is responsive to the needs of individuals with disabilities. The College strictly prohibits unlawful discrimination based on disability and actively works to prevent such discrimination by providing qualified individuals with reasonable accommodations. These accommodations ensure equal access to admissions, employment, services, courses, programs, activities, events, facilities, and technology.

In accordance with **Section 504 of the Rehabilitation Act of 1973** and **Titles I and II of the Americans with Disabilities Act of 1990 (ADA)**, KCC does not discriminate against qualified individuals with disabilities in its services, programs, or activities. Additionally, the College maintains fair and equitable hiring and employment practices, adhering to all regulations established by the **U.S. Department of Education, the U.S. Department of Justice, and the U.S. Equal Employment Opportunity Commission.**

Under **Section 504, Title II of the ADA, and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA)**, an individual is protected under the law if they:

- a. Have a physical or mental impairment that substantially limits one or more major life activities.
- b. Have a documented history of such an impairment.
- c. Are regarded as having such an impairment.

While KCC is committed to providing reasonable accommodations, the College is not required to:

- a. Provide accommodations that would fundamentally alter an educational program, service, or activity.
- b. Modify academic requirements that are essential to a program of study or licensing requirements.
- c. Implement accommodations that impose an undue financial or administrative burden.

However, the College must ensure that individuals with disabilities receive reasonable and appropriate accommodations that facilitate their full participation in academic and campus life.

Kellogg Community College is dedicated to the following actions to uphold accessibility and equity:

- a. Ensuring full compliance with **the Americans with Disabilities Act (ADA) of 1990** and **Section 504 of the Rehabilitation Act of 1973**, as amended.
- b. Developing procedures to identify and address accessibility barriers.
- c. Educating the campus community on compliance-related issues and implementing corrective measures when necessary.
- d. Coordinating transition and implementation plans for ADA and Section 504 compliance.
- e. Responding promptly to complaints regarding noncompliance with ADA and Section 504 regulations.
- f. Continuously evaluating and enhancing efforts to improve accessibility for individuals with disabilities.

2. Scope

This policy applies to all Kellogg Community College-affiliated persons.

3. Definitions

- a. *Americans with Disabilities Act (ADA)*: The Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination against people with disabilities in everyday activities. The ADA prohibits discrimination based on disability just as other civil rights laws prohibit discrimination based on race, color, sex, national origin, age, and religion. The ADA guarantees that people with disabilities have the same opportunities as everyone else to enjoy employment opportunities, purchase goods and services, and participate in state and local government programs.
- b. *Direct threat*: A decision not to allow a person to participate in or benefit from services can be made when “an individual poses a direct threat to the health or safety of others.” To determine “whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.”

- c. *Disability*: A person with a disability is someone who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a history or record of such an impairment (such as cancer that is in remission), or (3) is perceived by others as having such an impairment (such as a person who has scars from a severe burn).
- d. *Essential functions*: Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. Factors considered in determining if a function is essential include (1) whether the reason the position exists is to perform that function, (2) the number of other employees available to perform the function or among whom the performance of the function can be distributed, and (3) the degree of expertise or skill required to perform the function.
- e. *Fundamental Alteration*: A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.
- f. *Major life activities*: Activities that you do every day, including your body's own internal processes. There are many major life activities in addition to the examples listed here. Some examples include (1) actions like eating, sleeping, speaking, and breathing, (2), movements like walking, standing, lifting, and bending, (3) cognitive functions like thinking and concentrating, (4) sensory functions like seeing and hearing, (5) tasks like working, reading, learning, and communicating, (6) the operation of major bodily functions like circulation, reproduction, and individual organs.
- g. *Reasonable Accommodation*: A reasonable accommodation to a practice, policy and/or procedure allows an individual with a disability to have equal access. In employment, this may include changes to the application or hiring process, the job itself, the way the job is performed, or the work environment, all of which allow a person with a disability who is qualified for the job to perform the essential functions of that job and have equal employment opportunities. In post-secondary education, reasonable accommodations may include providing architectural access to buildings; providing auxiliary aids and services necessary for effective communication; and modifying practices, policies, and procedures (i.e., testing accommodations). Accommodations are considered "reasonable" if they do not create a fundamental alteration to essential functions of a job or an academic program or service; create an undue hardship, or a direct threat. There are times when the accommodation determined to be effective may not be the requested and/or preferred accommodation.
- h. *Section 504 of the Rehabilitation Act of 1973*: A national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS). These organizations and employers include many hospitals, nursing homes, mental health centers, and human service programs. Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

- i. *Substantial Limitation:* The term “substantially limits” is interpreted broadly and is not meant to be a demanding standard. But not every condition will meet this standard. An example of a condition not substantially limiting is a mild pollen allergy. Decisions on substantial limitations are made on an individual basis.
- j. *Qualified individual with disability:* Persons who meet normal and essential eligibility requirements who, with reasonable accommodation, can perform the essential functions of a job for which they have applied or have been hired to perform.
- k. *Undue Burden/Hardship:* It is not necessary to provide reasonable accommodation if doing so would cause undue hardship. Undue hardship means that accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether accommodation is an undue hardship are the cost of the accommodation, the employer’s size, financial resources, and the nature and structure of its operation.

4. Roles and Responsibilities

All departments at Kellogg Community College are responsible for adhering to this policy and ensuring compliance with relevant federal laws and regulations within their respective areas. Each department must address violations of this policy that occur within its scope, taking appropriate action as necessary.

All college-affiliated individuals are protected under this policy and applicable federal regulations, ensuring equal access and non-discrimination based on disability.

The Director of the Center for Student Success holds primary responsibility for overseeing the overall compliance of this policy, ensuring adherence to relevant federal laws, and processing violations as appropriate.

Concerns regarding this policy may be directed to the Director of the Center for Student Success for review and resolution.

5. Persons/Departments Affected

- a. All Kellogg Community College departments are responsible for the adherence of this policy and relevant federal laws and regulations.
- b. This policy and relevant federal laws and regulations protect all college-affiliated persons.
- c. The Director of the Center for Student Success is responsible for ensuring the overall compliance of this policy and subsequent and related federal laws and regulations. Also responsible for processing violations.

6. Related Information

- a. Michigan Department of Civil Rights
110 W. Michigan Avenue, Ste. 800
Lansing, MI 48933
Phone: 313-456-3700
Toll Free: 800-482-3604
Fax: 313-456-3701

TTY: 877-878-8464

Email: MDCRServiceCenter@michigan.gov

- b. US Office of Civil Rights/Department of Education
Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115
Phone: 216-552-4970
Fax: 216-522-2573
Email: OCR.Cleveland@ed.gov

7. **Right to Change Policy.**

The College reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time, without prior notice.

8. **Approval Date:** October 15, 2025

9. **Past Revisions:**