

## Operating Policy and Procedure

**OP 30.011** Americans with Disabilities Act Amendments Act (ADAAA) Accommodation Policy

**DATE:** October 15, 2025

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to establish a clear framework for requesting and implementing reasonable accommodations for individuals with disabilities at Kellogg Community College. It outlines the process and procedures to ensure equal access and compliance with the **Americans with Disabilities Act Amendments Act (ADAAA)** and other applicable laws. This policy applies to **all students, employees, applicants, and guests** of the College, reinforcing the institution's commitment to accessibility, inclusion, and non-discrimination.

**REVIEW:** This OP should be reviewed in May of odd-numbered years by the appointees of the following departments: Human Resources, Facilities, and Center for Student Success. 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 shall adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable accommodations as necessary to afford equal employment opportunity and equal access to employment, programs, and services for qualified persons with disabilities. Retaliation, intimidation, coercion, threats, or interference with people who seek to exercise their rights, or who encourage or aid others to do so, is prohibited.

#### 2. Scope

This policy applies to all enrolled students, employees, applicants, and guests.

#### 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. *College facilities:* Any location formally identified as a college campus or is being used temporarily to host a college program and/or event.
- c. *College programs and events:* College-sponsored academic or enrichment activities that are open to the public and/or for which a person has been invited to attend or has registered to attend.

- d. *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."
- e. *Disability*: A person with a disability is someone who: has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of such an impairment, such as cancer that is in remission, or is perceived by others as having such an impairment, such as a person who has scars from a severe burn.
- f. *Employee*: A person who is hired for a wage, salary, fee, or payment to perform work for an employer. In agency law, the employee is called an agent and the employer is called the principal.
- g. *Employee applicant*: A person applying for an open position through the Kellogg Community College Applicant Tracking System.
- h. *Essential components*: Essential components are course-specific learning outcomes focused on the educational goals for all students in the course.
- i. *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:
  - i. whether the reason the position exists is to perform that function,
  - ii. the number of other employees available to perform the function or among whom the performance of the function can be distributed, and
  - iii. the degree of expertise or skill required to perform the function.
- j. *Fundamental alteration*: A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.
- k. *Guest*: Person attending a college-sponsored event at any campus location and/or accessing college facilities open to the public that is not a student, applicant, or employee.
- l. *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:
  - i. Actions like eating, sleeping, speaking, and breathing
  - ii. Movements like walking, standing, lifting, and bending
  - iii. Cognitive functions like thinking and concentrating

- iv. Sensory functions like seeing and hearing
  - v. Tasks like working, reading, learning, and communicating
  - vi. The operation of major bodily functions like circulation, reproduction, and individual organs
- m. *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.
- n. *Reasonable accommodations*: A reasonable accommodation to a practice, policy, and/or procedure that provides an individual with a disability with equal access. In employment, this may include a change to the application or hiring process, and to the job, to the way the job is done, or the work environment that allows 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 undue hardship, or pose a direct threat. There are times when the accommodation determined to be effective may not be the requested and/or preferred accommodation.
- o. *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.
- p. *Student and student applicant*: A person for whom one or more of the following apply: intends to apply to the college, applied to the college, admitted to the college, currently taking classes, and/or is registered for classes at the college in the future.
- q. *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.
- r. *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, or 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. Students and Student Applicants

- a. Current students and applicants may request accommodation at any time by contacting the Center for Student Success. The accommodation process may be initiated during the admission process and may be applied to any required placement assessment.
- b. An accommodation should be requested when a disability barrier prevents access to academic programs, services, and/or student life activities. A reasonable accommodation cannot be applied retroactively. For this reason, it is recommended to request accommodation before academic performance suffers and prior to deadlines and events.
- c. A request for accommodation must include submission of relevant diagnostic documentation by a licensed professional with knowledge of the individual and the specific diagnosis.
- d. The Center for Student Success collaborates with relevant college officials to provide reasonable accommodations, auxiliary aids, and support services that are individualized to students with documented disabilities and are based on an interactive process that may include a meeting, assessment of needs, consultation with experts, and review of provided relevant diagnostic documentation.
- e. This process ensures
  - i. Respectful, equal, and fair treatment
  - ii. Equal access to college programs and facilities
  - iii. Reasonable accommodations, when appropriate, for a disability after completion of the interactive process
  - iv. Confidentiality of disability diagnosis and submitted diagnostic documentation
- f. Student/applicant obligations:
  - i. Self-identify and engage in the interactive process with the Center for Student Success to determine reasonable accommodations
  - ii. Work collaboratively with relevant college officials to initiate established reasonable accommodations
  - iii. Inform the Center for Student Success of any changes to disability status or issues regarding access through an ongoing interactive process
- g. Center for Student Success obligations:
  - i. Engage in the interactive process and determine reasonable accommodations
  - ii. Collaborate with college officials to ensure reasonable accommodations for individual students are implemented
- h. Relevant college official obligations:

- i. Refer to the Center for Student Success upon disclosure of disability or request for accommodation
- ii. Verify any requested disability accommodation with the Center for Student Success prior to implementation
- iii. Administer accommodation as approved by the Center for Student Success

## 5. **Employees and Applicants**

Employees and applicants can request accommodation(s) at any time during the application process or while employed by submitting a request to Human Resources. In general, employees should request accommodation when there is a workplace barrier preventing them, due to a disability, from competing for a job, performing a job, or gaining equal access to a benefit of employment. Employees and applicants are encouraged to make accommodation requests as early as possible to allow for a timely and effective response. Contact Human Resources at 269.965.4152 or [humanresources@kellogg.edu](mailto:humanresources@kellogg.edu) for assistance with accommodation needs.

- a. This process ensures:
  - i. Access to all college offerings, including courses, programs, services, activities, employment, and facilities
  - ii. Information is available in accessible formats
  - iii. An equal opportunity to employment
  - iv. Reasonable accommodation for qualified employees with disabilities, as required by applicable laws
  - v. Confidentiality of all information related to an employee's disability
    1. Accommodation requests will be kept confidential; only individuals directly involved in the accommodation process will have access to this information
- b. Employee and Applicants obligations:
  - i. Self-identify as an individual with a disability when seeking accommodation.
  - ii. Actively participate in the interactive process
  - iii. Participate in assistive technology and/or ergonomic assessments when necessary
  - iv. Discuss accommodation needs with Human Resources
    1. Michigan Law requires persons with a disability requiring accommodation for employment notify the employer in writing within 182 days after the need is known (Persons with Disabilities Civil Rights Act 220 of 1976, section 37.1210, (18))

- v. Inform Human Resources if accommodation is not effective and continue the interactive process. Update Human Resources of any changes to disability status or issues regarding access.
- vi. Contact Human Resources if problems arise with accommodation
- c. Human Resources obligations:
  - i. Engage in the interactive process and determine reasonable accommodations
  - ii. Collaborate with campus officials to ensure reasonable accommodations are implemented
- d. Relevant college official obligations:
- e.
  - i. Upon disclosure of disability or request for accommodation, refer to Human Resources
  - ii. Verify any requested disability accommodation with Human Resources prior to implementation
  - iii. Administer accommodation as approved by Human Resources

## 6. **Guests in College Sponsored Programs and Events and/or Facilities**

- a. Kellogg Community College strives to be accessible to anyone attending an event or visiting a college facility. If you are attending an event and need specific information regarding access, including reasonable accommodations for a disability, please contact Institutional Facilities at [fac\\_dept@kellogg.edu](mailto:fac_dept@kellogg.edu) or 269.660.7768, or visit the website at [www.kellogg.edu/facilities](http://www.kellogg.edu/facilities).

## 7. **Accommodation Complaint Procedure**

- a. *Student and student applicant:* A detailed grievance procedure is outlined for students and student applicants wishing to file a Section 504/ADA Grievance. The procedure can be found in the Student Rights & Responsibilities Handbook located on the College website. The procedure includes options for informal and formal grievances and an option to appeal decisions. For questions regarding this process, please contact the student 504/ADA Compliance Officer.

The Disability & Tutoring Coordinator, Center for Student Success, serves as the KCC Americans with Disabilities Act (ADA) coordinator for students and student applicants. They oversee the implementation of disability compliance of the ADA and other federal and state laws pertaining to a person with disabilities, including investigation and any allegation of noncompliance.

- i. Disability & Tutoring Coordinator  
Student 504/ADA Compliance Officer  
Center for Student Success  
Ohm Information & Technology Center 206  
450 North Avenue

Battle Creek, MI 49017  
Phone: 269.965.4150  
Fax: 269.965.8850  
Email: [disability@kellogg.edu](mailto:disability@kellogg.edu)  
Website: [www.kellogg.edu/css](http://www.kellogg.edu/css)

- b. *Employee and employee applicant:* The Chief Human Resources Officer (CHRO) serves as the employee and employee applicant Americans with Disabilities Act (ADA) coordinator. The CHRO oversees implementation of disability compliance of the ADA and other federal and state laws pertaining to a person with disabilities, including investigation and any allegation of noncompliance.
  - i. Brooke Kolodzieczyk  
Chief Human Resources Officer;  
Title IX Coordinator  
Whitmore Building, Suite A101  
450 North Avenue  
Battle Creek, MI 49017  
Phone: 269.965.4152  
Fax: 269.565.2052  
Email: [KolodzieczykB@kellogg.edu](mailto:KolodzieczykB@kellogg.edu)  
Website: [www.kellogg.edu/hr](http://www.kellogg.edu/hr)
- c. *Guests in College-sponsored programs and events and/or facilities:* The Director of Institutional Facilities serves as the guest contact overseeing implementation of disability compliance of the ADA and other federal and state laws pertaining to a person with disabilities, including investigation of any allegation of noncompliance.
  - i. Director of Institutional Facilities  
Lane Thomas, 306  
450 North Avenue  
Battle Creek, MI 49017  
Phone: 269.660.7768  
Fax: 269.966.4092  
Email: [fac\\_dept@kellogg.edu](mailto:fac_dept@kellogg.edu)  
Website: [www.kellogg.edu/facilities](http://www.kellogg.edu/facilities).

## 8. Roles and Responsibilities

- a. Disability & Tutoring Coordinator, Center for Student Success: Coordination of student and student applicant 504/ADA process; review and edit of policy as outlined above.
- b. Chief Human Resources Officer, Human Resources: Coordination of employee and employee applicant ADA process; review and edit of policy as outlined above.
- c. Director, Institutional Facilities: Coordination of ADA process for guests in College-sponsored programs and events and/or facilities; review and edit of policy as outlined above.

## 9. Persons/Departments Affected

All students, employees, applicants, guests, and Board of Trustees.

## 10. 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](mailto: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](mailto:OCR.Cleveland@ed.gov)

## 11. 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.

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

13. **Past Revisions:**