



Category: Human Resources

Effective Date: 9/23/2016

Title: ADA Policy and Procedure

Policy No:

Page: 1 of 10

PURPOSE

To state the policy of Kansas City College and Bible School (KCCBS) [doing business as Kansas Christian College and Overland Christian Schools] to provide equal opportunity for all qualified persons without regard to disability in the recruitment of, admission to, participation in, treatment in or employment in the programs and activities operated and sponsored by the school in compliance with the Americans with Disabilities Act of 1990 (ADA) and other related federal and state law.

DEFINITIONS

Federal regulations provide the following definitions:

- An individual with a disability is any person who (1) has a physical or mental impairment which substantially limits one or more major life activity/activities, (2) has a record of such impairment(s), or (3) is regarded as having such impairment(s).
- With respect to post-secondary services, a qualified individual with a disability is a person who meets the academic and other eligibility standards requisite to admission or participation in the recipient’s education program or activity.

POLICY

It is the policy of KCCBS to comply with the Americans with Disabilities Act (ADA) of 1990 as amended, Section 504 of the Rehabilitation Act of 1973, and other applicable federal and state laws and regulations that prohibit discrimination on the basis of disability. Section 504 and the ADA require that no qualified individual with an appropriately documented, disclosed disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the school, or be subjected to discrimination by KCCBS. Consistent with the requirements of the ADA, opportunities afforded generally to KCCBS students are equally afforded to students with disabilities. KCCBS is committed to provide appropriate academic adjustments and auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in its programs.

It is the policy of KCCBS to respond to requests for accommodation(s) from qualified individuals and provide reasonable accommodations necessary to ensure equal access to employment, education opportunities, programs, services, and activities in the most integrated setting appropriate.

1. Employees and Applicants for Employment

KCCBS will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable accommodations as required, affording equal employment opportunity to qualified disabled individuals. Reasonable accommodations will be provided by the employing/department in a timely and cost effective manner. Employment opportunities shall not be denied because of the need to make reasonable accommodations to an individual’s disability.

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Category: Human Resources

Effective Date: 9/23/2016

Title: ADA Policy and Procedure

Policy No:

Page: 2 of 10

It is the responsibility of the individual employee or applicant to request accommodations from the Department of Human Resources. In all cases in which a reasonable accommodation is requested, the KCCBS representative receiving the request should comply with the ADA Employment Guidelines (Department of Human Resources).

2. Students and Applicants for Student Status

KCCBS shall not discriminate on the basis of disability in any academic program or activity associated with the school and will integrate students with disabilities into the KCCBS community to the fullest extent possible. Qualified applicants with disabilities will not be denied admission or subjected to discrimination in admission or recruitment to Kansas Christian College or Overland Christian School on the basis of their disability. In its recruitment efforts, KCCBS shall not limit the number of persons with disabilities who may be admitted.

Applicants for admission may voluntarily self-identify as a person with a disability in the admissions process and will be routinely provided information on services available to students with disabilities at KCCBS. A decision not to self-identify will not result in adverse treatment of the applicant but may result in accommodations not being provided.

In all cases in which a student or applicant for student status requests an accommodation based upon disability, advice and assistance may be sought for academic concerns from the Academic Affairs Office or, for all non-academic concerns from the Student Services Office. KCC Students and prospective students should be encouraged to contact and/or register with the Student Services Office to secure information regarding services and accommodations that are available. Parents or current/prospective students of Overland Christian Schools should be encouraged to contact and/or register with their principal to secure information regarding services and accommodations that are available.

3. Public Services

KCCBS shall not discriminate on the basis of disability in any sponsored activity, program or service but will make such activities, programs and services available to persons with disabilities to the fullest extent possible.

It is the responsibility of KCCBS personnel and administrators responsible for activities, programs and services to respond to requests for accommodations by persons with disabilities seeking access to such activities, programs and services. In determining an appropriate response, advice and assistance may be obtained from the Human Resources Office or ADA Coordinator.

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Effective Date: 9/23/2016

Title: ADA Policy and Procedure

Policy No:

Page: 3 of 10

General questions about such services should be directed through the KCCBS ADA Coordinator.

CONFIDENTIALITY

Disability-related documentation is to be treated as confidential and is not to be released to anyone outside the area to which it was submitted or outside the direct chain of command unless determined to be provided on a need-to-know basis to other KCCBS personnel.

RETALIATION

KCCBS shall not retaliate against any individual for filing a charge of discrimination, opposing any practice or act made unlawful by the ADA, for participating in any proceeding under the ADA, or for exercising rights or aiding or encouraging any other person in the exercise or enjoyment of his rights under the ADA. If subject to retaliation based on disability, the individual should report such action to the appropriate vice president or HR director who will commence an immediate investigation into the allegation. Students with concerns over retaliation related to academics should contact the vice president for academic affairs; students with concerns over retaliation related to non-academics should contact the Dean of Student Services; employees with concern over retaliation of any kind should contact the HR director.

HARASSMENT

It is the policy of KCCBS to provide a professional environment for members of the KCCBS community. Harassment on the basis of any of the following is unlawful: race, color, gender, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status. If subjected to disability harassment, the individual should report such action to the appropriate KCCBS official—an immediate supervisor, appropriate vice president, or HR director—who will commence an immediate investigation into the allegation. If an individual has knowledge of disability harassment to another person or by another person, that individual should report such action to the HR director.

ROLES AND RESPONSIBILITIES

1. Office of the president: Has final authority for all decisions regarding the implementation of this policy.
2. Department of Human Resources: Is responsible for developing and administering procedures to provide for compliance with regard to employees and applicants for employment.
3. Student Services Office: Coordinates non-academic disability-related support services and provides accommodations for enrolled qualified KCC students with documented disabilities. Provides information on services for students with non-academic disabilities to potential students and their families and serves as a campus resource for matters concerning persons with non-academic disabilities. The KCCBS Student Services Office serves as the main point of contact on issues related to non-academic ADA compliance for all persons at the College.

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Category: Human Resources

Effective Date: 9/23/2016

Title: ADA Policy and Procedure

Policy No:

Page: 4 of 10

- If a KCC student makes a non-academic disability-related complaint to an employee, that person must notify the Student Services Office immediately so that the Student Services Office can ensure appropriate resolution of the complaint and, where appropriate, be involved in facilitating such resolution.
4. Academic Affairs Office: Coordinates academic-disability support services and accommodations for enrolled qualified KCC students with documented disabilities. Provides information on services for students with academic disabilities to potential students and their families. The College's Academic Affairs Office serves as the main point of contact on issues related to academic ADA compliance for all persons involved in providing class instruction at the College. If a college student makes a disability-related complaint to a person involved in providing class instruction, that person must notify the Academic Affairs Office immediately so that the school officials can ensure appropriate resolution of the complaint and, where appropriate, be involved in facilitating such resolution.
 5. Overland Christian Schools Office coordinates disability-related support services and provides accommodations for enrolled qualified students with documented disabilities. Provides information on services for students with disabilities to potential OCS students and their families and serves as a campus resource for matters concerning persons with disabilities. If an OCS student makes a disability-related complaint to an employee, that person must notify the OCS Office immediately so that the OCS administration can ensure appropriate resolution of the complaint and, where appropriate, be involved in facilitating such resolution.
 6. Maintenance Department: Provides technical support on matters involving KCCBS facilities and premises and is responsible for monitoring accessibility of school facilities and premises by persons who are disabled. Monitors new construction and major repairs for compliance with codes and regulations.

CONTACT INFORMATION

The appropriate contact information depends on (1) the person with the disability and (2) the type of disability.

1. KCC Students with an academic disability should contact the Academic Affairs Office.
2. KCC Students with any other disability should contact the Student Services Office.
3. OCS Students with academic or non-academic disabilities should contact the OCS Office.

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Category: Human Resources

Effective Date: 9/23/2016

Policy No:

Title: ADA Policy and Procedure

Page: 5 of 10

4. All KCCBS Employees with any disability should contact the Human Resources Office.

POLICY FOR EMPLOYMENT ACCOMMODATIONS FOR PERSONS WITH DISABILITIES UNDER THE ADA-TITLE 1

This policy applies to all employees. Student employees should seek assistance with the student policy addressing accommodations for students with disabilities under the ADA.

POLICY

1. The Americans with Disabilities Act (ADA), the Kansas Act Against Discrimination, and KCCBS policy prohibit discrimination in employment against qualified individuals with disabilities. It is the policy of KCCBS to provide reasonable accommodations when necessary for persons qualified under the ADA. These accommodations must be made in a timely manner and on an individualized and flexible basis.
2. It is the responsibility of the individual employee to identify him/herself as an individual with a disability when seeking an accommodation. It is also the responsibility of individual employees to document their disability (from an appropriately licensed professional) and to demonstrate how the disability limits their ability to perform the essential functions of their job or limits participation in programs or services of the school. Medical documentation will be kept confidential.
3. Employees must maintain institutional standards of performance, attendance, and conduct as specified by the department.
4. When a specific accommodation is not possible, would require a fundamental alteration, or would result in undue financial and administrative burdens, exceptions to the policy may be granted by an appropriate official. Requests for exceptions must be in writing. Whenever an exception is granted, KCCBS will try to identify another accommodation that will not pose such a hardship.
5. *Fundamental Alteration:* A change to a school program or service may constitute a fundamental alteration if it alters the essential purpose of the program or service or any of its components. In situations where a fundamental alteration can be documented, KCCBS will try to identify another accommodation that does not require a fundamental alteration.
6. *Undue Financial and Administrative Burdens:* Undue financial and administrative burdens are created when a proposed course of action causes significant difficulty or expense. Because an institution must consider all resources available when reviewing claims of undue financial and administrative burdens, the decision to invoke undue financial and administrative burdens should be carefully weighed and sufficiently documented. In

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Category: Human Resources

Effective Date: 9/23/2016

Title: ADA Policy and Procedure

Policy No:

Page: 6 of 10

situations where undue financial and administrative burdens can be documented, KCCBS will try to identify another accommodation that does not pose an undue burden.

AREAS OF EMPLOYMENT ADDRESSED BY THIS POLICY

1. The performance of the essential functions of a position currently held by an employee or one being sought by a qualified employee or applicant.
2. The application and selection process in which employees and applicants participate.
3. Equal access to employee benefits and employment privileges such as training, facilities and school-sponsored events.

GENERAL PROVISIONS

1. All medical information or other information related to an individual's request for accommodation is confidential and should be maintained in the Department of Human Resources.

PROCEDURES FOR REQUESTING ACCOMMODATIONS

REQUESTING AN ACCOMMODATION TO PERFORM THE ESSENTIAL FUNCTIONS OF A POSITION

1. The Americans with Disabilities Act of 1990, as amended, requires reasonable accommodation as a means of overcoming unnecessary barriers that prevent or restrict employment opportunities for otherwise qualified individuals with disabilities.
2. A person may request an accommodation to perform the essential functions of a position. This may be for the person's current position or a position for which the person is applying.
3. To begin the process of receiving an accommodation under the ADA, employees and applicants must submit a written request to the Director of Human Resources delineating the nature of the request, the reason it is required, desired outcomes of the request, including completion dates.
4. During the initial meeting with the director of Human Resources, two things will be accomplished:
 - a. The director of Human Resources will determine what documentation from a licensed professional is needed to support the employee's request for accommodation.
 - b. The responsibilities of the school and the employee will be clarified.
5. After reviewing the documentation and the facts of each request, the director of Human Resources will determine if the employee is eligible for accommodations under the ADA.
6. The director of Human Resources will review the essential functions of the job, the functional limitations of the disability, and the reasonableness of an accommodation. The director of

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Category: Human Resources

Effective Date: 9/23/2016

Title: ADA Policy and Procedure

Policy No:

Page: 7 of 10

- Human Resources will then facilitate a discussion with the supervisor/dean/chair and the employee to determine what accommodations may be reasonable.
7. The director of Human Resources may seek advice from third-party experts when necessary. Only the Department of Human Resources will retain medical documentation, which will be kept in a separate confidential file and will share medical information on a need-to-know basis. Supervisors will be informed of the functional limitations and the accommodation.
 8. It is the responsibility of the director of Human Resources to determine the reasonable accommodation in a particular case after reviewing all the facts. The director of Human Resources will outline the process for providing the accommodation, both verbally and in writing, to the employee and the department.
 9. The employee is responsible for contacting the director of Human Resources if reasonable accommodations are not implemented in an effective and timely manner or if the accommodations are not working. The director of Human Resources will work with the employee and the department to resolve disagreements regarding recommended accommodations.
 10. If an employee with a disability cannot be reasonably accommodated, continued employment will be considered on a case-by-case basis in accordance with state and federal laws.

REQUESTING AN ACCOMMODATION TO PARTICIPATE IN THE SELECTION PROCESS OR TO PARTICIPATE IN EMPLOYMENT-RELATED PROGRAMS

1. A person with a disability, whether an employee or applicant, who needs an accommodation to participate in a selection process (such as a test or an interview) for a KCCBS position must contact the department that is administering the selection process to request an accommodation.
2. An employee who meets the definition of a person with a disability and who needs an accommodation to participate in an employment-related school program, event, or benefit must contact the department that is sponsoring or holding the program to request an accommodation.
3. The request for accommodation must come in a timely manner to allow the department to respond to the request.
4. The department that receives a request for an accommodation may contact the director of Human Resources for assistance in determining if the individual is a person with a disability as defined by the ADA and, if so, for assistance in making a reasonable accommodation.
5. The department will document all requests for accommodations, responses to the requests, and forward any records to the director of Human Resources.

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Policy No:

Page: 8 of 10

GRIEVANCE POLICY FOR KCCBS EMPLOYEES

Grievances related to disabilities should proceed through the Employee Grievance Policy and Procedure, which has been specifically designed to include ADA concerns. [Note: The administration will need to update the Employee Grievance Policy and Procedure to include ADA considerations.]

POLICIES AND PROCEDURES FOR STUDENTS WITH DISABILITIES

POLICY

1. No qualified student or applicant for student status shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity which KCCBS sponsors or operates. Benefits and services to the individuals with disabilities must be in the most integrated setting appropriate to the person's needs and be equally as effective or equivalent to those provided to other KCCBS students.
2. When a specific accommodation is not possible, would require a fundamental alteration, or would result in undue financial and administrative burdens, exceptions to the policy may be granted by an appropriate official. Requests for exceptions must be in writing. Whenever an exception is granted, KCCBS will try to identify another accommodation that will not pose such a hardship.
3. *Fundamental Alteration:* A change to a school program or service may constitute a fundamental alteration if it alters the essential purpose of the program or service or any of its components. In situations where a fundamental alteration can be documented, KCCBS will try to identify another accommodation that does not require a fundamental alteration.
4. *Undue Financial and Administrative Burdens:* Undue financial and administrative burdens are created when a proposed course of action causes significant difficulty or expense. Because an institution must consider all resources available when reviewing claims of undue financial and administrative burdens, the decision to invoke undue financial and administrative burdens should be carefully weighed and sufficiently documented. In situations where undue financial and administrative burdens can be documented, the school will try to identify another accommodation that does not pose an undue burden.

GENERAL PROVISIONS

All medical information or other information related to an individual's request for accommodation is confidential and should be maintained in the Student Services Office (for

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Policy No:

Page: 9 of 10

non-academic concerns for college students), the Academic Affairs Office (for academic concerns for college students), or the OCS office for Overland Christian students.

PROCEDURES FOR REQUESTING ACCOMMODATIONS

The Student Services Office functions to provide information, reasonable accommodations and other assistance to KCC students and applicants at KCCBS with non-academic disabilities, the Academic Affairs Office functions to provide information, reasonable accommodations and other assistance to KCC students and applicants with academic disabilities, and the OCS Office functions to provide information, reasonable accommodations and other assistance to OCS students and applicants with disabilities. A student or parent requesting accommodations must provide documentation from a case-appropriate licensed/certified professional to the appropriate office (listed above) for review and determination.

1. The Americans with Disabilities Act of 1990, as amended, requires reasonable accommodation as a means of overcoming unnecessary barriers that prevent or restrict enrollment opportunities for otherwise qualified individuals with disabilities.
2. A person may request an accommodation during either the application process or at any point during their tenure as a student at KCCBS.
3. To begin the process of receiving an accommodation under the ADA, students and applicants for student status must submit a written request to the Academic Affairs Office (for academic-related concerns), the Student Services Office (for non-academic-related concerns) or OCS Office for OCS students, delineating the nature of the request, the reason it is required, desired outcomes of the request, including completion dates.
4. A meeting will then be arranged by the respective office [Academic Affairs (AA), Student Services (SS) or OCS]. During the initial meeting with the vice president of academic affairs, the dean of students or OCS principal, two things will be accomplished:
 - a. The administrator will determine what documentation from a licensed professional is needed to support the student or applicant's request for accommodation.
 - b. The responsibilities of KCCBS and the student or applicant for student status will be clarified.
5. After reviewing the documentation and the facts of each request, the administrator will determine if the student/applicant is eligible for accommodations under the ADA.
6. The administrator will review the essential requirements of the program or expectation, the functional limitations of the disability, and the reasonableness of an accommodation. The administrator will then facilitate a discussion with the supervisor/dean/chair and the student/applicant to determine what accommodations may be reasonable.

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Policy No:

Page: 10 of 10

7. The administrator may seek advice from third-party experts when necessary. Only the AA, SS or OCS Office will retain medical documentation, which will be kept in a separate confidential file and will share medical information on a need-to-know basis. Supervisors/deans/chairs will be informed of the functional limitations and the accommodation.
8. It is the responsibility of the administrator to determine the reasonable accommodation in a particular case after reviewing all the facts. The administrator will outline the process for providing the accommodation, both verbally and in writing, to the student/applicant and the department.
9. The student/applicant is responsible for contacting the administrator if reasonable accommodations are not implemented in an effective and timely manner or if the accommodations are not working. The administrator will work with the student/applicant and the department to resolve disagreements regarding recommended accommodations.
10. If a student/applicant with a disability cannot be reasonably accommodated, acceptance as a student, or continued enrollment will be considered on a case-by-case basis in accordance with state and federal laws.

GRIEVANCE PROCEDURE FOR STUDENTS WITH DISABILITIES

Grievances related to disabilities should proceed through the Student Grievance Policy and Procedure, which has been specifically designed to include ADA concerns.

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