



AMERICANS WITH DISABILITIES ACT (ADA) AND ACCOMMODATIONS POLICY			
Policy #	Applicability	Responsible Executive	Applicable Laws/Statutes
990	College Employees	Human Resources	29 U.S.C. §794(b) (2) (A); 42 U.S.C. §12131 et seq.; N.J.S.A. 10:5-12

PURPOSE

Mercer County Community College (MCCC) is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities. The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 require employers receiving federal assistance to provide reasonable accommodations for qualified employees or applicants with disabilities, unless to do so would cause undue hardship. This Policy, and the accompanying Procedures, fully comply with the ADA, the Rehabilitation Act of 1973, and the New Jersey Law Against Discrimination (LAD), which require employers to establish procedures to facilitate the provision of reasonable accommodation for eligible employees and applicants.

POLICY

The Board of Trustees authorizes the President to establish Procedures for ensuring the lawful, equitable, and inclusive application of this Policy and to maintain MCCC’s commitment to an inclusive, welcoming, and accessible educational and working, environment for individuals of all abilities across the College.

It is the policy of the College to comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794(b) (2) (A)); the Americans with Disabilities Act (42 U.S.C. §12131 et seq.), as enacted in 1990 and as amended by the ADA Amendments Act of 2008 (ADA Amendments Act) (Pub. L. 110-325, 122 Stat. 3553 (2008)); the New Jersey Law Against Discrimination (N.J.S.A. 10:5-12) (LAD); and other applicable federal, State and local laws and regulations that prohibit discrimination on the basis of disability. It is the policy of the College that no qualified individual shall, solely by reason of disability, be denied access to, participation in, or the benefits of, any program or activity operated by the College.

The College is likewise committed to providing reasonable accommodations and academic adjustments needed to ensure qualified individuals equal access to employment, educational opportunities, programs, and activities in the most integrated setting feasible. Reasonable accommodations shall be made in a timely manner and on an individualized, case-by-case basis. The College prohibits retaliation against individuals requesting reasonable accommodations or academic adjustments; appealing or filing complaints related to decisions concerning such requests; or making or participating in claims of discrimination or harassment.

The College’s compliance with applicable disability laws is guided by the College’s broader Policies Prohibiting Discrimination and Harassment (Policies 930 and 931), which provide information on prohibited discriminatory, harassing, and retaliatory conduct, as well as the resources and processes for addressing and resolving complaints of discrimination, harassment, retaliation, and related violations of College policy.



COMPLIANCE

1. Scope: This policy applies to all College programs, operations, services, and facilities, including but not limited to, all related requests for disability accommodations and/or equal access by employees or prospective employees who hold or seek employment with the College.
2. Confidentiality: The nature of the concern or issue and any information obtained through the interactive process will be treated with the utmost confidentiality and with sensitivity to the issues involved. The confidentiality of information disclosed during the course of the interactive process will be respected to the extent feasible and practical and in accordance with applicable State and federal laws. This means that information received during the accommodation request process is shared only with those individuals within the College community who “need to know” in order to evaluate the individual’s accommodation request or implement any approved accommodations. However, the College has a duty to respond to allegations of discrimination, harassment (including sexual harassment), and retaliation, and therefore cannot guarantee absolute confidentiality once allegations are disclosed to College officials.
3. Requesting an Accommodation: The Office of Human Resources reviews requests for disability-related reasonable accommodations. Throughout this Policy, the College office and/or employee(s) who will typically perform certain roles or duties are identified. However, the College may designate other College offices or employees to perform any roles or duties described in this Policy where necessary to effectuate this Policy. More information on requesting and accommodation may be found in the accompanying procedure.
4. An employee who believes his or her rights under the New Jersey Law Against Discrimination may have been violated may contact the New Jersey Division on Civil Rights at 1-833-NJDCR4U (833-653-2748) or online at www.njcivilrights.gov, and may file a complaint with the Division within 180 days of the incident.

REVISION DATE(S)

September 17, 2020

October 23, 2024

RELATED PROCEDURES, GUIDELINES, OR RESOURCES

- Policy 930 Equal Employment Opportunity
- Policy 931 Prohibition Against Discrimination
- Policy 932 Equal Opportunity and Access for the Disabled
- Procedure 990 Americans with Disabilities Act (ADA) and Accommodations
- MCCC Discrimination Form
- MCCC Reasonable Accommodation Request Form