

Bergen Community College

Board of Trustees

Section: HR

Policy #: HR 016-001.2026

Effective Date: October 14, 2026

Responsible Official: Vice President of Human Resources and Organizational Development

Accessibility Policy

Policy Statement:

This policy addresses Bergen Community College's (Bergen, the College) commitment to providing a welcoming environment based on inclusion, equal access, and opportunity, and respect for all individuals. This is accomplished by removing barriers to the College's programs, services, activities, physical spaces, and digital resources, and providing reasonable accommodations for qualified individuals with disabilities, as required by federal and state laws and regulations.

Reason for Policy:

To document Bergen's commitment to and adherence to accessibility requirements which include:

- Compliance with all applicable physical space and digital platform accessibility laws and regulations.
- Ensuring equal rights, opportunities, and access to all of the College's programs, services, and activities.
- Providing reasonable accommodations as long as they do not pose an undue hardship on the College.

Who Should Read This Policy:

All students, faculty, staff, and visitors.

Definitions:

Accessibility

Providing individuals with disabilities with an equal opportunity to acquire the same information, engage in the same interactions and activities, and enjoy the same services as individuals without disabilities in an equally effective and integrated manner, with substantially equivalent ease of use.

Web Content Accessibility Guidelines (WCAG)

International technical standards from the World Wide Web Consortium (W3C) that make digital content accessible to individuals with disabilities. Adherence to WCAG standards meets the compliance requirements of the ADA and Section 508 of the Rehabilitation Act of 1973.

POUR Principles

The core principles that WCAG international standards are based on provide a framework for designing and developing accessible digital content helping to ensure equal access for individuals with disabilities. The foundational guidelines of WCAG are based on four accessibility principles: Perceivable, Operable, Understandable, and Robust (POUR). These principles ensure that digital content is usable by everyone, regardless of disability, by presenting information in ways users can perceive, allowing navigation via various methods, making content clear and distinguishable, and ensuring compatibility with current and future technologies.

2010 ADA Standards for Accessible Design

The official, enforceable standards from the U.S. Department of Justice (DOJ) that set minimum requirements for accessibility in new construction and alterations of public accommodations, commercial facilities, and state/local government facilities. Published in 2010 and mandatory as of March 15, 2012, these standards cover technical and scoping requirements for physical spaces, ensuring they are usable by individuals with disabilities. These standards are mandated by Title II of the ADA for colleges and universities.

Information and Communication Technology (ICT)

The hardware and software tools, systems, and infrastructure that create, process, store, and exchange information digitally, which include the internet, email, instant messaging, social media, computers, mobile networks, cloud computing, video conferencing, and learning management systems.

Digital Content

Information, data, or media that exist in an electronic, machine-readable (i.e., digital) format, and flow through the ICT infrastructure encompassing text, images, audio, video, software, and interactive elements, created and distributed for consumption on digital devices like computers and smartphones, making the content easily shareable and measurable.

Qualified Individual with Disability

Under the ADA an individual who has a disability (physical/mental impairment) limiting a major life activity, has a record of one, or is regarded as having one, AND can meet the essential requirements of a program, activity, or job with or without reasonable accommodation, meaning they can perform the core functions and requirements of the role.

Under the Pregnant Workers Fairness Act ("PWFA"), a qualified individual is an employee or job applicant who meets specific criteria to receive workplace accommodations for pregnancy, childbirth, or related medical conditions and can perform the essential functions again in the near future.

Major Life Activities

The basic activities that most people can perform with little or no difficulty as defined by the ADA which include the following: actions like eating, sleeping, speaking, and breathing; movements like walking, standing, lifting, and bending; cognitive functions like thinking and concentrating; sensory functions like seeing and hearing; tasks like working, reading, learning, and communicating; the operation of major bodily functions like circulation and reproduction; and the function of individual organs like the heart, lungs, or pancreas.

Reasonable Accommodation

A modification or adjustment to a policy, procedure, program, service, or activity, provided to a qualified individual with a disability that enables the individual to participate in educational programs and activities, perform the essential functions of a job, apply for admission, apply and interview for employment, or have access to the College's facilities and events. Any accommodation that poses an undue hardship on the College is not a reasonable accommodation as articulated in the ADA.

Undue Hardship

An action requiring significant difficulty or expense for the College in fulfilling an accommodation request by an individual with a disability. Examples of factors considered when determining whether the requested accommodation would impose an undue hardship include the nature and cost of the accommodation, the impact of the accommodation on the operations of the College or a department, and legitimate safety concerns.

The Policy:

Bergen values diversity and inclusion and is committed to providing a learning, employment, and social environment that is welcoming, equitable, and accessible to all members of the College community. Bergen achieves this by providing accessibility in its physical spaces, digital content, and its educational and employment programs, services, and activities.

This includes providing reasonable accommodations and resources available to address potential or actual barriers and limitations for qualified individuals with disabilities.

There are several federal and state laws and regulations that establish accessibility requirements for individuals with disabilities which include the Americans with Disabilities Act (ADA), the PWFA, the Rehabilitation Act of 1973, the New Jersey Law Against Discrimination, New Jersey Assembly Bill A4856, and New Jersey business permit laws, which require compliance with and adherence to federal ADA accessibility standards (i.e. ADA Standards for Accessible Design) for new construction/alteration projects. The College adheres to the requirements of federal and state laws and regulations that ensure that individuals with disabilities have equal access to all programs, services, activities, and facilities. Bergen strictly prohibits and has zero tolerance for any discrimination against individuals with disabilities in its educational and employment programs and activities or for any retaliation against individuals with disabilities for exercising their federal- and state-protected rights or for reporting violations of such rights.

Bergen fosters an inclusive environment by ensuring that all facets of its operations are accessible to all members of the College community including those with disabilities, which includes access to:

- Information and communication technology (ICT) and digital content
- Physical space (i.e. campus grounds and buildings)
- College programs, services, and activities

ICT and Digital Content

Bergen is committed to providing equitable access to all ICT and digital content for students, employees, and visitors. Title II of the ADA and Section 508 of the Rehabilitation Act of 1973 as amended in 1998 (Section 508) requires adherence to the Web Content Accessibility Guidelines (WCAG) as the benchmark for digital accessibility. While the ADA and Section 508 are the federal laws protecting the rights of individuals with disabilities, including equal access rights, the WCAG provides the specific actionable technical standards for how to make ICT and digital content accessible.

WCAG 2.1 Level AA is the required technical standard for digital content accessibility per the 2024 ADA Title II Final Rule adopted by the Department of Justice. Bergen is committed to ensuring that all digital content is accessible by adhering to WCAG 2.1 Level AA and all future required conformance levels and standards. The College is focused on providing an accessible experience by actively following WCAG to remove barriers for individuals with disabilities.

Physical Space

Bergen has physical spaces that work and are designed for everyone by taking into consideration the various needs of individuals including those with disabilities. This includes equitable access to all the College's grounds, athletic facilities, and buildings. Bergen provides and maintains accessibility in all its campus facilities and complies with accessibility standards to provide a safe, secure, and barrier-free environment. The ADA ensures accessibility in physical spaces through specific design standards and specifications.

Title II of the ADA requires compliance with the 2010 Standards for Accessible Design which mandate accessibility in new construction and alterations to existing buildings. Generally, existing buildings must comply with the 2010 standards when they have undergone alterations, additions, or new construction. Existing buildings that have not undergone such changes and are compliant with the prior 1991 standards are under safe harbor provisions and not required to meet the 2010 standards, unless a primary function (e.g., a classroom or main library) is affected in which case broader accessibility must be provided.

Bergen adheres to the applicable 1991/2010 standards for physical space accessibility and proactively implements necessary modifications under the ADA's "safe harbor" principles to ensure an accessible environment for all physical space accessibility requirements based on the POUR principles. The ADA provides the technical requirements (e.g., dimensions, clearance, and turning space) for physical space accessibility while the POUR principles provide the "how" and "why" of accessibility.

College Programs, Services, and Activities

Bergen is also committed to providing equal access to its programs, services and activities. The College does this by providing auxiliary aids, making reasonable policy and academic adjustments, ensuring equal participation in all campus events and services, providing equal employment opportunities and accommodations, offering accessible financial aid information and academic counseling/tutoring services, and ensuring that digital products procured from vendors meet accessibility standards.

Reasonable Accommodation

As part of Bergen's focus on accessibility and equitable access, the College provides reasonable accommodations to qualified individuals with disabilities as defined and protected by the ADA so that they can perform the essential functions and responsibilities of their educational or employment programs and activities. Individual students, faculty, staff, and visitors are responsible for identifying themselves as qualified individuals with disabilities when requesting that the College provide reasonable accommodations. When a qualified individual's disability is not obvious, the individual must provide documentation that addresses the disability (from an appropriately licensed professional), and they must demonstrate how the disability limits or affects their ability to perform essential job functions or participate in and benefit from the educational programs and activities of the College, which necessitate reasonable accommodations. The College does not require individuals with disabilities to submit documentation about their disabilities or demonstrate the limitations of their disabilities if they are obvious.

Reasonable accommodations are provided unless doing so results in any of the following:

- The accommodation causes a direct threat to individuals with disabilities or others, and the threat cannot be eliminated or reduced to an acceptable level by such accommodations;
- An accommodation or modification fundamentally alters the nature or operation of a College program, service, or activity;
- An accommodation creates an undue hardship for the College.¹

Grievance Process

Bergen has a grievance process that allows individuals to file ADA complaints or reports of violations related to disability discrimination; lack of accessibility to the College's programs, services, or activities; or denial of reasonable accommodations for qualified individuals with disabilities. The College ensures confidentiality and timely equitable outcomes as mandated by the ADA. This involves the submission of oral or written complaints or reports of violations, opportunities for individuals involved to present information, a prompt investigation process, a written determination with resolution, and an appeal process for individuals dissatisfied with the outcome. Students and visitors should file their complaints or reports with the Office of Specialized Services, while employees should file with the Human Resources Department.

Complaints or violations can also be reported to the following federal or New Jersey state agencies:

- **Office for Civil Rights (OCR)**: File a complaint with the **U.S. Department of Education's Office for Civil Rights (OCR)** for federal disability discrimination in schools receiving federal funds.
- **U.S. Department of Justice (DOJ)**: For broader public service/place of public accommodation issues, file with the **DOJ's Civil Rights Division**, or

Fill out and send the paper ADA Complaint Form (Regular Format | Large Format) or a letter containing the same information to:

U.S. Department of Justice

¹ 42 U.S.C. § 12111(10) defines undue hardship as an action requiring significant difficulty or expense. Factors include (i) the nature and cost of the accommodation; (ii) the overall financial resources of the facility, the number of employees, the effect on expenses, and the impact upon operation of the facility; (iii) the overall financial resources of the covered entity, its size with respect to the number of employees, and the number, type, and location of facilities; and (iv) the type of operation, composition, structure, and functions of workforce, along with geographic separateness, and administrative or fiscal relationships.

- [NJ Division on Civil Rights \(DCR\)](#): For broader discrimination, especially in employment

Applicable State and Federal Laws, and Regulations

Americans with Disabilities Act (ADA)

Landmark civil rights law prohibiting discrimination against individuals with disabilities. Its aim and purpose are to make society accessible and ensure that individuals with disabilities have the same rights and opportunities as individuals without disabilities. Title I prohibits discrimination against qualified individuals with disabilities in all employment practices and requires reasonable accommodations. Title II ensures people with disabilities have equal access to state and local government services, programs, and activities, including public education, and explicitly addresses digital and physical accessibility requirements. Title V covers various important aspects and technical provisions including rules against retaliation.

Rehabilitation Act of 1973 (Sections 504 and 508)

U.S. legislation prohibiting disability discrimination by federal agencies, federal contractors, and programs receiving federal funds. Section 504 states that no person with a disability can be excluded from, denied the benefits of, or be subjected to discrimination in any program or activity receiving federal financial assistance. It forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive and have access to program benefits and services. Section 508 requires federal agencies and programs receiving federal funding to ensure their electronic information and communication technology is accessible to people with disabilities, setting standards for web and software accessibility.

Pregnant Workers Fairness Act (PWFA)

A federal law requiring employers with 15 or more workers to provide reasonable accommodations for known limitations related to pregnancy, childbirth or related medical conditions, unless it causes an undue hardship. Under the PWFA, a qualified employee is defined as an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if (A) any inability to perform an essential function is for a temporary period; (B) the essential function could be performed in the near future; and (C) the inability to perform the essential function can be reasonably accommodated.

Drug-Free Schools and Communities Act (DFSCA)

A federal law that requires institutions of higher education that accept federal funding to have policies and programs that prevent the unlawful use, possession, or distribution of alcohol and drugs on campus or during school-related activities. The DFSCA requires colleges and universities to adopt alcohol and drug prevention programs, prohibit illicit substances on campus, and distribute annual policy notices. Key requirements include establishing standards of conduct, providing the health risks associated with substance use, listing school and legal sanctions, and completing prevention program biennial reviews.

New Jersey Law Against Discrimination (LAD)

A New Jersey state law that mirrors the protections of the ADA and prohibits employers from discriminating against disabled employees. The law also prohibits discrimination against other protected classes and characteristics including race, religion, sex, sexual orientation, national origin, age, and marital status. It also prohibits harassment and protects against retaliation for reporting violations.

New Jersey Assembly Bill A4856

A series of bills enacted across different legislative sessions, one of which, passed in 2020, mandates accessibility standards for websites and online services of public schools, including public colleges, ensuring they meet ADA standards for individuals with disabilities.

Related Documents/Policies:

Americans with Disabilities Act and Accommodation Policy

Policy History: (adopted/amended)

Adopted: 10/13/2026

Amended:

Reviewed: