

Disability Nondiscrimination Plan Sample¹

Recipient is committed to providing persons with disabilities equal opportunity to participate in or benefit from its programs, services, and activities through its compliance with Section 504 of the Rehabilitation Act of 1973.²

Recipient recognizes that persons with disabilities may need reasonable modifications to have equal opportunities to participate in or benefit from Recipient's programs, services, and activities.

It is Recipient's policy that no otherwise qualified individual with a disability will be denied access to or participation in any program, service, or activity offered by Recipient. Recipient will administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified persons with disabilities.³

Recipient will provide at no cost appropriate auxiliary aids and services where necessary to afford people with disabilities an equal opportunity to participate in and benefit from the programs, services, and activities provided by Recipient. Auxiliary aids and services may include qualified interpreters to individuals who are deaf or hard of hearing and must be provided in a timely manner and in such a way as to protect the privacy and independence of the individual. Persons with disabilities have a right to request reasonable modifications to allow them to participate in or benefit from Recipient's services and activities.

Recipient and any of its agents will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under Section 504, or for assisting or supporting another to exercise a right under Section 504.

This Program and Policy applies to all Recipient subrecipients, agents and contractors.

Definitions

A. Disability means, with respect to an individual:

1. a physical or mental impairment that substantially limits one or more of the person's major life activities;
2. a history of such an impairment; or
3. being regarded as having such an impairment.

¹ This sample policy is for the purpose of providing technical assistance to assist Recipient in complying with federal civil rights laws and EPA's nondiscrimination regulation. *See* 40 C.F.R. § 7.105. It is not intended as legal advice. Also, while EPA has made every effort to ensure the accuracy of the information discussed in this sample policy, the relevant statutes, regulations, and other legally binding requirements determine Recipient's obligations as a recipient. In the event of a conflict between the sample policy and any statute or regulation, the legal authorities are controlling.

² Recipient also prohibits discrimination in employment, including based on disability. For Recipient's employment discrimination policy, see Recipient Policy #####.

³ *See* 40 C.F.R. § 7.55.

The definition of “disability” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of Section 504. The question of whether an individual meets the definition of “disability” should not demand extensive analysis

- B. Qualified Individual with a Disability is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by Recipient.

Nondiscrimination Coordinator

The Nondiscrimination Coordinator will coordinate Recipient’s efforts to comply with Section 504⁴, including ensuring the following:

- A. Recipient will adopt and make readily available in suitable formats (*e.g.*, enlarged, Braille, audio-taped):
 - 1. a procedure that allows an individual to request reasonable modifications or auxiliary aids or services needed to obtain equal access to and enable participation in Recipient programs, services, and activities;
 - 2. a procedure for maintaining personal information in a manner that protects the privacy and independence of the individual; and
 - 3. a procedure for providing modifications and auxiliary aids or services.
- B. Recipient will maintain data on the nature and extent of the services provided to persons with disabilities and develop data collection requirements as part of the operational guidelines for implementing this policy.
- C. Recipient will administer its programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- D. Recipient will utilize the grievance procedures set forth in its nondiscrimination program and policy for providing prompt and equitable resolution of complaints alleging any action that would violate Section 504. These procedures should be applicable to any anticipated complaint, including an appeal of a denied request for reasonable modifications or auxiliary aids or services.
- E. Recipient will provide auxiliary aids or services that are required to comply with Section 504 free of charge.
- F. Recipient will provide periodic in-service training for faculty and staff to develop their awareness and understanding of the needs of persons with disabilities and legal compliance issues.

⁴ See 40 C.F.R. § 7.85(g): “If the recipient employs fifteen (15) or more employees, it shall designate at least one person to coordinate its efforts to comply with its obligations under [40 C.F.R. Part 7].”

Program Accessibility

Consistent with Recipient’s self-assessment, Recipient will consider the extent to which any Recipient facilities are “public facilities” or will be used by the public. Recipient will operate its programs and activities out of those facilities consistent with 40 C.F.R. § 7.65 so that, when each program or activity is viewed in its entirety, it is readily accessible to and usable by persons with disabilities.

A. Existing Facilities:

1. Structural changes in existing facilities are not required when other methods provide program accessibility. Such methods include:
 - a. Redesigning equipment or the facility after case review.
 - b. Providing appropriate signage directing people to accessible features.
 - c. Reassigning staff, or services to accessible sites.
2. Evacuation procedures will be developed by Recipient for persons with disabilities.

B. New Construction and Alterations:

Each facility or part of a facility constructed by, on behalf of, or for the use of Recipient must be designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by persons with disabilities.

C. Off Campus:

Contractual or lease agreements for the use of non-Recipient facilities should ensure that any program, service, or activity of Recipient in that facility is accessible. If a program, service, or activity is not wholly operated by Recipient, Recipient will attempt to assure that these programs, services, or activities, as a whole, provide an equal opportunity for the participation of persons with disabilities.

Reasonable Modifications and Auxiliary Aids and Services:

No participant with a disability in a Recipient program, service or activity will be denied the benefits of, be excluded from participation in, or be otherwise discriminated against in the provision of services available to all individuals in general.

Each individual is responsible for making requests regarding reasonable modifications or auxiliary aids or services to meet their particular needs to enable Recipient to provide an appropriate response to the request. However, the failure to request a reasonable modification or auxiliary aid or service does not always excuse the Recipient from providing a reasonable modification or auxiliary aid or service, as long as it does not result in a fundamental alteration or undue burden.

All auxiliary aids, services used by persons with disabilities to provide access to Recipient programs, services, and activities need not be on hand or present at all times.

A Recipient does not need to provide a reasonable modification or auxiliary or service that would fundamentally alter the nature of the program, service, or activity, for example, requiring waiver of essential program or licensure requirements; violating accreditation requirements; or posing an undue administrative burden on Recipient.

In determining reasonable modifications or appropriate auxiliary aids or services, Recipient considers the wishes of the individual.

Recipient will not require an individual with a disability to accept a modification, aid, service, opportunity, or benefit under any circumstances.