



SUMMARY GUIDE

Renewing the Commitment

An ADA Compliance Guide for Nonprofits

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This booklet gives an overview of The Chicago Community Trust's *Renewing the Commitment: An ADA Compliance Guide for Nonprofits*. The full guide, with resources, tip sheets and templates, is online at <http://www.cct.org/adaguide>.

INTRODUCTION

2015 marks the 25th anniversary of the Americans with Disabilities Act. The ADA embodies—and makes enforceable—this nation’s promise of full access to nonprofit organizations, businesses that serve the public, state and local governments, transportation, employment, and telecommunications. This anniversary brings new, expanded ADA regulations and prompts us to reflect on whether we are meeting our responsibilities to people with disabilities.

People with disabilities comprise more than 19 percent of the people living in the United States¹—representing a segment of the population that is larger than any ethnic, racial or cultural minority group in the United States. Those who have disabilities include people of all races, ethnic backgrounds, religious beliefs, ages and sexual orientations.

The ADA requires most nonprofits to provide equal access to services. It applies to your organization whether it offers performing arts programs to the public or works to prevent homelessness and hunger. It applies to your nonprofit whether it provides mental or physical health care or promotes wellness or community development. It applies whether your group strives to improve education or offers a food pantry or thrift shop for the public.

The first major revisions to the original 1991 Department of Justice regulations have been in place since September 2010, with new accessibility standards and more detailed policy provisions. All nonprofits should review and evaluate their obligations and renew their efforts to offer full and equal access to people with disabilities in light of these requirements.

This guide is for all nonprofit organizations that share The Chicago Community Trust’s commitment to diversity:

- We believe that the diversity of our community is a fundamental strength of our region.
- Our mission is best fulfilled when we embrace diversity as a value and practice.
- We maintain that achieving diversity requires an enduring commitment to inclusion that must find full expression in our organizational culture, values, norms and behaviors.
- Leading by example, we aspire to make diversity a core and abiding strength of the nonprofit sector.²

This guide is just that—a guide. It does not set standards for the grant recipients of The Chicago Community Trust. It is not intended as legal advice.³ It is intended to give your organization information about compliance, along with tools that you can use and adapt according to your size, activities and resources.

This manual will assist nonprofits of all types and sizes—whether in Chicago or other metropolitan areas, smaller cities and towns, or rural areas—to understand the basic principles of the ADA and develop their own plans for compliance. We hope that every nonprofit, with its own original, individual and effective approach to compliance, will welcome with equal dignity all people they serve and offer equal opportunity to those within their reach.



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The Chicago Community Trust is celebrating the 25th anniversary of the Americans with Disabilities Act in 2015 by supporting ADA 25 Chicago, a new initiative that seeks to ensure greater inclusion, empowerment and opportunities for people with disabilities in metropolitan Chicago. U.S. Rep. Tammy Duckworth (at the podium) is one of the many civic leaders involved with the initiative. Photo by Jon Shaft.

OVERVIEW OF THE FULL GUIDE

- Section 1 offers background information. It casts disability discrimination issues against the backdrop of our social environment. It then describes the types of disabilities that individuals may experience. Finally, it sets out the ADA “at a glance,” along with other disability rights laws that may apply.
- Section 2 describes the hallmarks that underlie almost all the requirements of the ADA.
- Section 3 helps you take stock of where you are—whether you’re just starting to consider ADA issues or have incorporated the law’s principles into some of your activities. It includes a user-friendly checklist and shows what steps you can take immediately with little or no cost or difficulty.
- Section 4 offers a few suggestions for interacting in ways that are effective and not condescending.
- Sections 5 through 8 explore some issues almost all nonprofits will face, including facility access, communication and other interactions, common policy issues, and public gatherings, such as meetings.

- Section 9 gives specific ideas about how to make the ADA work for your particular organization’s services and activities, such as health care, human services, recreation and electronic communications, such as websites.
- Section 10 outlines some steps that will put your nonprofit on the road to full compliance.
- The Conclusion expresses the Trust’s hopes for your success.

MORE IN THE FULL GUIDE

In the full guide, you’ll find:

- Tip Sheets with practical guidance on issues staff may confront, such as how to work with an interpreter, how to create a document in large-font format and how to make a meeting accessible
- A glossary of communication terms that may not be familiar
- An extensive list of resources and links sorted by topics in the guide
- Checklists and sample policies

- Templates for you to customize for your organization, such as accessible meeting notices, service animal policies and information about accessible features.

DISABILITY AND THE SOCIAL ENVIRONMENT

In passing the Americans with Disabilities Act, Congress recognized that people with disabilities have traditionally occupied a position of inferior status in our society and experienced discrimination, including disadvantages in transportation, communication, policies, employment and access to public facilities—and outright exclusion.

But disability is not just about a limited and specific group of people. Many of us will have a temporary or permanent activity limitation or disability at some point during our lives. Half of the U.S. population has or will have a disability or has an immediate family member who has or will have a disability.

Under the ADA, a disability is a physical or mental impairment that substantially limits a major life activity, such as seeing, hearing, walking, breathing, performing manual tasks, standing, lifting, working or thinking. The ADA recognizes that a person's disability does not make that person incapable of carrying out personal, social, employment or family responsibilities. Whether

an individual can do so is determined by the interaction of physical and mental limitations with social and environmental factors. These restrictions are based on characteristics that are generally beyond the individuals' control. The restrictions result from stereotypes, assumptions that are not true indications of individuals' abilities to participate in and contribute to society, and others' lack of awareness about how policies affect people with disabilities.

THE ADA "AT A GLANCE"

The battle for disability rights has been a long one—and not an easy one. The disability rights era began with the independent living movement in the 1960s. The movement's slogan, "Nothing about us without us," heralded a shift away from society's view that people with disabilities should be shunned, institutionalized, pitied, taken care of by others or cured, to a recognition that disability rights are civil rights. The government enacted section 504 of the Rehabilitation Act of 1973, the first federal law to ban discrimination against people with disabilities. But section 504 covered only those programs that received federal financial assistance. Even in the late 1980s, many people with disabilities still could not exercise the basic rights others took for granted every day.



Equal opportunity for people with disabilities is an organizational asset. It enhances an organization's access to the skills and contributions of more individuals. Photo courtesy of Bodies of Work.

In the late 1980s, people with disabilities and other advocates presented evidence to Congress about their personal experiences with discrimination. In 1990, after extensive hearings and negotiations, Congress passed the ADA.

The ADA has five sections, or “titles.”

- **Title I: Employment**

Requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to people without disabilities.

- **Title II: State and Local Government Activities**

Covers all activities of state and local governments regardless of the government entity’s size or receipt of federal funding. It requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services and activities.

- **Title II: Public Transportation**

Bans discrimination in public transportation services, such as city buses and public rail.

- **Title III: Public Accommodations**

Covers businesses and nonprofit service providers that are public accommodations, private entities offering certain types of courses, privately operated transportation, and commercial facilities.

- **Title IV: Telecommunications Relay Services**

Addresses telephone and television access for people with hearing and speech disabilities. It requires telephone companies to provide telecommunications relay services 24 hours a day, seven days a week.

- **Title V: Miscellaneous**

Contains miscellaneous provisions, including those banning retaliation against someone who files an ADA claim.

The part of the ADA that applies to private entities, including nonprofits, is title III. It bans discrimination by those who own, operate, lease or lease to “places of public accommodation,” including:

- Child care centers, senior citizen centers, homeless shelters, food banks, adoption agencies and other social service establishments
- Offices of providers of legal services, hospitals, health care or other service establishments
- Restaurants, shelters and food kitchens
- Theaters and concert halls



Integration of people with disabilities into the mainstream of society is a fundamental purpose of the ADA. Activities must be provided in the most inclusive setting appropriate to the person’s level of needs. ©ADA Image Project by Mary Lou Mobley.

- Auditoriums and lecture halls
- Clothing stores, grocery stores and other “sales establishments”
- Museums or “other places of public display or collection”
- Parks, zoos or other places of recreation
- Gymnasiums and other “places of exercise or recreation”
- Private schools, from nursery schools through post-graduate schools

Churches, synagogues and other religious organizations, such as religious schools, are not subject to the ADA, even if they operate a facility that falls into one or more of these categories. But they may have to comply with other laws that pertain to providing equal opportunities for people with disabilities.

The ADA is not triggered by federal funding. It applies regardless of the size of an entity. There are no “grand-

father provisions” that exempt existing buildings, as are sometimes found in state laws or local building codes.

The ADA says that nonprofits should:

- Welcome people with disabilities and integrate them into their activities.
- Ensure that they can communicate effectively with people who have difficulty seeing or hearing, have speech impairments, or have intellectual disabilities.
- Remove physical barriers to access to their facilities. If some barriers are too difficult or expensive to remove, organizations must take other steps to provide services to people with disabilities.
- Ensure new construction and alterations meet federal accessibility standards.
- Maintain access to accessible spaces and features.
- Modify policies and practices, if necessary, to avoid discrimination.
- Ensure equal opportunity in employment.
- Make sure people with disabilities can benefit from transportation you offer.

- Ensure people with disabilities are not charged extra for accommodations.
- Integrate people with disabilities into “regular” programs. Provide “special” programs only if equal opportunity would require a separate program.
- Make online activities and information accessible.

Why should your nonprofit comply?

- Equal opportunity for people with disabilities is an organizational asset. It enhances your access to the skills and contributions of more individuals.
- Disability is an element of diversity, which the Trust envisions as a “core and abiding strength of the nonprofit sector.” People with and without disabilities can learn from each other and broaden their horizons and experiences when they participate in activities, volunteer, and live or work together. In doing so, they come to respect and celebrate their differences.
- The ADA is a federal law.
- The ADA gives people with disabilities enforceable civil rights.



Nonprofits can effectively communicate with people who have disabilities affecting their sight by using auxiliary aids like electronic magnifiers. Photo by Ellen Prather.



The ADA requires nonprofits and other private entities to make “reasonable modifications” to accommodate people with disabilities. ©ADA Image Project by Mary Lou Mobley.

- Compliance is a cost of doing business (and the expenses should be absorbed into the organization’s overall budget).
- Promoting inclusion ensures broader access to programs.
- It’s common sense. People with disabilities make up a large part of the group served by nonprofits.

ACCOMMODATING PEOPLE WITH VARIOUS TYPES OF DISABILITIES

The ADA protects individuals with disabilities. Generally an individual with a disability is someone who has a physical or mental impairment that substantially limits one or more of his or her major life activities. Examples include disabilities related to mobility, hearing, vision, psychiatric conditions, intellectual capabilities, cognition, learning and speech.

THE HALLMARK OF NONDISCRIMINATION: EQUAL OPPORTUNITY

Equal opportunity underlies all the principles and

requirements of the ADA. The law doesn’t require equal treatment or an equal outcome. In fact, “equal treatment” is often what leads to discrimination against people with disabilities. This civil rights law requires that modifications and accommodations be made for people with disabilities if reasonable, that buildings be altered if necessary, and that new construction be accessible. These steps allow people with disabilities to have an equal opportunity to access and benefit from your organization’s services and offerings.

The statute says that a business or public accommodation cannot deny individuals with disabilities the full enjoyment of the services and benefits it offers to its clients, participants or beneficiaries. The ADA does not tell organizations exactly how to accomplish these goals. Rather, the law and regulations allow as much flexibility as possible in light of financial and practical limitations. By following some best practices, you can maximize your opportunity for serving people with disabilities while maintaining the integrity of your programs.

POLICY AND OPERATIONS: MAKE REASONABLE MODIFICATIONS

Every organization has a certain way of doing things. Your policies, practices and routines help your group operate as smoothly as possible. But the way you've "always done things" may make it difficult for people with disabilities to take full advantage of your services. The ADA requires title III entities to make "reasonable modifications" to their policies and practices if doing so is necessary to avoid discrimination and accommodate people with disabilities. This means you may need to make minor adjustments to your formal policies or procedures and your informal practices, or offer some extra assistance to a client or participant. You are expected to do only what is reasonable.

PHYSICAL ACCESS: MEET ACCESSIBILITY STANDARDS AND REMOVE BARRIERS TO ACCESS

The ADA requires that new or altered buildings follow accessibility standards. But it takes into account that some small businesses and nonprofits cannot afford to make significant physical changes to their existing buildings or stores to provide accessibility to people who use wheelchairs and other people with disabilities. The law has requirements for existing facilities that are less strict than the standards for ones built or altered after the law went into effect.

COMMUNICATION: PROVIDE EFFECTIVE MEANS OF COMMUNICATION

Nonprofits must ensure they can effectively communicate with people with disabilities. With some exceptions, the ADA requires that organizations provide auxiliary aids and services to people whose disabilities affect their hearing, sight or speech. Auxiliary aids are devices, services and other methods used to ensure effective communication with individuals with disabilities. They include interpreters, captioning, transcripts and assistive listening systems for people who are deaf or hard of hearing; readers, accessible electronic documents, large-print materials and screen-reader software for people who are blind or have low vision; and interpreters or exchange of notes for people with disabilities that affect speech.

It is also important to make sure your organization's websites and electronic and information technology have accessible features for people with disabilities. Web accessibility means that people with disabilities can perceive, understand, navigate and interact with the web. This requires an evaluation of several factors, including web page content, web browsers, media

players, screen readers and other assistive technology, and the software that creates websites.

INTEGRATION: PROVIDE SERVICES IN THE MOST INTEGRATED SETTING

Integration of individuals with disabilities into the mainstream of society is a fundamental purpose of the ADA. Your organization must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity or equally effective benefits and services.

SERVING WITH SENSITIVITY AND COURTESY

As your nonprofit organization dedicates itself to greater inclusion of people with disabilities and continuing improvement of services, success will turn in part on courteous communication. Above all, remember that those you serve and those who participate in your services and activities are individuals. Your clients and stakeholders come with diverse and varied abilities, needs, interests, preferences and personalities.

GENERAL POLICY CONSIDERATIONS FOR NONPROFITS

The ADA's mandate to make "reasonable modifications" to policies to ensure equal opportunity to people with disabilities can affect many areas of a nonprofit's operations. Your organization must ensure that it doesn't use eligibility requirements that screen out people with disabilities unless they are necessary. Safety can be taken into account, but any perceived risk posed by a person with a disability must be verified as a real risk, and steps should be taken to minimize the risk of participation.

AN AGENDA FOR ACTION

There are, of course, many ways to enhance your organization's compliance with the ADA. Here are some simple steps to full compliance.

• Make the Commitment

Your commitment to ADA compliance must start at the top with leaders and managers. Articulate a commitment to access by creating an accessibility policy statement or declaration. Include it within your policies and make it part of your culture. Affirm that you welcome people with disabilities and subscribe to the goal of providing access to programs, services and facilities. This philosophy should then be integrated into all activities: policies, guidelines, plans, budgets, funding proposals, meetings and outreach.

- **Do a Client Path Analysis**

A client path analysis is an effective way to evaluate your facilities and policies for compliance. It involves tracing the path that a person would follow in order to access your services, whether with respect to facilities or policies and operations.

- **Put It in a Plan**

Draw up plans with specific time frames for taking remedial steps: 1) one for barrier removal, with action steps and time frames, taking your resources into account, and following the priorities in the guide for barrier removal; 2) one for implementing policy changes; 3) one for communication; and 4) one for your website. It doesn't have to happen all at once, but it's important to devise an approach and a schedule, and start following it.

- **Put It into Action and Keep It Going**

Don't let your plan sit on someone's desk or in an electronic file. Don't just plan it. Implement it according to its specific steps and time frames. Assign someone the responsibility for carrying out the plan. Incorporate compliance provisions in your contracts with vendors and other providers.

Train those who need to be trained. Monitor your progress and success. If you receive complaints or suggestions, respond quickly and consider adjusting your plan or policy. Periodically evaluate what you're doing and how, and adjust accordingly.

Make access to facilities, services and communication a "cost of doing business," and integrate it into all areas of planning, budgeting and management.

The ADA regulations for nonprofits have been in effect since 1992. But the 2010 revised regulations include expanded and modified accessibility standards and requirements about policies. Become familiar with what these rules address because they have specific deadlines for compliance. The guide has specific references to the Department of Justice website for updates on regulations, technical-assistance guides, and other user-friendly help in understanding the requirements.

CONCLUSION

The Chicago Community Trust hopes that this guide will help nonprofits to increasingly welcome—and better serve—people with disabilities, with the goal of full inclusion and participation. We hope that you are set to succeed—to reach higher, to do better and to do even more good.

NOTES

1. References and citations are in the full guide.
2. The Chicago Community Trust's diversity statement
3. We have attempted to make the guide thorough and accurate, but we cannot provide definitive statements for many of the areas covered because of the nature of the ADA and its interpretation. If an organization needs specific opinions regarding particular circumstances, discussion with a consultant or attorney is recommended.



When trails, walks and other outdoor features are accessible, people with disabilities can have access to greater outdoor recreation opportunities. ©ADA Image Project by Mary Lou Mobley.



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The Chicago Community Trust, our region's community foundation, partners with donors to leverage their philanthropy in ways that transform lives and communities. The Trust, together with its donors, grants more than \$160 million annually to nonprofits working to develop new audiences to sustain the region's vibrant arts organizations, protect the human services safety net for the most vulnerable residents in the region, stem the devastating effects of foreclosures on our neighborhoods, elevate teaching to meet world-class standards, and improve conditions for healthy and active lifestyles. By connecting the generosity of donors with the needs of the community, the Trust ensures that our region thrives today and for future generations.

