Creating an Inclusive Nonprofit

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Executive Service Corps

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Illinois ADA Project

Services:
- ADA Technical Assistance
- Referral information
- Fact sheets & other documents
- Customized ADA trainings

(877) ADA-3601 (V)   (800) 610-2779 (TTY)
www.ada-il.org

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Session Outline

- ADA / State and Local Anti-Discrimination Laws
- Specific Topics
  - Effective Communication
  - Service Animals
  - Architectural Access
  - Tax Incentives

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Making your nonprofit welcoming to people with disabilities

- Over 54 million people in the US have a disability (20% of the population)
- What is an example of how your nonprofit is accessible to people with disabilities?

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Disability Etiquette

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Interacting with People with Disabilities – Language Tips

- Proper language shows respect, not political correctness
  - Say "intellectual disability" - not "retarded"
- Often the historic derivation of certain terminology makes them offensive – "handicapped"
- People First – puts the person first, rather defining the person by his or her disability
  - Say "person with epilepsy" - not "epileptic"
- Don't add judgmental language that victimizes person
  - Say "person living with AIDS" – not "AIDS victim"
  (and avoid "suffers from")
- Assistive technology enables, not restricts
  - Say "wheelchair user" - not "confined to a wheelchair"

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Interacting with People with Disabilities – Other Tips
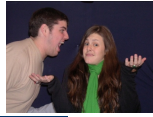
- Offer assistance before taking action
- Identify yourself and others who may be with you when meeting someone with a visual disability
- Avoid patronizing attitudes/actions
  - ❖ "Aren't you courageous for getting on a bus"
- Do not touch, lean against, or hang on someone's wheelchair, mobility aid, or service animal without first obtaining permission
- Relax. Don't be embarrassed if you happen to use common expressions such as "See you later" or "Did you hear about this?" that seems to relate to a person's disability

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Illinois ADA Project EQUIP FOR EQUALITY

Background:
Laws Prohibiting Disability Discrimination

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The Americans with Disabilities Act

1990: The Americans With Disabilities Act (ADA)
Prohibits discrimination and provides equal opportunity for people with disabilities

The ADA has 5 different Sections called "Titles"

- Title I: Employment
- Title II: State and Local Government Services / Public Transit
- **Title III: Places of Public Accommodation**
- Title IV: Telecommunications
- Title V: Retaliation, Technical Assistance and Misc. Provisions

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State & Local Laws

Illinois Human Rights Ordinance
Prohibits discrimination in various environments, including employment and private business.
- Enforced by the Illinois Department of Human Rights

Chicago Human Relations Ordinance
Prohibits discrimination in various environments, including employment and private business.
- Enforced by the Chicago Commission on Human Relations

Illinois Environmental Barriers Act
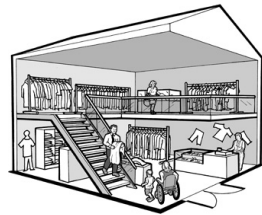Requires architectural access in new construction
- Enforced by the IL Attorney General's Office

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TITLE III: Places of Public Accommodation
State/Local Laws = Same principles

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Title III: General Overview

General Rule
No discrimination in the "full and equal enjoyment" of goods, services, facilities, privileges… or accommodations..."

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Title III: Specific Topic
Reasonable Modifications

Title III entities including businesses and nonprofits must:
- Modify policies and procedures
- Unless doing so would fundamentally alter nature of services provided

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Effective Communication

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Title III: Specific Topic
Ensuring Effective Communication

- Nonprofits must:
  - Provide auxiliary aids and services necessary to ensure effective communication
  - Unless it results in an "undue burden" or a "fundamental alteration"
- What is "necessary" depends on the type of conversation
  - How would we communicate with someone who is deaf?
    - Compare: - Paying at retail establishment
              - Learning about a diagnosis in a doctor's office
              - Attending a live play

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Auxiliary Aids and Services

Examples of auxiliary aids and services:
- Materials in alternative format: Braille, large print or electronic (in word document)
- Audio recordings
- Exchanging written notes
- American Sign Language interpreters
- Open Captioning (real time/scripted)
- Assistive listening devices
- Other effective ways of making materials available to individuals with hearing or vision disabilities

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Communication with deaf and hard of hearing individuals

- Established by Title IV of the ADA
- How will a deaf person contact your organization?
  - Email
  - Text
  - Video relay service
  - Text relay service
  - Captioned telephone
- Tips for using Relay
  - Know that its not a sales-call
  - Talk directly to the person who is deaf (not in third person)

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Training needed!

- **Train** your employees about:
  - Providing services to people with disabilities who need effective communication – be flexible in how you communicate!
  - Answering video relay service calls

- **DOJ: Effective Communication Requirements**
  - www.ada.gov/effective-comm.htm

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For Cultural Organizations

- If you are a cultural organization, the Chicago Cultural Accessibility Consortium (CCAC) provides professional development on making Chicago's cultural organizations accessible

  www.chicagoculturalaccess.org

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Website tips for accessibility

- Common web accessibility problems:
  - Videos:
    - Add captions or transcript
    - Do not rely on YouTube automatic captions – take the time to go in and edit the captions and add punctuation
  - Images
    - Use alt-text to describe images
    - Have website tested to make sure it is accessible by those who use screen readers

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Social Media

- Images –
  - Provide image descriptions
  - Add to Facebook and twitter images
- Videos
  - Do not rely on Facebook captions – add your own captions/edit captions
  - Add transcripts to any speakers/videos you use
- Instagram – add text to your videos, or use a captioning app like Clips to create automatic captions

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Your nonprofit's events

- Ensure that you are welcoming to anyone who wants to attend
  - On invitation, include language: "**if you have any accessibility needs, please email me@mycoolorg.org**. Consider adding to all event invitations for your organization.
  - Don't be afraid to ask for questions or service provider suggestions
  - When universal design is possible, try it – it may benefit many others
  - Add info about access you are providing to your website
  - Send a Know Before You go email – can include accessibility and way finding info

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Event tips (continued)

- Physical space: venue should be accessible.
  - Avoid stairs, steep ramps, other barriers
  - Accessible entrances should be in appropriate and convenient location – not through alley or kitchen to access elevator or space
- Ensure that there are accessible bathrooms
- Stage, podium, panel should be accessible for people with disabilities
- Have diverse seating options throughout event

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Checklist – Chicago Community Trust

- Great handout from Chicago Community Trust for nonprofit events

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Service Animals

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Definition of Service Animal

What is a service animal?

- ADA regulations define service animal
  - "Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability."
  - The work or tasks performed by a service animal must be directly related to the individual's disability.

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Examples of Tasks done by service animals

- Pull a wheelchair
- Alert to sounds
- Alert to presence of allergens
- Prevent / interrupt impulsive behavior
- Detect / interrupt anxiety attacks

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How Do You Know if a Dog is a Service Animal?

What can you ask?

DOJ says you can ask only two questions to determine whether it is a service animal

- (1) Whether the animal is required because of a disability
- (2) What work or task the animal has been trained to perform

Would you ask if:

- An individual is obviously blind and a dog is clearly helping her navigate
- An individual has no obvious disability and its unclear what the dog is doing

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How Do You Know if a Dog is a Service Animal?

When to ask questions:

- You should not ask these questions if the service an animal provides is obvious

You cannot:

- Require medical documentation
- Require special identification card
- Require dog to wear a harness or other identifier
- Ask the dog to demonstrate its ability

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Can You Ever Ask That a Dog Be Removed?

Yes. You can ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal´s handler does not take effective action to control it
- The animal is not housebroken

However:

- *Even if an animal is properly excluded*, you must give the individual with a disability the opportunity to obtain goods, services, and accommodations without having the service animal on the premises

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Disability Etiquette for Interacting with Service Animals

- Do not pet the dog (as tempting as it is)
  - Reasons:
    - ➤ Service animals are "working" animals
    - ➤ Service animals are often considered extensions of someone's own body
  - ❖ Even if you say, "I know you're not supposed to pet, but I just can't resist!"
- Do not distract the dog
  - ❖ Examples: Making noises, offering food, water or toys
- Best practice = Ignore the dog
- Be respectful of people and remember the rules on questions!

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Resources: Learn More About Service Animals

- **DOJ: FAQ about Service Animals**
  - www.ada.gov/regs2010/service_animal_qa.html
- **DOJ: Service Animal Guidance**
  - www.ada.gov/service_animals_2010.htm
- **ADA National Network: Service Animal Guidance**
  - http://adata.org/service-animals

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Resources: Free Technical Assistance on Architectural Qs

- **Great Lakes ADA Center**
  - www.adagreatlakes.org
  - (800) 949 - 4232
- **Department of Justice: ADA Hotline**
  - www.ada.gov
  - (800) 514 - 0301
- **Illinois Capital Development Board**
  - www.illinois.gov/cdb/business/codes/pages/illinoisaccessibilitycode.aspx
  - (217) 782 - 8530
- **Illinois Attorney General's Office**
  - www.illinoisattorneygeneral.gov/rights/disabilityrights.html
  - (312) 814 - 5684

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To Do: Next Steps for your organization

- **Survey your organization's building** to see if it is accessible to people with disabilities?
  - Use this tool to see where barriers to access exist
  - www.adachecklist.org
- Once you have identified the barriers, consider whether you can **remove any barriers**
  - Checklist includes possible solutions
  - Consider resources like tax incentives
  - It's not all or nothing – what can you do today?

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Tax Incentives

IRS
Department of the Treasury
Internal Revenue Service

Small Business Tax Credit
- Tax credit of up to $5,000 annually for providing reasonable accommodations such as: sign language interpreters, readers, adaptive equipment, removing barriers, materials in alternative formats.

Architectural/Transportation Tax Deduction
- Any businesses may annually deduct up to $15,000 for the costs of removing barriers to accessibility

Work Opportunity Tax Credit
- Tax credit to employers for hiring people from certain targeted low–income groups including: SSI recipients, VR Referrals, veterans, ex-felons,…

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Resources: Tax Incentives

- DOJ: Tax Incentives for Businesses
  - http://www.ada.gov/taxincent.pdf

- ADA Center: Explanation of Tax Incentives
  - http://www.adainfo.org/content/tax-incentives-businesses

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Additional Resources for Nonprofits

- ADA Primer for Small Businesses:
  - http://www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm
- DOJ: Reaching out to Customers with Disabilities
  - http://www.ada.gov/reachingout/intro1.htm
- DOJ Video: 13 Mistakes Small Businesses Make
  - http://www.ada.gov/videogallery.htm#anchor10mistakes990

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- **Great Lakes ADA Center**
  - www.adagreatlakes.org
  - (800) 949 - 4232

- **Department of Justice: ADA Hotline**
  - www.ada.gov
  - (800) 514 - 0301

- **Illinois ADA Project**
  - www.ada-il.org
  - 877/ADA-3601, rachela@equipforequality.org

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Creating an Inclusive Nonprofit

Illinois ADA *Project*

EQUIP FOR EQUALITY

QUESTIONS?

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