

Pursuant to a permanent injunction issued by the U.S. District Court for the Western District of Louisiana on August 22, 2024, EPA will not impose or enforce any disparate-impact or cumulative-impact-analysis requirements under Title VI against any entity in the State of Louisiana. [Click here for additional and updated information.](#)

Disability Nondiscrimination Policy Sample¹⁰²

(Revised Version: August 12, 2024)

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 1973.¹⁰³

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 qualified person 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.¹⁰⁴

Recipient will provide at no cost appropriate auxiliary aids and services where necessary to afford persons 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.

Recipient will make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the recipient can demonstrate that making the modifications would fundamentally alter the nature of the program or activity.

Recipient and any of its agents will not coerce, intimidate, threaten, 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.

¹⁰² 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 regulations. See 40 C.F.R. § 7.105. The sample policy is not intended as legal advice, nor is its implementation by Recipient, in whole or in part, to be construed as a safe harbor from potential litigation or civil rights complaint. 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.

¹⁰³ Recipient also prohibits discrimination in employment, including based on disability. For Recipient's employment discrimination policy, see Recipient Policy #####.

¹⁰⁴ See 40 C.F.R. § 7.55.

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.

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 504,¹⁰⁵ including ensuring the following:

- A. Recipient will adopt and make readily available in suitable formats (*e.g.*, enlarged, Braille, audio-taped, accessible website information when information is offered on the web):
 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 reasonable 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 accessible locations and in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

¹⁰⁵ 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].”

- 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.

Program Accessibility

Recipient will operate its programs and activities 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 may include:
 - a. Redesigning equipment or the facility.
 - b. 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 or part of 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.

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.

Recipient will make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless Recipient can demonstrate that making the modifications would fundamentally alter the nature of the program or activity.

Recipient will take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others, including by furnishing appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a program or activity of a Recipient.

A Recipient does not need to provide a requested modification or auxiliary aid or service that would fundamentally alter the nature of a program, service, or activity. A Recipient also does not need to provide an auxiliary aid or service that would pose undue financial and administrative burdens on Recipient.

In determining what types of auxiliary aids and services are necessary, Recipient shall give primary consideration to the requests of individuals with disabilities. Recipient will not require an individual with a disability to accept a modification, aid, service, opportunity, or benefit under any circumstances.