

August 2008

Civil Rights Case Studies

Extension staff may encounter the following real-life situations:

An ADA request on short notice

You are getting ready for a program you've worked on for months that takes place tomorrow. You reserved the New Hampshire Technical Institute auditorium. You checked it to ensure adequate accessibility at the site. You worked hard to capture a diverse audience, reaching out to ethnic groups, people with limited resources and other potentially underserved audiences. Then, the day before the event, an individual who discloses that she is deaf, requests a sign language interpreter as a means of accommodation. You hadn't counted on this.

What should I do?

First ask yourself if you have already done your work to handle this? In your program announcement, you should have included a statement that *"For persons with disabilities requiring accommodations, please contact (name of person) at (phone number, or address) within (x number of hours or days) by (x date) so that proper consideration may be given to the request."* If you did this, you have made a good faith effort to provide notice to inform individuals of a process for requesting reasonable accommodation. In this scenario, it is very unlikely you would be able to secure a qualified interpreter or another alternative on such short notice. Nonetheless, you should try to do so. (Resources and assistance are available through the Affirmative Action and Equity Office (603.862.2930 V/TTY.)

It is important that you negotiate options with the deaf participant to learn how to accommodate her communication needs to help her participate to the fullest extent possible. One example may be to provide a laptop so proceedings of the event are recorded for her. Under ADA, when you are aware of the need or when a request is made for accommodation, it is expected you provide accommodations to ensure programmatic accessibility to persons with disabilities. In this scenario, accommodation would include auxiliary aids or services necessary to ensure effective communication that will vary in accordance with the length and complexity of the communication involved and the needs of the individual.

What if you didn't provide the accommodation offer in the notice? It is still short notice. The law requires you make a good faith effort to provide all reasonable accommodations. The word "reasonable" is important. The best advice is to ask the person what would work best for her. People with disabilities generally are familiar with an array of possible accommodations to meet their needs. They know what is comfortable for them. In this situation, the participant may suggest that a friend or family member come along to the

program and act as her interpreter. Although family members and friends acting as a qualified interpreter as a means of accommodation is not acceptable under UNH protocol and best practices, in some circumstances, (such as this one) this *may be appropriate*. As previously stated, effective communication will vary in accordance with the length and complexity of the communication involved and the needs of the individual. Depending on the nature of the program you are offering, having a friend or family member who signs *may be acceptable*. By engaging in this interactive process, (asking the participant about her needs and offering your ideas) you are keeping in compliance with ADA and University policies and best practices.

This is what I was told!

I'm new to Extension and I want to do things right. I was told by a colleague who has been around for decades that if I can't accommodate everyone, then we can't legitimately provide the program.

What should I do?

First, the statement is not true. You are obligated to make all reasonable accommodations. You may have a program that requires physical endurance in a confined area, such as entering a rare bat cave to gather scientific information. You are not obligated to curtail educational pursuits because not everyone can participate.

Get reliable information direct from the source. Become familiar with this handbook, use the Civil Rights web sites and/or ask people responsible for affirmative action at UNH Cooperative Extension or at the UNH Affirmative Action and Equity Office. You will find that Civil Rights principles are reasonable.

If you have a situation where someone wants to participate but is unable to because of physical limitations, start by asking the person how he or she would like to be accommodated. If you both are unable to find a reasonable solution, you still may proceed with your program.

Creative Problem Solving...The Spirit of ADA and Equal Opportunity

I have a birding workshop planned that will help participants identify ecosystems helpful in the identification of wildlife. I want to have people look, and listen, at their surroundings to identify birds. I thought I was quite creative in providing accommodation solutions for a person physically unable to get to the remote site.

Here's what I came up with:

- We can video the session. The person can view the ecosystem, hear the birds and listen to the discussion. It wasn't satisfactory.

- Working with UNH's Northeast Passage, I got a special wheel chair reserved, specifically designed for remote travel. She said she saw people falling over on those things on TV and wasn't going to do that.
- I figured if we took her in to the site on an ATV well in advance of the workshop, the birds would become less disturbed after a little time and she would be there when the workshop started. She said didn't want to wait around in the middle of nowhere.
- I asked her for her ideas. She said it is my job to come up with a solution. She said that she's not paying for a workshop just to have her do my work.

What should I do?

The law says you must provide all reasonable accommodations. If you have engaged in the interactive process and made good faith efforts by offering all reasonable accommodations, you have done your job. How do you know if you have tried all reasonable possibilities? Remember, you are not alone in the Civil Rights effort. Professionals at the UNH Affirmative Action and Equity Office are available to advise you and answer your questions. They may provide additional ideas or they may conclude you have provided all reasonable avenues. Remember, people with disabilities are people just like the rest of us, complete with the diversity of personalities. You may have encountered someone who is impossible to satisfy. Your job is to do your best to accommodate the person's needs, regardless of their personality.

Can we do programs with organizations that don't agree with our affirmative action statement?

I have heard that some organizations limit participation of people with a same sex orientation. I've been asked to lead a canoe trip for a local group, the same program I have presented to the public in the past. I want to inspire this active group in the area of water quality and protection of riparian areas. Since they discriminate, am I precluded from working with them?

What should I do?

Extension programs are open to all people and we do not exclude people in protected groups. Our Affirmative Action statement is clear. We can not provide programs that exclude people because of their sexual orientation. We can not provide an event only open to this group.

However, that doesn't mean that we can not work with them. We need to ensure that programs we present with them are also open and inviting to others, without discrimination.

Christmas Parties

I am a County Office Administrator. Some people in my office want to have a Christmas Party. They don't want to call it a "holiday party." They say that this "PC" civil rights stuff really wants to take "Christ out of Christmas." This is a very sensitive situation for me to handle.

What should I do?

This has been a sensitive issue in Extension offices and in public and private offices around the country.

We base our answer on the "Golden Rule." Treat everyone as we would like to be treated. Civil Rights allows freedom of expression in an atmosphere where we don't exclude others or make them uncomfortable. In America, we must be able to practice our beliefs. At the same time, we must respect the rights of others to practice their beliefs, even if theirs differ from ours. If we are true believers in treating others as we wish to be treated, it is possible to stay true to our own beliefs while allowing others around us to remain comfortable in their surroundings.

It's acceptable to have religious objects on your desk. But similar to political posters, it's not acceptable to have a large display. When we know there are people with other religious beliefs on our staff or among our clientele, it is not ethical or within UNH Cooperative Extension policies to proselytize about religion in our Extension offices.

As far as a Christmas party, can't you just take a vote? This is where you ask yourself, how comfortable would you feel as a person from a minority religion voting against calling something a "Christmas Party." Would you want to be the one labeled as the one who "wants to take Christ out of Christmas?" or otherwise spoil all the fun? In a vote, some people may win their way, but they may lose on the ethical Golden Rule issue.

If possible, create an open discussion to help people follow the principle that we treat all others as we wish to be treated. Use a method of communication that works for you. It may be one-to-one, group or a combination. We expect we would want everyone to enjoy the holiday season. Ask "what can we do to help everyone feel comfortable?" The discussion should include as many views as practical. Taking the threats out of the discussion is critical.

Avoid setting rules if possible. Rules tend to divide, target minimum compliance and get people upset. Some may seek other alternatives outside the protection of Civil Rights and inclusiveness efforts. Seek understanding, creative solutions and consensus. You may be surprised who is already on-board with reasonable accommodations for all.

This approach is not easy. It doesn't generally work well for those who want to force a control on others. It often works for those with excellent facilitation skills.

As always, when encountering sensitive situations, you are not alone. Ask for help from the appropriate people at UNH Cooperative Extension or from the UNH Affirmative Action and Equity Office.

Who's going to pay?

I represent UNH Cooperative Extension in the Tree Farm Program. We have been successful in having the New Hampshire Tree Farm organization include our Affirmative Action statement on programs we jointly sponsor. We even have the statement about accommodating those who may not have the ability to pay and that we will provide accommodations for those people with disabilities. This can mean costs for the program and our partners. Who should pay for all of this?

What should I do?

UNH Cooperative Extension will support these accommodations, with or without help from our partners. Plan for it.