

RESOURCES FOR NONPROFIT ORGANIZATIONS ENGAGING PEOPLE WITH DISABILITIES

Nonprofit organizations exist to serve the public. As such, we have a responsibility to ensure that our organizations are inclusive and equitable. This means promoting a culture that welcomes and celebrates different talents and abilities in addition to complying with the American Disabilities Act.

CREATING AN INCLUSIVE CULTURE

The [Standards for Excellence: An Ethics and Accountability Code for the Nonprofit Sector](#) states:

“Organizations that incorporate diversity, equity, and inclusion efforts into their work and as part of their missions are more effective in engaging and serving people across different cultures, backgrounds, and abilities. Nonprofit leaders should actively assess their policies, plans, procedures, as well as board and staff composition, to ensure that they are inclusive. Leaders should establish and implement an organization-wide strategy or plan that addresses gaps identified in the assessment and promote a culture that demonstrates practices of diversity, equity and inclusion for board, staff and volunteers, and program participants.”

As part of this strategy, organizations should incorporate issues related to disability in their DEI initiatives.

ABOUT THE AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED

When the Americans with Disabilities Act was signed in 1990, the nation’s trajectory was transformed. No longer was it acceptable to expect people with disabilities to be unseen and unheard. Whether it be equal access in education, housing, or public transit, the ADA ensured that everyone in society would be guaranteed equal protections under the law ([National Geographic](#)). As such, people with disabilities could no longer be lawfully discriminated against in areas related to employment, government services, transportation, public accommodations, and telecommunications ([MissionBox](#)). What does this mean for nonprofits? Read below to find out how the ADA applies to your organization and how compliance can allow you to avoid both legal trouble and embrace a more diverse workforce.

Before going into what areas of the law applies to nonprofit organizations, it's important to understand what constitutes a disability under the ADA.¹ According to the [Department of Justice](#), individuals covered by the ADA have “a physical or mental impairment that substantially limits one or more major life activities” or a have “a history or record of such an impairment,” or are “perceived by others as having such an impairment.”

This spotlights certain elements of the ADA which nonprofits should be aware of on a range of disability issues. Employment and public accommodations loom high on this list ([MissionBox](#)). Specifically, organizations with 15 or more staff members must comply with the ADA. That means employers must provide “reasonable accommodations” to persons with disabilities and not discriminate in hiring, firing, or compensation practices. The term “reasonable accommodations” is defined as providing modifications to a job for a person who is able to perform the essential duties of the job. It does not mean an employer has to hire people who do not have the requisite skills or experience to do the core functions of a job. As such, individuals with disabilities who meet the core job requirements may request reasonable accommodations. For example, this may include accessible facilities, modified work schedules, or obtaining access to interpreters ([Hurwit & Associates](#)). To receive this type of assistance, individuals with disabilities should make a transparent request for reasonable accommodations. Employers, in turn, need to engage in the interactive process to provide those accommodations (Norman)². The Equal Employment Opportunity Commission regulates these provisions at the federal level while some states may have their own laws regarding organizations with fewer than 15 employees ([Hurwit & Associates](#)).

In terms of public accommodations, the ADA prohibits “discrimination by people who own, operate, lease to or rent from places of public accommodation” ([MissionBox](#)). Public accommodation refers to entities (for-profit or non-profit) which are “generally open to public” such as restaurants, gyms, social service centers, retail stores, and day care centers, and private schools. Some religious establishments are exempt from the law ([MissionBox](#)).

There are different ways nonprofits can make their organizations more accessible for their communities, program participants, employees, and volunteers. Some examples include: offering more flexible work schedules, honoring requests for reasonable accommodations, and ensuring that your documents, websites, social media, and physical

¹ Congress amended the ADA in 2008 ensuring that it has the broadest interpretation and application. This is a general discussion, urging you to interpret disability broadly. That stated, you should consult with your attorney if your organization has compliance related questions.

² Per conversation with Gary C. Norman, Commissioner for the Maryland Commission on Civil Rights with Maryland Nonprofits, July 19, 2021.

spaces are accessible to people with disabilities ([MissionBox](#) and Norman³). Furthermore, as a Maryland nonprofit, organizations may also need to follow requirements under Title 20, State Government Article, of the Annotated Code of Maryland or under the provisions set forth at Sections 7-701 to 7-710 of the Human Services Title of the Annotated Code of Maryland (Norman)⁴.

Interested in learning more? Then check out some of the resources below⁵.

DISABILITY RESOURCES FOR NONPROFITS

GOVERNMENT – Guidelines, information, and resources on disabilities and complying with the American Disabilities Act

- [ADA.gov](#)
- [Department of Justice](#)
- [Department of Labor](#)
- [National Council on Disability](#)
- [Maryland Commission on Civil Rights](#)
- [Maryland Department of Disabilities](#)
- [Maryland State Library for the Blind and Print Disabled](#)
- [U.S. Equal Employment Opportunity Commission](#)

DISABILITY ORGANIZATIONS – Organizations providing information, resources, research, and disability-related advocacy

- [American Association of People with Disabilities \(AAPD\)](#)
- [American Civil Liberties Union \(ACLU\)](#)
- [American Speech Language Hearing Association \(ASHA\)](#)
- [Association of University Centers on Disabilities \(AUCD\)](#)
- [Autistic Self Advocacy Network \(ASAN\)](#)
- [Brain Injury Association of Maryland \(BIAMD\)](#)
- [Different & Able](#)
- [Disability Visibility Project \(DVP\)](#)

³ Per conversation with Gary C. Norman, Commissioner for the Maryland Commission on Civil Rights with Maryland Nonprofits, July 19, 2021.

⁴ Per conversation with Gary C. Norman, Commissioner for the Maryland Commission on Civil Rights with Maryland Nonprofits, July 19, 2021.

⁵ This list is not meant to be exhaustive; rather, it is a sample of the many resources available on disability rights, accessibility, and the American Disabilities Act.

- [Disability Rights Education Fund \(DREDF\)](#)
- [Disability Rights Maryland \(DRM\)](#)
- [Fidos for Freedom](#)
- [HASA](#)
- [Hearing Loss Association of America \(HLAA\)](#)
- [Institute for Human Centered Design \(IHCD\)](#)
- [International Disability Alliance \(IDA\)](#)
- [Job Accommodation Network \(JAN\)](#)
- [Maryland Developmental Disability Council](#)
- [National Disability Institute \(NDI\)](#)
- [National Disability Rights Network \(NDRN\)](#)
- [National Organization on Disability \(NOD\)](#)
- [RespectAbility](#)
- [The Arc](#)

ACCESSIBILITY RESOURCES – Resources on improving accessibility in organizations

[ADA Checklist for Existing Facilities](#) (Institute for Human Centered Design)

[Inclusive Design Resources](#) (Institute for Human Centered Design)

[Make Your PowerPoint Accessible](#) (Microsoft)

[Make Your Word Documents Accessible](#) (Microsoft)

[Planning Accessible Meetings and Events Toolkit](#) (American Bar Association)

[Virtual Meetings Accessibility Checklist and Best Practices](#) (American Bar Association)

[Zoom: Accessibility for the Deaf and Hard of Hearing](#) (American Bar Association)

TERMINOLOGY

[Guidelines from the ADA National Network](#)