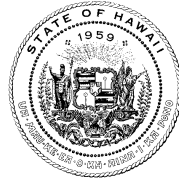


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Disability Non-Discrimination Program and Policy

This Disability Non-Discrimination Program and Policy sets forth the policy and procedure by which the State of Hawaii, Agribusiness Development Corporation shall provide meaningful access to its programs and activities for individuals with disabilities.

Pursuant to Chapter 163D, *Hawaii Revised Statutes* (HRS), the Agribusiness Development Corporation (ADC) is a public body corporate and politic and an instrumentality and agency of the State of Hawaii. ADC is headed by a board of directors (Board) and has been placed within the Department of Business, Economic Development, and Tourism for administrative purposes pursuant to section 163D-3, HRS. ADC is committed to providing individuals with disabilities the opportunity for full participation in its programs, services, and activities through its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008.¹

ADC recognizes that individuals with disabilities may need accommodations or modifications² to have equal opportunities to participate in or benefit from the ADC's programs, services and activities.

It is ADC's policy that no qualified individual with a disability will be denied reasonable accommodation to have access to or participation in any program, service, or activity offered by ADC. ADC will administer programs, services, activities in the most integrated setting appropriate to reasonably accommodate the needs of qualified individuals with disabilities.³

ADC will provide at no cost appropriate auxiliary aids and services as necessary to ensure effective communication or an equal opportunity to participate fully in the programs, services, and activities provided by ADC in a timely manner and in such a way as to protect the privacy and independence of the individual.

Individuals with disabilities have a right to request reasonable accommodations. Individuals will receive reasonable accommodations appropriate to their needs in order to fully participate in or benefit from ADC's services and activities in a non-discriminatory, integrated setting.

ADC and any of its officers, employees, and agents will not coerce, intimidate, retaliate against, or

¹ ADC prohibits discrimination in employment, including on the basis of disability.

² Section 504 of the Rehabilitation Act refers to reasonable accommodations, while Title II of the ADA refers to reasonable modifications. For purposes of this document, "accommodation" will refer to both.

³ See 40 CFR section 7.55.

discriminate against any individual for exercising a right under the ADA or Section 504, or any other applicable federal or state law.

This program and policy applies to all ADC sub-recipients, officers, employees, agents and contractors.

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 impairment.

- B. “Qualified Individual with a Disability” is someone who (with or without accommodations) meets the essential eligibility requirements for participating in ADC’s programs, services, and activities.

- C. “Accommodation” means adjustments including reasonable modifications to rules, policies, or practices; environmental adjustments such as the removal of architectural, communication, or transportation barriers; or auxiliary aids and services.

Non-Discrimination Coordinator

The Non-Discrimination Coordinator will coordinate ADC’s efforts to comply with Section 504⁴ and ADA,⁵ including ensuring the following:

- A. ADC will adopt and make readily available in suitable formats:
 - 1. A procedure that allows an individual to disclose a disabling condition and request reasonable accommodations believed needed to obtain equal access to and enable participation in ADC 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 accommodations.

- B. ADC will maintain data on the nature and extent of the services provided to individuals with disabilities and develop data collection requirements as part of the operational guidelines for implementing this policy.

⁴ See 40 CFR section 7.85(g): If ADC employs fifteen (15) or more employees, it shall designate at least one person to coordinate its efforts to comply with its obligations under 40 CFR Part 7.

⁵ Please note that the Environmental Protection Agency (EPA) enforces Section 504 of the Rehabilitation Act of 1973 but does not enforce Title II of the ADA. References to ADA have been included because ADC is obligated to comply with ADA Title II regardless of its status as a recipient of federal financial assistance.

- C. ADC will provide reasonable accommodations to allow individuals with disabilities to participate in or benefit from ADC and its programs, services, and activities in the most integrated setting appropriate.
- D. ADC 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 or Title II of the ADA. These procedures are applicable to any anticipated complaint, including an appeal of a denied accommodation request.
- E. ADC will provide reasonable services that are required to comply with Section 504 and ADA free of charge.
- F. ADC will provide periodic in-service training for staff to develop their awareness and understanding of the needs of individuals with disabilities and legal compliance issues.

Facility Accessibility

Consistent with ADC’s self-assessment, ADC will consider the extent to which any ADC facilities are “public facilities” or will be used by the public where reasonably feasible. ADC will operate its programs and activities out of those facilities consistent with 40 CFR section 7.65 so that, when each program or activity is viewed in its entirety, it is readily accessible to and usable by individuals with disabilities or provide other means of reasonable accommodation.

A. Existing Facilities

- 1. Structural changes in existing facilities are not required when other methods provide program accessibility. Such methods include:
 - a. Redesigning equipment or the facility after case review.
 - b. Providing appropriate signage directing people to accessible features.
 - c. Reassigning staff, or services to accessible sites.
- 2. Evacuation procedures will be developed by ADC for individuals with disabilities.

B. New Construction:

Each facility or part of a facility constructed by, on behalf of, or for the use of ADC must be designed and constructed in such a manner that 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 individuals with disabilities.

C. Off Campus:

Contractual or lease agreements for the use of non-ADC facilities should reflect efforts to secure accessibility. Any program, service, or activity in that facility must be accessible or

provide other means of reasonable accommodation. If a program, service or activity is not wholly operated by ADC, ADC will attempt to assure that these programs, services or activities, as a whole, provide an equal opportunity for the participation of individuals with disabilities.

Accommodations:

No participant with a disability in an ADC 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.

Each individual is responsible for making requests regarding accommodations to meet their particular needs in order to enable ADC to provide an appropriate response to the accommodation request.

All auxiliary aids, services, or other accommodations used by individuals with disabilities to provide access to ADC programs, services, and activities need not be on hand or present at all times.

Accommodations are not required that fundamentally alter the nature of the program, service, or activity; require waiver of essential program or licensure requirements; violate accreditation requirements; or pose an undue fiscal or administrative burden on ADC.

In determining appropriate accommodations, ADC will give consideration to the wishes of the individual, and in certain appropriate circumstances, for example, the documentation provided and institutional expertise in working with individuals with disabilities.

ADC will not require an individual with a disability to accept an accommodation, aid, service, opportunity or benefit under any circumstances.

ADC is committed to providing meaningful access to ADC programs, services, and activities. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, please contact the ADC Non-Discrimination Coordinator at (808) 586-0186 or email dbedt.adc@hawaii.gov. Please allow sufficient time for ADC to meet accommodation requests.

Affirmed by the ADC Board of Directors on June 12, 2019

Reaffirmed by the ADC Board as evidenced by the signature below:

Warren Watanabe
Chairperson
Agribusiness Development Corporation

Date: _____