

**FACT SHEET<sup>1</sup>**  
**TITLE II OF THE ADA**  
**PUBLIC ACCESS**

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**I. Title II of the ADA**

- Title II covers "public entities" including any local governments and public universities. All activities, services, and programs of public entities are covered.

**II. Definition of Disability**

- Federal ADA definition: An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of such an impairment, or is perceived as having such an impairment.
- WA definition: The Washington State definition is somewhat broader and covers a greater number of impairments and medical, mental, or psychological conditions. Temporary conditions are covered as are conditions that are ameliorated or mitigated by medication or other means. There is no requirement that a condition must have an impact on a major life activity, or that the impact of the condition be substantially limiting.
  - o RCW 49.60.040 defines "disability" as the presence of a sensory, mental, or physical impairment that: (i) Is medically cognizable or diagnosable; or (ii) Exists as a record or history; or (iii) Is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity.

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<sup>1</sup> This Fact Sheet was prepared by the Equal Opportunity Office, utilizing information from the following sources: US Department of Justice, Civil Rights Division, Disability Rights Section. Title II Highlights [http://www.ada.gov/t2\\_hlt95.htm](http://www.ada.gov/t2_hlt95.htm); US Department of Justice, Civil Rights Division. Disability Rights Section ADA Business Brief: Service Animals <http://www.ada.gov/svcanjmb.htm>; and the WA Human Rights Commission website <http://www.hum.wa.gov/Disability/Index.html>

### **III. Public Accommodations**

- It is an unfair practice for a place of public accommodation to fail or refuse to make reasonable accommodation for a known disability. Services provided are only required to be equally effective to those provided to people without disabilities.
- People attending public events, whether they are members of the public, employees or students, do not need to provide documentation of their disability. This may be different from your correct understanding that employees and students work with Human Resources or disAbility Resources for Students on reasonable accommodations for the work place and class room.

### **IV. Reasonable Accommodation**

- Reasonable accommodation is a modification or adjustment to assure that an individual with a disability has rights and privileges in public access equal to those members of the public without disabilities.
- An accommodation is not considered to be reasonable when the cost or difficulty in providing the accommodation is prohibitive to the providing entity. The size of the place of public accommodation, the availability of staff, the organization's total budget, and the resources available are considered when determining reasonableness.

### **V. Accommodations for Persons with Service Animals**

- Places open to the public must allow a trained service animal to go with the person with a disability.
- The owner of the animal is responsible for how the animal acts. Bad behavior can be a reason to be asked to leave.
- You may ask the person if the animal is a service animal, and what service the animal provides. If the animal is a service animal, you cannot ask for proof or ask about the person's disability. The animal does not need to wear a vest or special tags. You must allow service animals into any parts of the premises that are available to members of the public. This includes dining areas, restroom areas, and areas in which foods are sold even if state or local health codes prohibit animals on the premises.

### **VI. Point of Contact for Issues or Concerns**

**Issues or concerns regarding public access at Western for people with disabilities should be directed to: Sue Guenter-Schlesinger, Vice Provost for Equal Opportunity and Employment Diversity, ADA Coordinator, 650-3307, [Sue.Guenter-Schlesinger@wyu.edu](mailto:Sue.Guenter-Schlesinger@wyu.edu)**