



## Mississippi Department of Marine Resources Policies on Nondiscrimination, Language Access, and Disability Access

The Mississippi Department of Marine Resources (MDMR) is committed to providing individuals with language restrictions and disabilities the opportunity for full participation in its programs, services, and activities through its compliance with and not limited to Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, Executive Order 13166, Title IX of the Education Amendments Act of 1972, The Age Discrimination Act of 1975, the U.S. Department of Homeland Security regulation 6 C.F.R. 19 and the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008.

The MDMR recognizes that individuals with language restrictions and disabilities may need accommodations or modifications to have equal opportunities to participate in or benefit from the MDMR's programs, services, and activities.

It is MDMR's policy that no otherwise qualified individual with a language restriction or disability will be denied access to or participation in any program, service, or activity offered by the MDMR. The MDMR will administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with language restrictions or disabilities.

The MDMR will provide at no cost appropriate auxiliary aids and services including, for example, qualified interpreters to individuals who are Limited English Proficient (LEP), deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the programs, services, and activities provided by the MDMR in a timely manner and in such a way as to protect the privacy and independence of the individual.

Individuals with language restrictions and disabilities have a right to request accommodations. The MDMR will make reasonable accommodation appropriate to the individuals needs to fully participate in or benefit from MDMR's services and activities in a non-discriminatory, integrated setting.

The MDMR will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under the Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, Executive Order 13166, Title IX of the Education Amendments Act of 1972, The Age Discrimination Act of 1975, the U.S. Department of Homeland Security regulation 6 C.F.R. 19 and the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008.

This Program and Policy applies to all recipient subrecipients, 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 an impairment.
- B. Qualified Individual with a Disability is someone who (with or without accommodations) meets the essential eligibility requirements for participating in Recipient'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. Examples of accommodations include, but are not limited to scribe, interpreter, environment free of distractions, material in Braille, tapes, and computer-assisted instruction.
- D. Limited English Proficient (LEP) refers to situations in which English is not the primary language for an individual and/or an individual may have difficulty effectively communicating in English.

## **Nondiscrimination Coordinator**

The MDMR Director of Internal Affairs or designee appointed by the MDMR Executive Director will serve as the Nondiscrimination Coordinator (NC).

Under the Direction of the MDMR Executive Director, the NC will manage the efforts to comply with the provisions of the MDMR Disability and LEP Nondiscrimination Policy.

- A. The NC will adopt and make readily available in suitable formats when requested:
  - 1. a procedure that allows an individual to disclose a disabling condition and request accommodations believed 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 accommodations.
- B. The NC 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.
- C. The MDMR will provide accommodations to allow individuals with disabilities to participate in or benefit from the MDMR and its programs, services, and activities in the

most integrated setting appropriate.

- D. The MDMR will utilize the grievance procedures set forth in agency policy that would violate the provisions as set forth in this policy. These procedures should be applicable to any anticipated complaint, including an appeal of a denied accommodation request.
- E. The MDMR will make reasonable accommodation to provide services that are required to comply with the provision of this policy.
- F. The MDMR will provide periodic in-service training for faculty and staff to develop their awareness and understanding of the needs of individuals with language restrictions, diversity, disabilities, and legal compliance issues.

### **Facility Accessibility**

Consistent with MDMR's self-assessment, The MDMR will consider the extent to which any MDMR facilities are "public facilities" or will be used by the public. The MDMR will make reasonable accommodation so that the agencies facilities are readily accessible to and usable by individuals with disabilities.

#### **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 the MDMR for individuals with disabilities.

#### **B. New Construction:**

Each facility or part of a facility constructed by, on behalf of, or for the use of the MDMR 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.

### **Accommodations:**

No participant with a disability in a MDMR 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.

Everyone is responsible for making requests regarding accommodations to meet their particular needs to enable the MDMR 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 the MDMR programs, services, and activities need not always be always on hand or present.

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 the MDMR.

In determining, and in appropriate accommodations, the MDMR may consider the needs of the individual. In certain appropriate circumstances, for example, the documentation provided and institutional expertise in working with individuals with disabilities.

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

  
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MDMR Executive Director

3-22-2024  
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Date