

Questions on Effective Communication

Introduction

This question and answer session addresses questions on the concept of effective communication. Effective communication is the most important concept under Title II of the Americans With Disabilities Act bureau-specific Title II coordinators need to understand.

This document is meant to provide detailed answers for you.

In some of the answers I have provided links to external information. The links have been carefully chosen to highlight what is being said in the answers.

If you have any questions about effective communication, don't hesitate to contact me. My number is (503)823-1231. My email address is Jonathan.Simeone@PortlandOregon.gov.

Questions and Answers

1. Which federal agency produces the federal guidelines around effective communication?

While [eight federal agencies](#) have some enforcement and/or compliance role related to the ADA, the Department of Justice is the primary federal agency overseeing Title II, the title governing local governments. You should also be familiar with the Access Board, because it promulgates the 2010 ADA Standards for Accessible Design.

2. Which documents produced by Portland are covered by effective communication?

All documents intended for the public, whether they appear on the web or not, are covered by Title II and are required to be accessible.

3. What web content produced by Portland is covered by effective communication?

As far back as 2003, the Department of Justice [announced its intension to cover the websites of local governments](#) under Title II. So, all web content produced by Portland and intended for public consumption is covered by Title II and is subjected to the effective communication requirement.

4. Are social media posts produced by bureaus covered by effective communication?

Social media posts are covered by Title II and subject to the effective communication requirement. If you are linking to external content that is not accessible, you should notify people that Portland did not produce the inaccessible content. If that content is important, you should find another way to provide access to the information.

5. What negative consequences could Portland be subjected to if effective communication is not provided?

Most people automatically think of Portland being sued. That's a good thought because it's possible. Another possibility, one that would be more problematic than a lawsuit, would be an audit undertaken by the Department of Justice under [Project Civic Access](#).

6. What disabilities should we consider when thinking about providing effective communication?

Typically, people think of folks with hearing, visual, and/or speech disabilities as being covered by the effective communication requirement. As the document you have explaining effective communication indicates, effective communication requirements can also involve people with cognitive disabilities. Simply put, effective communication can arise in many contexts and at any time.

7. What is the best way to plan for providing effective communication?

Have a plan to provide effective communication. Things to consider include:

- Event notices telling people how, where, and by when to request accommodations
- Publicizing the accommodations that you will automatically provide in the event materials
- Knowing which vendors you will use for which services
- The notice those vendors typically need
- The information you should furnish vendors, like captionists, ahead of time

8. What is the definition of effective communication?

The idea behind effective communication is communication between government and people with disabilities should be as effective as is communication between government and people without disabilities.

9. What are the three things a person with a disability is expected to be able to do under the principles of effective communication?

People with disabilities are to be able to communicate with, receive information from, and convey information to covered entities.

10. If a deaf parent wants to communicate with Parks about their child's participation in a recreational opportunity, is the parent covered by effective communication?

This is called the companion rule. While most of the examples are around the parent/child relationship, the companion rule applies to all situations where someone has the right to speak with you about another person's situation. In these cases, the so-called companion has the same exact rights to effective communication as would the person with a disability who is participating in the activity, program, or service.

11. Is Portland required to grant the requested method of effective communication?

Technically, the answer is no. But Portland is required to give "primary consideration" to the requested method of communication. If, for some reason, Portland cannot provide the requested method of communication, it must provide an equally effective method of communication. The guide you have on effective communication has a lot more important information about this topic.

12. What justifications does Portland have for denying a request for effective communication?

- Undue administrative and financial burden
- Granting the request would fundamentally alter the essential nature of the activity, program, or service

13. How does a member of the public typically request effective communication?

Ideally, we would like the public requesting accommodations through our established and widely communicated processes for requesting accommodations. Sometimes, though, requests for accommodations come in the form of a complaint. Other times they are made at an event. The truth is they can happen in many ways and at all times.

14. What are auxiliary aids and services?

Auxiliary aids and services is the way the ADA refers to the ways to communicate with people who have communication disabilities. ASL interpreting, a document in braille, and even a pencil and paper can be auxiliary aids and services.

15. Could a pencil and a piece of paper constitute an auxiliary aid?

Yes, even a pencil and paper can be auxiliary aids and services.

16. Name the categories of information considered “vital” for the purpose of prioritizing the creation of accessible content.

Information related to legal rights, finances, health, safety, and communications from Council offices are considered vital documents.

17. Is prioritizing the accessibility of public content legal?

Technically, it is not legal to prioritize the making of public communication accessible. The law has intended all public content be accessible for nearly 30 years.

18. What are some of the things we could do to make a Word document more accessible?

- Use proper headings
- Make sure the text associated with links tells someone where the link goes
- Use proper color contrast
- Use fonts that are easy to see

19. What are some of the things we could do to make PDFs more accessible?

Here, I would add to the answers in question 18 the special consideration for accessible forms in PDFs. Remember, the effective communication guidance document gives a lot of information on things to consider when making several content types more accessible.

20. What are some of the things we could do to make social media posts more accessible?

In addition to what is disgust in the effective communication guidance, there is an entire document on accessible social media in the OneDrive folder.

21. Where can you find a list of vendors to help you make content more accessible?

The current list of vendors is available on the web as the first link on [Civic Life’s Access Tips page](#).

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