



SUGGESTED BEST PRACTICES *for* **INCLUDING INDIVIDUALS *with* SPECIAL NEEDS**

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In Memory of

Lieutenant Meinhardt Raabe, CAP

1915 - 2010



Lieutenant Raabe, right, stands next to a mannequin depicting his character from *The Wizard of Oz*

The world remembers him as the Munchkin Coroner from *The Wizard of Oz*. Meinhardt Raabe (RAH-bee) was too short to serve in the armed forces during WWII, so he joined the Civil Air Patrol, where he proudly served as a ground instructor and pilot who flew coast guard and forest fire missions. “I was never called into service, so I can’t claim to be a veteran. But I wound up being the smallest licensed pilot in uniform for CAP,” Raabe said. “So I used a Boy Scout uniform and just put on the CAP insignia.” This pamphlet is dedicated to the memory of Lieutenant Raabe’s service.

Part 1

Introduction to the Concept of a Reasonable Accommodation

1. CAP's Proud Tradition of Inclusivity

When Civil Air Patrol formed in the early days of World War II, many of our first volunteers were patriotic citizens unavailable for military service who nevertheless were determined to serve the nation in a time of need. CAP welcomed women, World War I veterans, teenagers, senior citizens, disabled persons, and other volunteers. Our history is built upon a wonderful inclusiveness found only in a democracy. CAP draws its strength from the fact that as a *civilian auxiliary* of the Air Force, we can and do include Americans from all backgrounds in our important work. Today that proud tradition continues . . .

2. Purpose

CAP is committed to abiding by its non-discrimination policy (see CAPR 36-1, *CAP Nondiscrimination Program*). This pamphlet provides suggestions on how local leaders might cooperate with members and cadets' parents to make reasonable accommodations to CAP standards affecting wear of the uniform, lodging for transgender members, cadet supervision, opportunity for worship, dietary requirements, and related issues. Restated, this pamphlet is a starting point for discussions between commanders and members in their joint search for ways to fulfill the ideals of the nondiscrimination policy and our Core Value of Respect, which calls us to honor the dignity of every human person.

3. Terminology

In their efforts to make CAP as welcoming as reasonably possible for members who have special needs, local leaders might encounter technical terms in their discussions. The following working definitions are offered here for their educational value, and are not intended to be limiting.

accommodation: an adjustment made to the environment that enables a person to participate more fully in an activity

disparate impact: when policies, practices, rules or other systems that appear to be neutral result in a disproportionate impact on a group protected by the nondiscrimination policy

gender: the behavioral, cultural, or psychological traits typically associated with one sex

gender identity: one's internal sense of who one is; being a woman or man, girl or boy, or between or beyond those genders

reasonable (in accommodations): not likely to cause an *undue hardship* for Civil Air Patrol

sex: either of the two major forms of individuals that occur in many species and that are distinguished respectively as female or male especially on the basis of their reproductive organs and structures

special needs: used in this pamphlet as a non-technical, catchall term. A special need could regard a physical disability, a request to attend special religious services, a desire for greater privacy in showering, or innumerable other situations where the member is asking for special consideration so that he or she may participate in the CAP activity while enjoying the protection of the non-discrimination policy.

transgender: used in this pamphlet to describe persons whose gender identity, and/or sex, and/or gender expression differs from the sex they were labeled with at birth. Some transgender persons are “out” or publicly known to be transgender (Caitlin Jenner being a famous example), while other transgender persons keep the fact of their transgenderism private.

undue hardship: the effect when an accommodation requires significant resources, excessive financial cost, or a substantial effect on missions, activities, or operations. Undue hardship is determined on a case-by-case basis.

4. General Principles on How to Make Reasonable Accommodations

4.1. What is an accommodation? An accommodation is an adjustment made to the environment, thereby enabling a person to participate more fully in an activity. When a child helps a parent make cookies, the step stool he stands on to reach the counter is an accommodation. With a little creative thinking, CAP can often make reasonable accommodations that enable members to participate in CAP activities where their inclusion would otherwise be limited.

4.2. How people ask for accommodations. Members and their families or caregivers are unlikely to state, “I hereby request an accommodation...” Local leaders need to be attuned to open-ended statements of need such as a parent who says, “I worry about group showers at encampment because my daughter’s surgical scars make her feel self-conscious about her body.” A request for an accommodation may be expressed in subtle, indirect ways. Good leaders listen and are sensitive to such expressions.

4.3. How to begin discussing an accommodation. Regardless of the affected individual’s particular circumstance, the best way to begin discussing a potential accommodation is for the local leader, perhaps assisted by a second senior member, and the affected member and/or parent to meet privately. It is helpful to begin with a common understanding of the facts, so the local leader or activity director should describe the training environment or living conditions in detail. If photos from previous events are available, they could be useful visual aids. What are the lodging facilities like? Is every room the same? What are the shower facilities like? During the training day, is there time for periodic breaks? Who is on the adult staff, and is there a senior member who is particularly trusted by the family and might serve as a special resource on-site if challenges arise? Accommodation requests are resolved through a respectful dialogue.

4.4. How to collaborate and search for a workable solution. Having learned the facts of the activity’s standard environment, the affected member or parent proposes an accommodation that they find acceptable. It’s important that the affected member or parent take the initiative in doing this – after all, they know their needs and preferences better than CAP. To get the conversation going, local leaders might begin, “I understand you have concerns. Now that you know a little more about the facility and training environment, is there a particular sleeping / showering / operating arrangement you wish to request? What does a satisfactory accommodation look like to you?”

If the member or parent then proposes a solution that is not workable in the judgment of the local leader, a cooperative, back-and-forth exchange is recommended. (i.e.: in the case of a transgender

cadet, "I don't think we can provide a private shower stall, but would you be okay with your transgender daughter showering privately after lights-out?") Also, the individual requesting the accommodation should be given the option of either (1) paying that portion of the cost which would constitute an undue hardship or (2) providing the accommodation themselves.

Finally, in discussing potential solutions, it may be helpful to address the matter of confidentiality, and who, specifically, has an official need to know about the member's special needs (see section 8).

5. Grounds for Denying a Requested Accommodation

CAP's basic posture toward requests is, "Let's see if we can make this work . . ." Still, there may be instances where CAP cannot support a requested accommodation. Some legitimate reasons for CAP denying a request include:

5.1. Expense. CAP's resources are limited, and so financial realities can sometimes limit its ability to make accommodations.

5.2. Facility Ownership. In most instances, CAP does not own the facilities it uses, and often does not have authorization to alter the physical premises.

5.3. Essential Job Functions. CAP cannot accommodate requests to remove essential job functions. For example, a blind member could not serve as a scanner on a SAR aircrew because visually searching for the target is an essential job function.

5.4. Significant Resources. CAP is unable to accommodate requests that place an undue burden on resources needed to accomplish CAP missions, or place an undue burden on the time and efforts of its volunteer leaders, who are mostly laypersons without specialized training.

5.5. Lack of Advance Notice. Because accommodations, by definition, depart from the usual way of doing business, CAP needs time to react to requests from members and parents. This is especially true in CAP because local leaders are volunteers whose work schedules and personal lives do not always permit them to perform CAP service on short-notice. In general, CAP considers requests made at least 30 days in advance as timely, and reserves the right to deny requests made with less advance notice.

6. Unacceptable Reasons for Denying an Accommodation

While CAP is not always able to approve accommodation requests, the non-discrimination policy prohibits local leaders from denying those requests for the wrong reasons. Some examples of improper reasons for denying requests include:

6.1. Inconvenience to staff or other participants; time-consuming; "we've always done it this way." By definition, every request for an accommodation is a request to alter the usual way of doing business in some manner, and as such, every accommodation imposes at least some inconvenience or demands extra time and effort from local leaders or the overall group. Inconvenience on its own is not sufficient reason for denying a request. In adopting a nondiscrimination policy, CAP recognizes that it sometimes will need to devote extra time, attention, and resources to individuals protected by that policy.

6.2. Personal bias; desire not to associate with the member because of his or her special need. If a member prefers not to associate with a fellow member because of the member having a special need that is protected by the non-discrimination policy, the remedy is for the displeased member to choose

to stay home. Local leaders cannot exclude a member from participation on the grounds that someone or even a majority of the group prefers that a person not participate.

6.3. Detracts from esprit de corps or desire for a standardized appearance. In the cadet environment especially, military-style standardization of appearance is an ideal. But it is not appropriate for local leaders to cite a negative impact upon standardized appearance as grounds for denying participation. For example, a cadet who uses a wheelchair cannot be denied participation in a parade on the grounds that the wheelchair detracts from the formation's appearance. On its surface, a rule of "every participant must keep in step" sounds neutral and fair, but in effect, it creates a disparate impact, unfairly limiting the participation of the cadet solely on the grounds of her disability.

6.4 Moral Objections or Religious Beliefs. Denying an accommodation must be based on the effect such an accommodation will have on CAP resources, or on CAP's missions, activities, or operations. Denying an accommodation purely because one or more persons are morally against it is insufficient. For instance, refusing to accommodate a homosexual person's request simply because other members have a moral objection to homosexuality, would not be permitted.

7. Assistance from Wing & National Headquarters

If a good faith, back-and-forth search for a reasonable accommodation reaches an impasse, local leaders and activity directors are asked to not deny the member's or parent's request unilaterally. Rather, at a minimum, local leaders should confer with the staff and commander at the next higher echelon. If needed, national staff are also available to assist. **Exclusion from the activity is a last resort.**

8. Confidentiality on Special Needs Matters

CAP policy requires members who are entrusted with sensitive and confidential information to protect that information. Information about members' special needs should be shared only with persons who have an official need to know. It may be helpful when discussing accommodation requests (sections 4.3 and 4.4) for the unit commander and affected member / parent to agree upon a list of staff who have an official need to know. These privacy matters are further defined in CAPR 1-1, *Ethics Policy*, and CAPR 1-3, *Disclosure of Confidential Information by Volunteer Members*.

Related to the duty of confidentiality is the matter of undue attention. Our Core Value of Respect calls upon all members to treat one another with dignity, which includes our not singling someone out for being "different."

Part 2

Suggested Best Practices That May Promote Inclusivity

9. Uniform Accommodations

9.1. Air Force Approval. Accommodations for the Air Force-style uniform are made only with the written approval of CAP-USAF/CC.

9.2. Religious Accommodations. Members may request accommodations to the uniform's wear standards as described in CAPM 39-1, *CAP Uniform Manual*.

9.3. Transgender Accommodations. Members may request authorization to wear the uniform corresponding to their gender identity. A letter, including medical documentation that the individual is a transgender person, is required. Members submit their requests in writing through the chain of command to CAP/DP. For help with policy questions, contact CAP/DP.

9.4. Gender Expression.

9.4.1. Skirts & Slacks. Anytime the group is wearing the blues or aviator combination, female members are welcome to wear the skirt combination or slacks, as they prefer.

9.4.2. Fitness Attire. Anytime the group is wearing physical fitness attire, members may wear athletic pants and athletic shirts in lieu of shorts and tee shirts that they deem immodest.

10. Lodging for Transgender Cadets

Lodging arrangements at cadet activities tend to run the gamut from one-person dorms, to open-bay barracks, to multi-person tents, to aircraft hangars with no physical partitions separating cadets by gender, or innumerable other possibilities. Further complicating the practical logistical challenges, cadet training environments typically strive to organize cadets into flights that are integrated by gender. To fulfill the nondiscrimination policy's ideals in a manageable way, local leaders and members should consider the following possibilities, which are presented in descending order of preference:

10.1. General Principle for Limiting Public Nudity. In communal lodging settings, the public nudity that typically comes with having to dress and shower in the presence of others is a practical reality that most people accept. Members who find such an arrangement unacceptable, for whatever reason, should request to rise early or retire later than the norm and take their showers separately and/or dress and undress in a private space. Were everyone to request this privilege, the situation would become unworkable, but in the vast majority of cases just one or two people are likely to request this accommodation, and local leaders can typically accommodate their requests easily.

10.2. Single Dorm. Where cadets are matched with a roommate, the math sometimes works out such that one cadet is left without a roommate and has the dorm room to himself or herself. If it is possible for a transgender person to be assigned to a single room, that arrangement might be ideal for all concerned, without attaching any stigma to the transgender person's room assignment and while allowing full inclusion in the program events.

10.3. Open Bay Barracks. In an open bay barracks environment, bays are typically designated males only or females only. There are often small rooms located adjacent to the large bay. A transgender cadet or other cadet who desires extra privacy might be assigned to this room, or allowed to use this room for dressing and undressing.

10.4. Makeshift Visible Barriers & Off-Limits Areas. When cadets sleep in large, open environments such as on the floor of an aircraft hangar, one possibility is to designate corners of the space as “off-limits” to anyone not assigned that sleeping space. Another option is for the staff to construct makeshift barriers that visibly separate the space in order to afford more privacy (e.g., using clothesline and bed sheets, or moving storage lockers to create a temporary wall).

10.5. Communal Lodging with Private Dressing. Another option in a communal lodging space is to invite the transgender cadet to sleep in the space designated for the gender they identify with but to have the cadet dress and undress in a private area such as a bathroom or empty classroom.

11. Lodging for Transgender Senior Members

Lodging arrangements for transgender seniors do not typically necessitate any accommodations because senior lodging usually is in a dormitory or hotel environment that offers ample privacy. Should an unusual circumstance require accommodations, however, the same potential solutions that apply to cadet situations may also be applied to senior members.

12. Accommodations for Cadets Having Learning Disabilities

CAP makes reasonable accommodations for cadets who have learning disabilities (see CAPR 60-1, *Cadet Program Management*, chapter 5).

12.1. Suggested Procedure. If a cadet receives accommodations at school, it is likely that an individualized educational plan (IEP) has been prepared for the cadet. The IEP is a confidential document, but parents are permitted by law to share it with others if they choose, and CAP encourages them to do so because the IEP discusses the nature of the student’s (cadet’s) disabilities and identifies the accommodations that schools will use to support the student’s full and active participation in learning. Restated, if the IEP is available, the “work” of identifying a need and devising accommodations has mostly been accomplished. But if an IEP is not available, then it will be necessary for the squadron leadership, cadet, and parents to have a conversation about the cadet’s special needs and to engage in a back-and-forth discussion about possible accommodations, as discussed in 4.3 and 4.4 above.

12.2. Potential Accommodations. In the cadet / academic setting, examples of reasonable accommodations include:

- Having a proctor read the test aloud to the cadet, or using special software tools designed for the visually-impaired
- Extending the time limit on a cadet test or exam
- Reducing the number of choices on a multiple-choice test
- Dividing a large test into portions and affording the cadet a break between sections
- Allowing a cadet to dictate answers to essay-type questions to a scribe or typist

13. Accommodations for Cadets Having Physical Limitations

13.1. Use of the Cadet Physical Fitness Category System. The cadet fitness category system (see CAPR 60-1, chapter 2) offers a way for cadets, parents, and local leaders to discuss physical limitations. In planning an activity, staff might find it useful to identify all cadets not assigned to fitness category I (i.e.: cadets restricted from fitness due to medical reasons) and begin a conversation with them regarding any accommodations they may need. The goal is to enable maximum inclusion in the least restrictive environment, but in a manner that limits the risk of injury to self or others.

13.2. Potential Accommodations. In a cadet / physical activity setting, examples of reasonable accommodations include:

- Modifying the exercise or activity
- Allowing rest breaks more frequently
- Allowing participation but not expecting the cadet to perform to a certain standard
- Doing portions of the activity, but skipping other elements deemed impractical or unsafe
- Participating alongside a wingman who serves as a pace-setter, spotter, or comrade
- Allowing the cadet to choose a wingman who is familiar with his or her situation
- Decreasing the activity's duration or degree of challenge (e.g., jogging one-half of a mile, not running a full mile)

14. Accommodations for Cadets Requiring Extra Supervision or Assistance

Cadets with acute needs for sustained one-on-one instruction, assistance with daily life, or any sort of support requiring expertise that a layperson is unlikely to have, can often still participate in CAP activities, with some advance planning and the family's cooperation.

14.1. Cadet Sponsor Membership. One potential solution is for the parent or caregiver to join CAP as a cadet sponsor member, attend the activities, and be present to assist the cadet as needed.

14.2. Day Student Status. Another option is to allow the cadet (with parent or caregiver) to participate as a "day student," commuting between the activity and home or a handicap-accessible hotel.

15. Faith-Based Accommodations

CAP activities often begin and end on the weekends, concurrent with times that some members normally reserve for religious practices.

15.1. Late Arrival / Early Dismissal. Local leaders should allow members to arrive late or depart early from an activity due to religious obligations, so long as the member would still participate in 80% of the program. For example, it would be reasonable for a cadet whose religious obligations forbid him from traveling on Saturday to arrive a few hours late for a week-long encampment, if such arrangements were worked out in advance.

15.2. Off-Campus Services. CAP chaplains can often provide worship opportunities that meet the members' needs, but if the type of service that the chaplain can provide does not meet the member's requirements, the member should be permitted to attend suitable services in the nearby community. In

such cases, it is the member's responsibility to locate those services and coordinate with the activity staff. For cadets needing transportation, the activity director should provide a drop-off and pick-up service if able, or allow the cadet to pay for a taxi. A one-time exception to standard cadet protection practices could be worked out with the parent, documented in writing.

16. Dietary Accommodations

When members have special dietary requirements, some potential accommodations include the following:

16.1. Contact the Military Dining Facility. If dining on a military facility, the member or parent (in the case of a cadet) could confer with the dining facility manager about menu options. Before contacting the dining facility, the member or parent must first coordinate with the activity director. It is suggested that the activity director facilitate a conference call or email exchange.

16.2. CAP Cooks & CAP-Contracted Caterers. If CAP is providing its own food services or contracting with a caterer, it is reasonable for activity directors to make special meals available to members, provided the member coordinates with the activity staff in advance and pays the cost difference (if any).

16.3. Member-Provided Food. Another option, albeit logistically challenging, is for the member to bring his or her own food, small refrigerator and microwave oven. Activity directors should try to provide the space and electricity needed. A reduction in tuition should be considered, but may not always be possible if the host facility charges CAP a per person fee inclusive of lodging and meals.

17. Additional Readings & Suggestions

To suggest best practices for potential inclusion in the next edition of this pamphlet, please email cadets@capnhq.gov. For a discussion on special needs accommodations in the Cadet Program, see the Training Leaders of Cadets Intermediate Course at capmembers.com/TLC.