



## **POLICY REGARDING AMERICAN'S WITH DISABILITY ACT ACCOMMODATIONS FOR COMPETITIONS**

The Starburst Junior Golf Classic believes that walking the entire golf course without use of a caddy or otherwise is a fundamental element of competitive play in all Starburst Junior Golf Classic events. However, the Starburst Junior Golf Classic also recognizes its legal responsibility to make necessary accommodations in some instances for certain qualified participants in accordance with the Americans with Disabilities Act ("ADA").

Accordingly, any Starburst Junior Golf Classic member seeking special accommodation under the ADA for a specific Starburst Junior Golf Classic event must submit a written request accompanied by appropriate medical justification to the Starburst Junior Golf Classic no later than thirty (30) days before such event. The Starburst Junior Golf Classic will review all submitted requests and medical information and notify the requesting Starburst Junior Golf Classic member not less than fifteen (15) days prior to the event regarding any acceptable level of ADA accommodation, including any general or specifically imposed conditions or stipulations, as set forth in written stipulations the proposed form of which is attached hereto and made a part hereof.

### **Who is protected?**

A "qualified person with a disability," which is someone who can perform the essential functions of the position, with or without reasonable accommodation.

### **What is a disability?**

The term "disability" has 3 definitions:

- a physical or mental impairment that substantially limits one or more of an individual's major life activities;
- a record of such an impairment; or
- being regarded as having such an impairment

**Note:** As a result of three recent Supreme Court decisions (referred to as the Sutton trilogy), a person with diabetes will have to show that she/he still meets the definition of disability after taking any mitigating measures -- such as insulin and oral medications. Courts are required to do an individual assessment of each person, looking at how diabetes affects him/her. This will include such things as the impact of insulin and oral medication on the person and any diabetes-related complications.

**What is a physical impairment?**

Any physiological disorder, condition, cosmetic disfigurement, or anatomical loss affecting the neurological, musculoskeletal, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic & lymphatic, sensory, skin, or endocrine systems.

**Note:** The bottom line is that it has never been a problem for people with diabetes to show they have a physical impairment.

**What are major life activities?**

Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**Note:** These are only examples listed in the Equal Employment Opportunity Commission (EEOC) regulations. It is not an exhaustive list. In dealing with the Supreme Court's recent decisions, people with diabetes need to consider all possible major life activities. Some others to consider -- depending on individual circumstances -- are eating, metabolism of food, sleeping, reproduction, and elimination of waste.

**What does it mean to "substantially" limit a major life activity?**

It means that the person is: unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner, or duration under which the person can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

The following factors are considered:

- the nature and severity of the impairment;
- the duration or expected duration of the impairment; and
- the permanent or long term impact or expected permanent or long term impact of or resulting from the impairment.

**Note:** The meaning of "substantially limit" is the crux of problem created by the recent Supreme Court decisions. The above explanation of "substantially limit" comes from EEOC regulations which were themselves put into question by the recent Supreme Court decisions. Courts will now look only at the person's condition at the time of the alleged discrimination, not the expected long-term impact.