

# The Influence Of The Americans With Disabilities Act Upon Indiana's Academic Libraries

by

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## **Toward a More Diversified, Less Limited Student Body**

### I. Introduction

The Americans With Disabilities Act (ADA) is comprehensive statute that covers diverse issues that impact upon the academic libraries of Indiana, ranging from equal employment rights to enhanced telecommunications access for both disabled students and employees. The principal purpose of the ADA is to abolish discrimination against persons with physical or mental disabilities in all public facilities and allow them the opportunity to live productive lives.<sup>1</sup>

This article will review the influence that the ADA will continue to have on Indiana college and university libraries specifically. In addition, it will address the potentiality of the ADA proving to be a benefit to institutions of higher learning — if approached proactively — as an opportunity to recruit a student population that historically has not matriculated in large numbers through higher educational programs. Thus, with an increase in the number of disabled students attending institutions of higher education, there is a resulting increase of disabled students utilizing academic libraries that will require special services to allow them the opportunity to access the library.

There are two ways in which Indiana college and university libraries have been affected by the implementation of the ADA. The first and most recognizable effect has been that Indiana college and university libraries must be physically accessible to persons with disabilities. Administrators of higher educational programs have been aware of the requirement of accessibility for nearly two decades, and the majority of newly constructed library buildings are accessible to students with disabilities. The second area of concern for Indiana college and university libraries is Title I of the ADA, which concerns employment of the disabled. The concept that an academic library should be accessible to persons with disabilities is not limited to the elimination of

physical barriers, but also applies to accessibility to employment for the disabled in faculty and staffing positions.

## II. Review of the Legislation and Its Influence on Indiana's Academic Libraries

The ADA consists of five titles. Titles I, III, and IV refer, respectively, to discrimination in employment, to discrimination in public accommodation, and to telecommunications issues.<sup>2</sup> These sections of the ADA have been the most expensive to implement and the most controversial to resolve in the separate, but equal, manner in which disabled students have been treated historically by colleges and universities.<sup>3</sup>

Traditionally, Indiana colleges and universities have had the exclusive authority to establish admission standards for their own individual institutions. In recent years, however, this autonomy has been eroded by the enactment of selective federal and state legislation that makes it illegal to discriminate against certain protected classes of students in the admission process. With the advent of the enactment of the ADA in 1990, persons with disabilities were elevated to a new level of protective civil rights not dissimilar to those afforded minorities by the Civil Rights Act of 1964.<sup>4</sup> The legal implications are profound and long-reaching, affecting proprietary and public institutions, including institutions of higher learning.

Historically, the mission of colleges and universities in America has been to prepare students to become well-rounded individuals grounded in the liberal arts and competent to enter their chosen professions. It is an immutable fact that as one's educational level increases so does one's earning potential. Institutions of higher education are now challenged by a large segment of America's undereducated population to offer appropriate educational programs in an adaptive environment that meets the needs of disabled students.

As with any new legislation that attempts to eliminate discriminatory attitudes that have been deeply internalized within society for centuries, the ADA is not free from criticism. The primary detractors to the ADA are employers and owners of commercial property who fear the added expense to construction costs that is necessary to comply with the ADA's accessibility requirements. According to the U.S. Architectural and Transportation Compliance Board, the cost of constructing a new building that complies with ADA regulations adds one percent to the total expense of construction.<sup>5</sup> A more conservative figure is provided by the 1990 DuPont Survey, which indicates that the cost of complying with the ADA's accessibility standards is an increase in construction expense of .5 percent, or one half the Architectural and Transportation Compliance Board's estimate.<sup>6</sup> Irrespective of which estimate the reader elects to give credence, the cost of providing physically accessible buildings, as required by the ADA will not come cheaply.

The fear felt by the business community that the accessibility requirements of the ADA will add substantially to construction costs is shared by administrators and trustees of higher education. As stated above, the increase in construction costs ranges somewhere between .5 percent and one percent of the total cost of the facility. In an era of decreasing resources for higher education and its supporting academic libraries—but only when coupled with acceptance of a traditional and limited student population, yielding a seriously limited view—the added expense for ADA compliance is not welcomed. Notwithstanding the reality of a reduction in financial resources, a problem now shared by both private and state institutions, the administrator of academic libraries in Indiana should view the ADA's accessibility mandate as an opportunity to expand an institution's student base from which it can recruit students. In other words, when a college or university library becomes accessible to disabled persons, there is a positive gain in that the institution can serve new students who were formerly unable to attend because of physical or sensory barriers.

The fear commonly held by administrators in both the business community and in academic librarianship that the requirements of the ADA will result in opening the flood-gates of litigation has actually met with mixed results. The business community has experienced a proliferation of lawsuits, ranging from architectural accessibility issues to telecommunications issues. Notwithstanding the increase in litigation in the business community, Indiana academic libraries have, to date, not experienced this phenomenon. The author's research in *LEXIS* has indicated that there is not a body of case law concerning the ADA and Indiana academic libraries. In support of the author's finding, an article by Kathryn McCarthy states the specific implications of the ADA upon public institutions and finds that the problems of compliance by Indiana college and university libraries are less overwhelming than administrators initially believed.<sup>7</sup>

The question becomes, "Why, to date, have Indiana academic libraries been relatively free of litigation under the ADA?" It is the author's position that Indiana academic libraries have attempted in good faith to comply with the predecessor to the ADA namely, Section 504 of the Rehabilitation Act of 1973.<sup>8</sup> This section (which "prohibits discrimination against the disabled by federal agencies, by those who receive federal financial assistance, and by those who had contracts of more than \$25,000 with the government")<sup>9</sup> had substantially the same requirements and mandates that are present in the ADA, and colleges and universities during the late 1960s and the 1970s attempted to comply with these similar accessibility requirements of Section 504 by making their libraries accessible to the disabled. A large percentage of new library buildings constructed by colleges and universities during this period were made accessible in order to comply with Section 504. Quite simply, to satisfy the requirements of Section 504 largely satisfied the re-

quirements of the later ADA which has requirements that are very similar.<sup>10</sup> It should also be noted that there were many lawsuits brought against colleges and universities based on violations of Section 504; thus, architectural accessibility issues of their library facilities have been resolved to a large degree prior to the advent of the ADA.

In addition to Section 504 of the Rehabilitation Act of 1973, Indiana colleges and universities were required to make both their physical facilities and educational programs (that also includes library facilities) accessible to the disabled by the Architectural Barriers Act of 1968.<sup>11</sup> As a historical note, the Education for All Handicapped Children's Act, the precursor of and model for all subsequent statutes, should be mentioned as ground-breaking for its time.<sup>12</sup>

The requirement of accessibility has been significantly expanded by Title III of the ADA. The ADA now covers most privately owned and operated colleges and technical schools "that...[have]...contracts with the public."<sup>13</sup> Obviously, public institutions (and a smaller number of private institutions) of higher education have been covered by the Rehabilitation Act of 1973, but now proprietary institutions are also covered.<sup>14</sup>

Historically, Indiana college and university libraries have shown a high level of concern for and commitment to persons with disabilities, a level of commitment that has led to the innovative use of adaptive technology. During the past two decades, there has been a significant increase in the number of disabled persons who are attending colleges and universities. According to the President's Committee on Employment of the Handicapped, in 1978 only 2.6 percent of full-time college or university freshmen were disabled as compared with 7.8 percent in 1985.<sup>15</sup> These statistics indicate that with the enactment in 1977 of the Rehabilitation Act of 1973, there was a significant increase in the number of disabled students matriculating through American colleges and universities. It should be noted that with the enactment of the ADA there has been an additional increase in the number of disabled students attending institutions of higher education. It was reported in 1993 that one of eleven first-year students is disabled.<sup>16</sup> This fact has led Indiana college and university library administrators to develop appropriate strategies to comply with the equal accommodations provisions of the act.

Additional statistics concerning disabled students attending colleges and universities can be obtained by consulting the National Center for Education Statistics' *Digest of Education Statistics*.<sup>17</sup> A study conducted by the U.S. Department of Education's National Center for Education Statistics indicated in its "1987 National Postsecondary Student Aid Study" (results reproduced

below) that 10.5 percent of all students attending institutions of higher education were disabled.

### Disabled Students Enrolled in Postsecondary Institutions by Type of Disability: Fall 1986

<b>Disabled Students</b>			
<u>Type of Disability</u>	<u>Enrollment</u>	<u>Percent of Students</u>	<u>Percent of Disabled Students by Condition</u>
Disabled Students	1,319,229	10.5	00.0
Specific learning disability	160,878	1.3	12.2
Visual handicap	514,681	4.1	39.0
Hard of hearing	265,484	2.1	20.1
Deafness	80,910	0.6	6.1
Speech disability	62,525	0.5	4.7
Orthopedic handicap	231,491	1.8	17.5
Health impairment	320,272	2.5	24.3

Source: U.S. Department of Education, National Center for Education Statistics, "The 1987 National Postsecondary Student Aid Study." (This table was prepared April 1991.)

The statistical information provided by this study is also useful to the administrator of academic libraries because the study provides him or her with seven categories or types of disabilities (see table above) that can assist Indiana college and university libraries in long-range planning to make their library facilities accessible. As can be seen from the table, of the 1,319,229 disabled students enrolled in institutions of higher education in 1987, the largest category of students is the visually disabled, who make up 4.1 percent of all students attending colleges and universities.

Guidance in terms of eliminating physical barriers and providing a smooth transition to improved accessibility is provided in an article by Laddy Davis which offers a four-step program that can assist both administrators of educational institutions and academic libraries in complying with the mandates of the ADA.<sup>18</sup> The principal problem with the accessibility mandate of the ADA which remains is that many Indiana college and university libraries

have older buildings located on their campuses, and the cost of making these structures accessible is prohibitive.<sup>19</sup>

### **Title I and Employment of Those with Disabilities**

Perhaps the most significant argument in favor of the enactment of the ADA rests in the equal employment opportunity section of Title I. According to a 1987 Louis Harris' poll, there were 43 million persons with disabilities in America at the time of polling.<sup>20</sup> Two-thirds of these adults were unemployed. Of this group, two-thirds of them, or more than 28 million individuals, wanted to work. This alarming statistic does not reflect the fact that, of the more than 14 million persons with disabilities who were employed, many were significantly underemployed.

According to Title I, S101.6 of the ADA it is illegal for a covered entity to discriminate against an otherwise qualified individual with a disability because of that covered disability in such activities as job application procedures, hiring, advancement, employment compensation, job training, or discharge, and in other terms, conditions, and privileges of employment. In sum, the ADA clearly states that Indiana college and university libraries, as employers, may not discriminate against any qualified person with a disability. Positively phrased in terms of actions to be taken, the ADA mandates institutions of higher education to hire and promote without regard to disability and to utilize adaptive equipment to assist the disabled in performing valid jobs within the organization itself.<sup>21</sup>

Indiana college and university libraries are faced with the problem of eliminating both physical barriers and sensory barriers which interfere with the employment of disabled persons. The term "sensory barriers" refers to the inability of a person with a disability to access sources of information that are available to persons without disabilities because of a perceptual problem, e.g., loss of sight or hearing. Adaptive technology has been readily available for several years that can make the employment and integration of the disabled into operations of institutions an easier task.<sup>22</sup>

There is the shared fear on the part of members of the business community and administrators of academic libraries that the mandates of the ADA will result in a plethora of lawsuits on the part of disabled persons. There exists the potential, as well as a great probability, that a torrent of litigation will be unleashed as attorneys attempt to define the parameters of the ADA. In terms of the employment section of the ADA, administrative complaints are handled by the Equal Employment Opportunity Commission (EEOC). In 1991, the EEOC anticipated that, after July 26, 1992, there would be 12,000 to 15,000 new complaints filed annually.<sup>23</sup> The man-hours required to process these complaints, it was further anticipated, could be massive. These anticipations have been realized.

In an interview conducted by the author on July 19, 1996, with Daniel Herder, Deputy Director of the EEOC regional office in Indianapolis, Indiana, Mr. Herder stated that a large number of the complaints filed with the EEOC were disability related.<sup>24</sup> According to EEOC's Indianapolis regional office, using statistics that cover only the state of Indiana for the time period of October 1, 1995 through May 31, 1996, there has been a total of 2,813 complaints filed with the commission. Five hundred and thirty-nine of the complaints were ADA issues; 131 of the complaints were ADA issues tied to Title VII issues; sixty-seven complaints were ADA issues tied to age discrimination issues; and the remaining thirty-seven complaints were classified as being ADA issues tied to other categories of discrimination. According to Director Herder, since the enactment of the ADA, there has been a marked increase in the number of complaints filed with the EEOC that are related to the act.

### Americans with Disabilities Act of 1990 EEOC Statistics for FY 1992 through FY 1996

	FY 1992	FY 1993	FY 1994	FY 1995	3rd Quarter FY 1996	Cum. Total 7/26/92-6/30/96
ADA Charges						
Receipts	999	15,000	18,845	19,789	13,470	68,203
Resolutions	29	4,298	12,412	18,876	18,834	52,448 (100%)
<b>Resolutions by Type:</b>						
Settlements	6	420	744	821	571	2,562 (4.9%)
Withdrawals w/Benefits	7	587	1,125	1,224	829	3,772 (7.2%)
Administrative Closures	13	1,792	5,51	7,985	3,788	21,089 (40.2%)
No Reasonable Cause	1	1,399	4,681	8,374	9,275	23,730 (45.2%)
Reasonable Cause	1	100	351	472	371	1,295 (2.5%)
Successful Conciliations	(0)	(33)	(121)	(143)	(150)	(447) (-0.9%)
Unsuccessful Conciliations	(1)	(67)	(230)	(329)	(221)	(848) (-1.6%)
Merit Resolutions	14	1,107	2,220	2,517	1,771	7,629
Monetary Benefits	\$18	\$2,177	\$30,100	\$39,177	\$33,457	\$104,929

(Monetary awards in thousands of dollars.)

Source: Data compiled by the Office of Program Operations from EEOC's Charge Data Systems National Data Base.

There has also been a substantial increase in the number of lawsuits filed in the federal judicial system. The increase in ADA legislation is directly related to the number of complaints being filed with the EEOC. Before a person with a disability can file a federal lawsuit, he or she must first exhaust his or her administrative remedies by filing a complaint with the EEOC. Federal courts are unwilling to review an ADA case until the experts at the EEOC have had an opportunity to resolve the issue in conflict.

In an interview conducted on July 24, 1996, with Chris Wright, Clerk of Judge Hamilton's court of the Southern District of Indiana, Mr. Wright stated that there has been a substantial increase in ADA cases filed in Judge Hamilton's court during the past year. The cases "are considered to be complex, and the subject matter is unfamiliar to the court."<sup>25</sup>

Since publicly operated institutions of higher education (that includes academic libraries) were covered by Section 504 of the Rehabilitation Act of 1973, there should not be a problem with the institution's compliance with the mandates of the ADA. However, the majority of *private* Indiana college and university libraries were not covered by Section 504; therefore, the acquisition of adaptive technology for both an institution's students and employees was optional. As a result, the ADA frequently places a burden on private institutions of higher education to purchase expensive adaptive technology to insure that their academic libraries are accessible to the disabled.

As defined within the ADA, the term "covered entity" refers to an employer, employment agency, labor organization, or joint labor-management committee (S101.2). The term "covered entity" is further specified in the act through the definition of the term "employer." According to S101.5 of the ADA, the term "employer" refers to an entity that engages in an "industrial activity" affecting commerce that, as of July 26, 1992, had twenty-five or more employees. ("Industrial" is a legal term meaning activity connected with commerce. From a legal viewpoint, universities and colleges are engaged in the industry of higher education). Effective July 26, 1994, an employer will be considered to be a covered entity if it has fifteen or more employees during each working day of any twenty calendar weeks. Thus, as of July 26, 1994, Indiana college and university libraries that employ fifteen or more employees for twenty calendar weeks are covered by the mandates of the ADA.

### **How Does the ADA Define Disability?**

In order to be considered a person with a disability, an individual must fall within one of the following categories:

- a. has a mental or physical impairment that substantially limits one or more of the major life activities of the individual; or
- b. has a record of such impairment; or
- c. be regarded as having such an impairment.<sup>26</sup>

If an individual falls within one of the above categories, he or she is considered to be a person with a disability. Students who fall within one of the above categories must receive reasonable accommodation so that Indiana

college and university libraries are accessible to them.<sup>27</sup> As stated previously, a college or university library with fifteen or more employees may not exclude otherwise qualified persons with disabilities from having an equal opportunity for employment through a good faith accommodation, making access to employment possible, as well as advancement within employment ranks as earned.

Notwithstanding the provision of the definition, does the language of the statute clearly identify students and staff who are "legitimately" disabled? It has been the author's experience from litigating numerous disability cases under the Rehabilitation Act of 1973, the predecessor of the ADA, that many attorneys, academic library administrators, student personnel officers, and human resource managers are still unclear about who qualifies as a disabled person. With the enactment of the ADA there seems to be continued confusion and uncertainty surrounding the definition of the term "disability."

Before the ADA can become an effective law, it will be necessary to define clearly who is protected by its provisions. It is not within the scope of this article to cover the issue of definition more completely. For additional information and a more in-depth analysis of such terms as "disability," "qualified individual with a disability," and "reasonable accommodation" refer to "Americans with Disabilities Act: History, Summary, and Key Components."<sup>28</sup> If the reader wishes additional information, he or she is also advised to consult the report of the U.S. Senate's Labor and Human Resources Committee<sup>29</sup> as well as the Justice Department's "Final Rules Implementing Title III of the ADA,"<sup>30</sup> Title III being the public accommodation section that became effective on January 26, 1992. This publication of the Justice Department analyzes the definition of the term "disability" separately.

### III. Who Is Not Covered by the ADA?

The administrator of an academic library may wish to note that the report of the U.S. Senate's Labor and Human Resources Committee and the Justice Department's regulations (both cited in the concluding paragraph of the preceding section) specifically state which physical or mental conditions are not considered by the ADA to be covered disabilities. The following list details what groups of individuals are not eligible under the definition of the term "disability" contained in the ADA:

- a. Psychoactive substance abuse disorders caused by current drug use;
- b. environmental, cultural, or economic deprivations, such as the existence of a prison record;
- c. personality traits, such as a quick temper or poor judgment;
- d. bisexuality or homosexuality;

- e. transvestism, transsexualism, pedophilia, exhibitionism; or
- f. compulsive gambling, kleptomania, or pyromania.

However, the administrator of an academic library should note that students or staff members who have been rehabilitated from a drug addiction or who are requesting drug rehabilitation services to rid themselves of their addictive habits are considered to be covered by the ADA. The administrator of an academic library should also be aware that a person with AIDS has been recognized as having a covered disability under the Rehabilitation Act of 1973, and many states have enacted legislation to prohibit discrimination against persons disabled by AIDS. In *Cain vs. Hyatt*,<sup>31</sup> a former partner in a law firm recovered compensatory and punitive damages for the wrongful termination of his employment. In summary, he had AIDS; and AIDS is recognized as a disabling condition. This recent case drew on state law under the Pennsylvania Human Relations Act. It should also be noted that persons infected with the HIV virus, or who have AIDS, regardless of their sexual preference are considered to be disabled and are covered by the ADA.<sup>32</sup> Bisexuality and homosexuality are not covered disabilities. However, the administrator should be aware that there may be laws within their resident states that prohibit discrimination against these groups.

Notwithstanding the few excluded conditions listed above in which a person is not considered to be disabled, there are a large number of qualified disabled persons who must be given consideration as prospective employees and as students capable of successfully utilizing academic library services by administrators of academic libraries. It can be readily seen that discrimination directed by Indiana college and university libraries toward the disabled in employment or access to informational systems is becoming unattractive and unprofitable.

#### IV. Affirmative Action and the ADA

According to the author's findings, three of the most frequently asked questions concerning the ADA by administrators of academic libraries, employers, individuals with disabilities, and members of the general public concern affirmative action and its relationship to the ADA. These questions include:

- 1) Does the general rule of Title I of the ADA mean that employers must hire every individual with a disability who applies for a job? Does Title III of the ADA require administrators in higher education to admit all disabled students who apply for admission to their schools?
- 2) Does the general rule of Title I mean that the employer must hire a certain number or percentage of people with disabilities? Does Title

III mean that administrators in higher education must admit a certain number or percentage of disabled students to their educational programs?

- 3) Does this general rule of Title I mean that every person with a disability is guaranteed a job or that current employees must be promoted to whatever position they desire?

The answer to these questions is, categorically, no. The ADA is neither a quota bill nor an affirmative action law. The ADA does not require that administrators of academic libraries hire, retain, promote, grant tenure to faculty, or admit students based on specific numbers or percentages of persons with disabilities. In addition, the ADA does not mandate that human resource managers of academic libraries interview all applicants who are disabled. However, the ADA clearly states that administrators of academic libraries will not discriminate against any "qualified individual with a disability."<sup>33</sup>

#### V. A Closing Look at New Demands and Restraints on Academic Libraries

There has been a dramatic increase in the number of disabled students who are enrolled in colleges and universities in the United States since the advent of protective federal legislation. As stated previously, at the time that the Rehabilitation Act of 1973 Section 504 became effective in 1977, there were a substantial number of disabled persons who were not attending institutions of higher learning. In fact, in 1978, only 2.6 percent of full-time college and university freshmen were disabled. Once the newly enacted legislation had an opportunity to become effective, the number of disabled students had increased by 1986 to 10.5 percent of the total number of students matriculating in American colleges and universities.

As previously indicated, Section 504 of the Rehabilitation Act of 1973 covered primarily public institutions; private colleges and universities were not impacted by the act unless they were recipients of federal financial aid. Thus, not all of Indiana's institutions of higher education were covered by the mandate to admit disabled students to their programs or to make their campus and educational programs accessible. Therefore, some of Indiana's private college or university libraries were not required to make their informational systems accessible to the disabled student.

With the enforcement of the ADA in 1992, all of Indiana college and university libraries became covered by the Act, which prohibits discrimination against persons with disabilities. Administrators of academic libraries may, therefore, anticipate that there will be another sizable increase in the number of disabled students who will be utilizing the libraries informational systems. Even by 1986, statistics indicate that there were well over one

million disabled students enrolled in postsecondary educational programs.

These enlarging special student enrollments have also been localized in such a way as to cause new administrative difficulties. Increasing numbers of students with disabilities have made requests for assistance in their attempts to matriculate through higher educational programs. The increasing numbers of requests are felt in the offices of disabled student services (or some other variation of that title). Normally, this student service office can provide the disabled student with a wide range of adaptive services such as interpreters for the hearing impaired, readers for the visually impaired, adaptive technology, assistance in registration and other administrative functions, and sensitivity training for both faculty and staff. The office for disabled student services works closely with governmental organizations such as the local state-operated Department of Vocational Rehabilitation in meeting the needs of the student with a disability.

Administrators of Indiana's academic libraries should become aware of the vast variety of services offered to the disabled student, as such services are most helpful in making the informational system of the library accessible to disabled students. It should also be noted that the Office of Adaptive Educational Services at Indiana University-Purdue University at Indianapolis (IUPUI), in cooperation with the academic library, has established resource rooms equipped with state of the art adaptive technology that assist the disabled students to access the libraries information systems.

In an interview conducted on July 31, 1996, with Pam King, Director of the Office of Adaptive Educational Services at IUPUI, Ms. King stated that there has been a substantial increase in the number of disabled students requesting assistance from her office.<sup>34</sup> She indicated that the increase of such requests is due both to the enactment of the ADA and to the policies established by the Indiana Department of Vocational Rehabilitation. Students are clearly informed of their rights under the ADA to receive adaptive services from the University. However, the Department of Vocational Rehabilitation has placed limitations on services that it is willing to provide disabled students wishing to attend universities in Indiana. The Department of Vocational Rehabilitation, for example, will not assist a disabled student in attending a college or university unless the student attends a state-operated institution within the community in which he or she resides. "In the past," King has stated, "if a disabled student wished to attend, say for example, Indiana State University, the Department of Vocational Rehabilitation would assist the student by paying both the student's tuition and residential expenses. Today, the same student would be required to stay in his own community in order to receive assistance. Since Indianapolis has the largest population within the state of Indiana, there is a large number of disabled students attending our university." Thus, administrators of academic libraries located in large urban

communities will experience a larger number of disabled students requesting services from their libraries as a direct result of the policy of the state operated Department of Vocational Rehabilitation covered above.

Coupled with the policy of not paying for residential expenses, Pam King further pointed out, "the Indiana Department of Vocational Rehabilitation has also limited its assistance to disabled persons who are capable of attending institutions of higher education. Vocational services are now offered or provided to persons with severe disabilities on the condition that they can physically and intellectually attend college. If they can maintain such physical and intellectual participation on a postsecondary level, then they should be able to find gainful employment."

Administrators of academic libraries should also make note of the fact that disabled students are not receiving the same type of support that they received in the past from the Indiana Department of Vocational Rehabilitation in terms of adaptive technology. Thus, the library is now required to purchase adaptive technology in order that disabled students can utilize the informational systems of the library. This policy will increase the pressure on the academic library to purchase adaptive technology that it was not necessary to do only a few years ago. As an added note, King declared, "it is becoming more and more difficult to be reimbursed by the Department of Vocational Rehabilitation for services that have been provided to disabled students attending institutions of higher education in the state of Indiana." She indicated that this situation is not limited to the state of Indiana, but that many other offices of disabled student services located throughout the United States are experiencing the same problem. As a result of the new restraints, students who in the past were fully supported by the Department of Vocational Rehabilitation are now making their presence known and are requesting assistance from offices of disabled student services.

#### VI. Recommendations

One problem that continues to confront the visually impaired patron is the attitudes which sighted persons hold concerning the visually impaired person's ability to be either completely integrated into the work force or respected as a professional. The attitudes held by fellow workers play an important role in determining if a disabled person will meet discrimination. In a manner not too unlike the very real effect that the perception of an African-American's "place" by other ethnic groups had on the advancement of a race, so too a distorted perception of the "absence of ability" in the disabled held by the non-disabled can stand in the way of the social, academic, and commercial advancement of those with disabilities. Perception becomes a self-fulfilling prophecy. Given a fixed perception, the only thing that can be fulfilled is a lack of honest expectation on the part of those who fail to appreciate ability when it is other than their own.

The following recommendations should assist academic librarians in meeting the needs of visually impaired patrons and the need of the library to comply with the mandates of the ADA:

#### **Recommendation One**

Academic librarians should be given the opportunity to learn about the special needs of visually impaired patrons and to develop the skills that will enable them to deliver library services effectively to this special group. This can be accomplished through the development of special library workshops which expose academic librarians to state-of-the-art adaptive technology and through which disabled library patrons have an opportunity to speak for their disability categories (e.g., blindness, deafness, and lack of mobility) and to confer with academic librarians, who will learn from the patrons' real-life experiences.

#### **Recommendation Two**

Librarians should complete a course in special services librarianship as part of their post-degree training.

#### **Recommendation Three**

Academic librarians should develop a working relationship with the local representative of the state's division of vocational rehabilitation. Vocational rehabilitation counselors offer a vast array of information concerning adaptive technology, and their offices operate as clearinghouses for grants to purchase specialized equipment to assist the disabled in using libraries.

The state vocational rehabilitation office has a staff with specialized training who are available for individual consultation and evaluation. Consultants are also available for on-site assessment of special facilities, existing and proposed, such as adaptive learning centers in academic libraries. These experts recognize the real needs of an institution and match those needs with the best of the currently available technological answers. It is possible to configure the technology to match an individual or many individuals typical of the needs found within a specific student body.

#### **Recommendation Four**

In lieu of having the capacity to purchase adaptive technology, academic libraries should establish a formal reader service to facilitate the accessibility of their libraries to the visually impaired. The reader is a volunteer who gives voice to the printed word through the simple act of reading. As with any organization of volunteers, scheduling should be extensive enough that the service is available for as many hours as possible, given the total number of volunteers. Recruitment efforts should be active to maintain the number of volunteers at the highest level possible.

A great number of academic libraries have reserved areas for use by those with disabilities. In these designated areas, disabled students may use a reader's services and access the special adaptive equipment that the library has made available for those needing special assistance. As a result of the close relationship between academic librarians and the staff of a university's office of disabled student services, paid readers have assisted visually impaired students in using library services.

Designated areas for disabled students should be established in all academic libraries as places in which special adaptive equipment will be available and where readers' services can be carried out free of interruption. Such areas are places where talking is, indeed, permitted.

#### **Recommendation Five**

It is important to ensure that equipment such as microfiche readers and computer terminals are in good working condition. When ordering new equipment, it would be worthwhile to remember that easily operated machines should be given consideration since they pose fewer obstacles for the disabled person. Academic librarians should be trained in the proper use of adaptive technology so that they will be able to assist disabled patrons in the effective use of such equipment.

#### **Recommendation Six**

Academic librarians should be familiar with reference materials similar to those developed by the Indiana Library Federation, a collection of materials concerning the wide range of disabilities, referral sources, and information regarding the ADA. These types of reference materials will enable librarians to acquire special knowledge about the disabled and will offer referral assistance to patrons in need of information on the disabled.

#### **Recommendation Seven**

Academic librarians should develop a close working relationship with a school's office of disabled student services. This office has been mandated by the administration of the university or college to concern itself exclusively with matters of accommodation for students with disabilities and has a budget dedicated to such purposes.

Vendors representing corporations and agencies distributing the newest adaptive equipment will contact the office of disabled student services before approaching any other office or division of the school, keeping its special staff on the cutting edge of adaptive technological development. The hardware and software the staff have knowledge of are truly remarkable in their potentialities, a single CD-ROM now being accessible through large-print display by magnification on a screen, through conversion to and transmission by voice, or through Braille printouts. In terms of its storage capacity, the

single CD-ROM is often capable of replacing an entire room of Braille or large-print books.

Briefly stated, members of the staff of the office of adaptive student services are familiar with the literature and non-print resources pertaining to adaptive services; and they can provide advice on the utilization of both. Their expertise should be recognized.

## VII. Summary

Despite the difficulties, the disabled are a substantial group of fee-paying students who have been identified by institutions of higher education as a potentially under-tapped market share. Administrators of academic libraries are well aware of the current competition among institutions to recruit fee-paying students to bolster the financial base of their institutional operations. Many of these institutions face reductions in both grants and financial support from state legislatures. At the same time, the ADA should result in increasing the number of persons with disabilities who will be seeking admission to traditional institutions of higher education and who are in need of academic library services. Indiana college and university library administrators, should see this development as an opportunity to expand their institutions' financial bases with fee-generating students and not view the disabled student as a liability to the library. Administrators of academic libraries should also recognize the opportunity that now exists for the first time in the history of postsecondary education to recruit for both faculty and staff positions, talented people who also happen to have disabilities.

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