March 30, 2004

Michael White

Vice President for Admission and Administrative Services

Coe College

1220 First Avenue NE

Cedar Rapids, Iowa 52402

RE: Priority Items to Enhance Accessibility at Coe College

Dear Mr. White:

In the wake of the U.S. Department of Justice (DOJ) investigation of Eby Fieldhouse, you asked the University of Iowa Clinical Law Program to help evaluate the accessibility and usability of the Coe campus and programs. We began last November with an accessibility audit of Gage Memorial Union and the Pub using participants with diverse disabilities, impairments and functional abilities to achieve optimal results that reflect real world experience. As you await the DOJ’s findings and recommendations, we have been compiling and evaluating information and prioritizing ways in which you can enhance accessibility and fulfill the requirements of Title III of the Americans with Disabilities Act (ADA).

On January 28, 2004, we presented the results of the audit to you and several of your colleagues from different departments and disciplines. The session focused on these key topics: Parking, Signage, Massive Barriers, Movable Barriers, Bathrooms and Technology. It also explored the Student Union, Cafeteria, the Career Services office and other areas. The presentation was designed to assist you in improving campus life for students, faculty and visitors. At the conclusion of our presentation, we gave each Coe representative a copy of the Existing Facilities Checklist, ATM Checklist and Smithsonian Guidelines for Accessible Exhibition Design. We also provided you with one copy of the audit photographs on CD-ROM. At the end of this letter, we are providing you with the remaining photographs taken on the audit but not used in the presentation.

Len Sandler and I appreciated the questions, suggestions, and pointed exchanges about what Coe has accomplished and what remains to be done to secure for persons with disabilities full and equal enjoyment of the college’s services, goods, privileges, advantages and accommodations. After the presentation, you asked us to rank by priority the projects and activities that Coe should undertake to enhance accessibility.

This letter is intended to provide our suggested priorities and proposed methods for removing physical barriers to approaching, using and entering facilities. It barely scratches the surface of the issues explored during the meeting and does not itemize each feature of the relevant Americans with Disabilities Act Accessibility Guidelines (ADAAG).

I have organized the letter: (1) to provide a brief overview of the governing legal standards and the priorities for barrier removal suggested by the DOJ; (2) to identify the items, features, and facilities that in our opinion merit top priority or consideration in accordance with those DOJ regulations; and (3) to furnish you with photographs from our audit that illustrate the physical or design features being examined. The color photos and materials are attached at the end of this letter and are keyed to text sections. The relevant law and regulations are set forth in the compliance manual you purchased. The DOJ regulations referenced several times in this letter are in Volume 28, Part 36 of the Code of Federal Regulations (28 C.F.R. 36), sections of which we have cited or provided to you in the past. Our role is to provide you with technical assistance on accessibility concerns. I trust that you will rely on Coe’s attorneys to provide legal counsel, advice and representation.

**An Overview of ADA Title III Compliance Requirements:** Coe and other public accommodations are obliged to furnish adults and children with disabilities the full and equal enjoyment of goods, services, privileges, advantages or accommodations. For purposes of this discussion, and generally speaking, to comply with the ADA, Coe must:

1. Make reasonable modifications to policies, practices and procedures when necessary to provide goods, services or facilities to people with disabilities,
2. Ensure that people with disabilities that limit their ability to communicate are not discriminated against because of the absence of auxiliary aids or services, unless the aid or service would fundamentally alter the nature of the good or service or result in an “undue burden”—significant difficulty or expense. Examples of auxiliary aids and services include assistive listening devices or systems, hearing-aid compatible telephones, materials in alternate formats or other effective methods of making materials available to persons with hearing, vision or other impairments, and
3. Identify, monitor and remove physical barriers to approaching, using and entering facilities as well as communications barriers that are structural in nature (conventional signs, audible alarms, etc.), if removal is “readily achievable”—easily accomplishable and able to be carried out without much difficulty or expense. Alternate measures to provide access may be taken only when barrier removal is not readily achievable.

**Barrier Removal Examples and DOJ Priorities:** The obligation to remove physical and communications barriers is not unlimited. When determining whether any particular action is readily achievable, take into account the nature and cost of the action, legitimate safety requirements, overall financial resources, the number of employees, the impact upon the program and the effect on expenses and resources, among other factors.

The DOJ regulations list twenty-one measures that are readily achievable. Some examples that are particularly relevant include: installing ramps; making curb cuts in sidewalks and entrances; repositioning shelves; rearranging tables, chairs, vending machines, display racks, and other furniture; repositioning telephones; installing flashing alarm lights; widening doors; installing accessible door hardware; rearranging toilet partitions to increase maneuvering space; insulating lavatory pipes under sinks to prevent burns; removing high pile, low density carpeting and the like.

The rules acknowledge that no enterprise can afford to make all needed access improvements. To that end, the Justice Department *urges* but does not mandate that public accommodations establish and adhere to priorities that are listed and more thoroughly explored in the next section.

**Our Recommendations for Institutional and Concrete Change:** Making improvements to programs and facilities is an ongoing process that involves incorporating disability, access and universal design into the institutional culture in a systematic way. Typically, it embraces day-to-day operations, student and faculty recruitment, fund raising and capital campaigns, the curricula, technology, buildings and grounds, employment, athletic events and the classroom. More concretely, barrier removal involves scanning and altering environments and facilities to furnish access feature by feature. This section contains our recommendations for achieving both goals. The barrier removal measures are listed in the order they appear in the previous section to dovetail with DOJ suggestions.

We ask that you consult and review the current ADAAG requirements, as well as the revised standards that the U.S. Access Board unanimously approved in January and forwarded to the Office of Management and Budget. The revised guidelines are a blueprint for planning and future compliance. They are not enforceable or mandatory until formally adopted by the USDOJ or other agencies.

***I. Designate individuals and offices responsible for ADA compliance*.**

Most institutions establish or designate individual(s) or office(s) responsible for anticipating, overseeing, coordinating and addressing these concerns. Their duties might also include creating policies and procedures, conducting training, developing performance benchmarks, evaluating and providing reasonable accommodations and ensuring compliance with the law. Access to information about the college was noted as a top priority. We also recommend that you immediately designate the office in charge of providing maps, directions, brochures, handbooks, policies and other documents in paper, electronic, large print and, upon request by a person with a disability, alternate formats.

We suggest you modify the map posted on the Coe website to identify the location of the designated office, the accessible entrances and parking spaces reserved for persons with disabilities and places on campus where maps and information can be obtained. This will signal the importance of accessibility to those who have not yet arrived on campus and instill within visitors a sense of comfort and confidence about visiting Coe and potentially staying. McDaniel College has a website map that is easy to create and use. It denotes places where visitors can park as well as parking spaces reserved for persons with disabilities. It might be a useful model. (Exhibit 1).

II. Make the following changes to buildings, facilities and spaces according to the priorities suggested in the U.S. Department of Justice regulations.

**Priority 1: Provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures include, for example, installing an entrance ramp, widening entrances and providing accessible parking spaces.**

**Recommendation #1:**

**Re-designate or redesign spaces reserved for persons with disabilities who visit Gage Memorial Union, Voorhees Hall and other facilities.**

There are two designated spaces in the U-shaped drive next to Voorhees and near Gage. The spot reserved exclusively for employee Peggy Knott is closest to College Drive and Gage. Its location allows passengers to exit the side or back doors of cars or vans without stepping into traffic or having the vehicle block the intersection. The second space reserved for persons with disabilities is in front of Voorhees. Drivers of vans with wheelchair lifts, however, must back into the space, offload passengers into the street or the intersection and block the intersection while doing so. I remember that you were agreeable to re-designating the two spaces to eliminate confusion and safety hazards and to ensure that at least one space is van accessible. This is an immediate, inexpensive and visible demonstration of your commitment to removing barriers and enhancing accessibility.

As you know, the ADAAG mandate a minimum number of parking spaces that must be reserved for people with disabilities. Whether or not the rules require it, the goal should be to have at least one parking space, preferably van accessible, set aside and properly marked and designated for people with disabilities for each building on campus. Consider including the name of the building on each sign, too. The long-term objective should be to inventory and improve parking spaces throughout the campus. In addition, ask the City of Cedar Rapids to create additional parking spaces and drop off zones on College Drive. (Exhibit 2).

# Recommendation #2

Provide signs, maps and directions that are easy to read and understand, readily available in alternate formats and direct people to the nearest accessible route and entrance.

Install signage to direct visitors to the unobstructed route of travel to the accessible Gage entrance closest to the parking space or other areas. The informational and directional signs must effectively communicate information to people with physical, cognitive, or visual impairments, and to foreign readers and others. The signage should answer questions such as: Where am I? Where do I need to go? How do I get there? Is there an alternate, quicker, or accessible route?

One method commonly used is a “You Are Here” map explaining where the person is in relation to buildings and facilities and how to get from one place to the other. Maps should be placed strategically on the accessible route and so as not to interrupt or destroy the landscape. Visitors should have the information far in advance of steps, curbs or other barriers that may block their way and frustrate their attempt to attend a class, conference, athletic event or meal. The map should include Braille or audio materials that, at a minimum, instruct the visitor where to get help if needed. The Smithsonian Guidelines for Accessible Exhibition Design distributed at the presentation are a valuable resource. The source is available online at <http://www.si.edu/opa/accessibility/exdesign/start.htm>.

Signs bearing the international symbol for disability with an arrow pointing to the accessible entrance, bathroom or other feature should identify accessible paths. This is particularly important in areas such as the Gage patio, where visitors are confronted with a panorama of four or five entrances, only one of which can be navigated independently by persons using wheelchairs or other devices. Replace the button/plate for the automatic door at the Gage entrance with one that has the international symbol for disability so people with disabilities, visitors who use strollers or people moving large objects know which entrance to use.

(Exhibit 3).

A third alternative would be to create a walking map for visitors that is scaled, accurate and provides a birds-eye-view of the campus. The map could be available at the designated office, inside Gage or other buildings and posted on the website.

The ADAAG specify the font size, background colors, surfaces and heights for all signage and directions. The driving motivation is that visitors, faculty and students should not feel as though they must attempt to navigate seemingly impassible barriers just to find out if they are headed in the right direction.

**Priority 2: Provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures include, for example, adjusting the layout of display racks, rearranging tables, providing Brailled and raised character signage, widening doors, providing visual alarms and installing ramps.**

**Recommendation #1**

**Identify and move or rearrange objects that block routes, entrances and technology.**

We first recommend that you eliminate all temporary barriers. While this is not the most significant barrier removal task requiring your attention, it is the most inexpensive and easy to accomplish. Move the stone cigarette butt planters that obstruct doorways, move the recycling bins and garbage cans away from telephones and water fountains, and rearrange the patio and other furniture and items that block paths and access to vending machines, post office boxes, classrooms and technology of all kinds. Taking these small measures will makes it possible for students, faculty and staff to independently maneuver across campus and participate in a variety of activities. Think “accessibility” when making purchasing decisions or when planning to remodel or build. (Exhibit 4).

## Recommendation #2

Provide a no-step entrance to the Pub.

The Pub is a powerful symbol and reminder that people with disabilities are not welcome everywhere at Coe. People who use wheelchairs or mobility aids have no way to gather there with friends, family or faculty. The exclusion is both physical and social. They are unable to enter, share meals, drinks or intimate conversation or discuss movies, books or the events of the day. Provide at least one zero step entrance by installing a ramp or a lift from the walkway to the patio level or from the Gage Skywalk to the Pub. The ADAAG, state fire codes, the weather and other factors must be considered when deciding the best way to make the Pub accessible and usable. (Exhibit 5).

**Priority 3: Provide access to restroom facilities. These measures include, for example, removal of obstructing furniture or vending machines, widening of doors, installation of ramps, providing accessible signage, widening of toilet stalls, and installation of grab bars.**

## Recommendation #1

## Ensure that restrooms in Gage meet ADAAG standards.

The men’s and women’s restrooms on the ground floor of Gage Memorial Union are marked and designated with the international symbol for disability. Our audit, however, revealed that neither “accessible” restroom measures up to ADAAG specifications. Lisa Ciha has the knowledge, staff and existing facilities checklist to conduct another survey and determine what alterations or changes need to be made inside and out.

Signage could also be improved. There were four signs posted outside the rooms, each of a different shape, size and format. One was handwritten, one was a computer printout resembling a disability pictograph, another was mounted close to the ceiling near the Automated Teller Machines (ATM), and the last was mounted on the wall nearest the door and was ADAAG compliant. Installing signs that meet ADAAG requirements will eliminate confusion, direct people to the proper restroom and make the area more visually appealing. These are the only two accessible restrooms in Gage. Place signs on the doors of other bathrooms in Gage that direct visitors to the accessible restrooms on the ground floor. (Exhibit 6).

On a related note, consider modifying the bathrooms in the lower level of the Pub to create at least one unisex or family restroom that meets or exceeds the ADAAG requirements.

## Recommendation #2

**Reposition or replace hardware and fixtures to meet the ADAAG.**

Simple barriers are often the most difficult to overcome. Hardware and fixtures fall into this category and concern restrooms as well as every other part of Coe facilities and buildings. Door handles, faucets, hand dryers and dispensers (soap, paper towel, toilet paper, hygiene and other products) must be easy to reach and operate. Countertops, mirrors and vanities must be placed at certain heights and locations and hot water pipes should be wrapped, for example.

With few exceptions, doors in Gage have rounded doorknobs that run afoul of the ADAAG, which require that controls be operable with one hand and not require tight grasping, pinching or twisting of the wrist. Lever handles are preferred. Len and Pat Steele recall that many, if not most, doors on campus have doorknobs. We suggest that you review and rank by priority the areas that are most frequently used by students, faculty and staff and begin replacing the hardware. (Exhibit 7).

**Priority 4: Take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.**

**Recommendation #1**

**Update or replace Automated Teller Machines, vending machines, telephones and other technology with models that enable people with disabilities to independently operate them.**

Automated Teller Machines (ATM), vending machines, computers and other technologies quickly become outdated. Older models do not allow people with vision, manipulation and other impairments to operate or transact business without help. Urge or demand that your bank and other vendors replace the machines with models that have speech output, headphone slots, picture, text or Braille product descriptions and other features.

The current ADAAG include specifications regarding controls, height, reach, approach and other features. Some of these specifications have been amended in the new ADAAG. For example, the new, but not-yet-adopted ADAAG, contain detailed standards for ATM to help address the needs of persons with vision impairments. Another example concerns the height and placement of dispensers and controls on vending machines like the Aquafina machine in Gage. As you may recall, the bottle dispenser was only nine inches from the ground, which meets current ADAAG standards. The proposed ADAAG requires controls to be no lower than fifteen inches from the ground to make sure people using wheelchairs can reach and grab the bottle or product.

(Exhibit 8).

# Recommendation #2

## Monitor campus facilities, programs and activities on a regular basis and remove barriers. Enlist local disability advocates for help, such as Cherie Clark, 319-364-0037, who is in Cedar Rapids and now with the Evert Conner Center.

Also, I have been successful in addressing a request made by Lois Kabela-Coates who was looking to improve the Academic Achievement program. I recently mailed a letter to put her in touch with Noel Estrada Hernandez, the new head of the University of Iowa’s Iowa Center for Assistive Technology and Educational Resources (ICATER). I also provided the name and contact information for Dr. Robert David Dawson, the former head of ICATER and a true expert in accommodations and Assistive Technology. Noel will visit Coe and demonstrate software designed to enhance the usability of computers for people with disabilities. He will also provide samples of the software to help you make an informed purchasing decision. I strongly encourage you to contact Noel and schedule an appointment.

In closing, I remind you that this letter lists our suggestions and recommended priorities. We are honored by your request for our assistance. The choice is yours as to the amount of time, money, and effort you expend on projects designed to enhance the accessibility of your campus. Practice preventative shopping and be accessibility-conscious as you stroll along the pathways and hallways of Coe on a daily basis.

Please call us when you have had the time and opportunity to digest the contents of this letter. Also, let us know what you intend to do and how we may be of assistance. Please contact us when you have heard from the U.S. Justice Department and if you are interested in our assistance should you assemble a team in the future to audit Hickok Hall.

Sincerely,

Laura Stockel

Student Legal Intern

Cc: Pat Steele

Jordan Pettus

Evert Conner Center (Chris O’Hanlon, Keith Ruff, Jim Whalen)