

Leading the Charge: Universities, Title II, and Universal Design



Fred Tepfer
March 2009



THREE QUICK QUESTIONS:

Where did disability rights movements come from?

What is the Rehabilitation Act of 1973, and what was its effective date?

Why are research universities “leading the charge”?

In the beginning, there was no access...

a brief history of accessible schools

1920s-1950s



... front door or rear

1960s

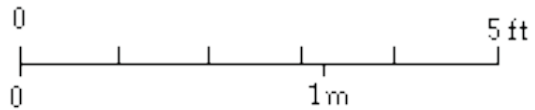
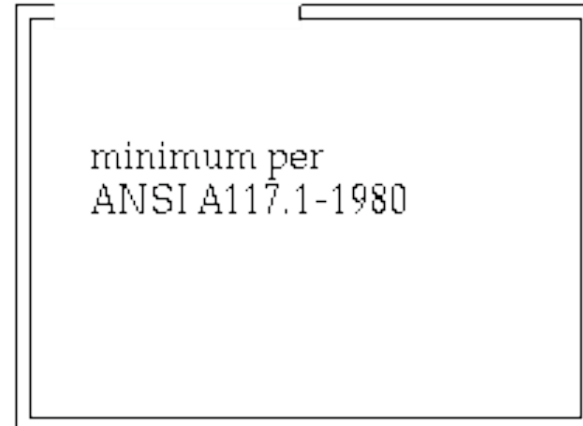


... and some feeble (and dangerous) attempts.

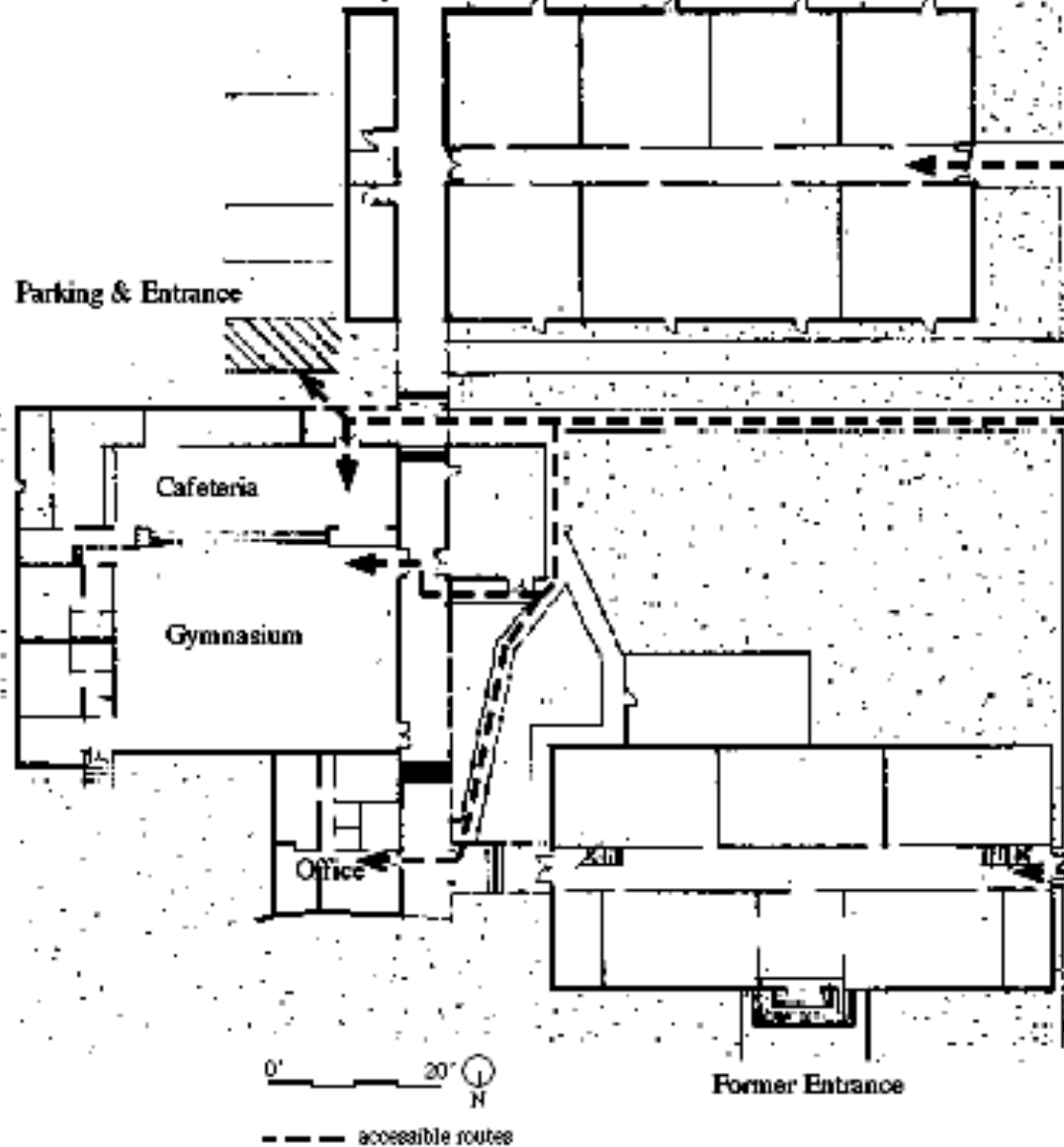
1970s:
Ineffectiveness



1980s: change happens!



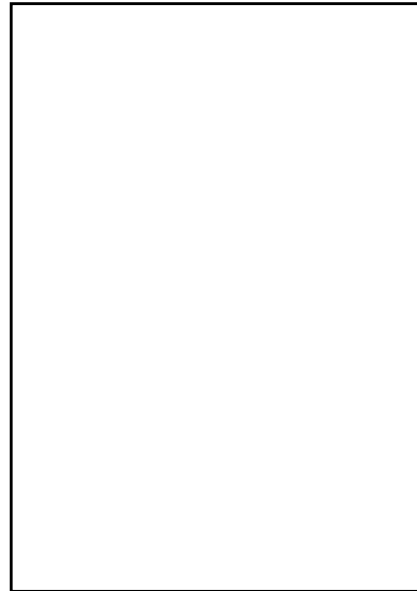
1990s: ADA & compliance



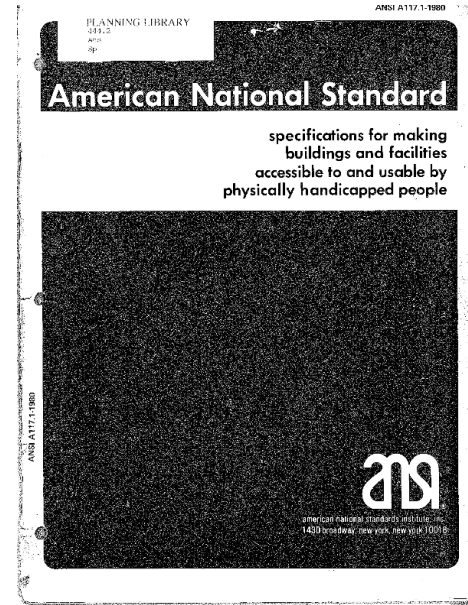
1995-present: accessible design



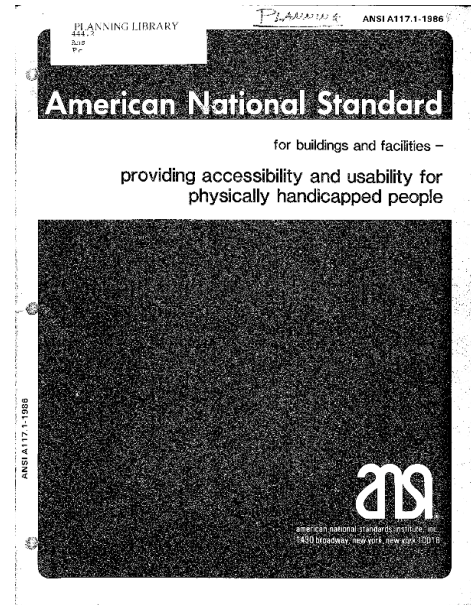
The ever-changing landscape of Federal accessibility standards



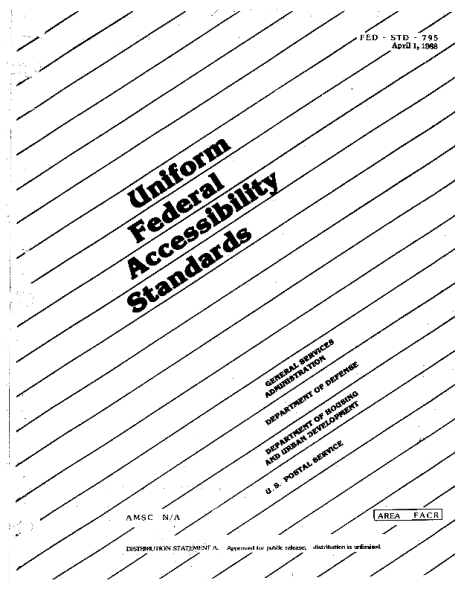
1977



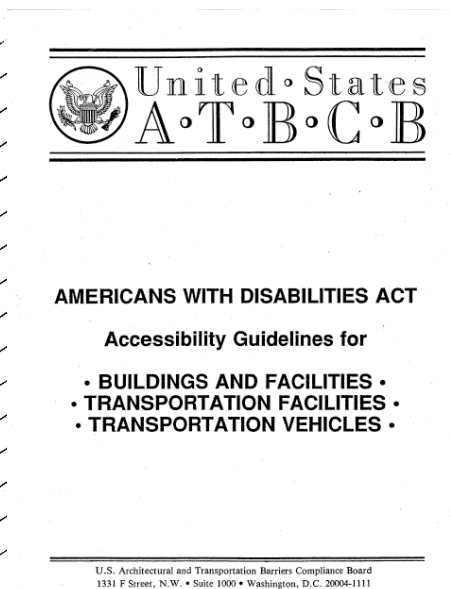
1980



1986



1988



1991

[Skip Table of Contents | ADA Standards for Accessible Design \(HTML version\) | ADA Standards for Accessible Design \(PDF version\)](#)

PART 36 -- NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES

Subpart A -- General

Sec.

- [36.101 Purpose.](#)
- [36.102 Application.](#)
- [36.103 Relationship to other laws.](#)
- [36.104 Definitions.](#)
- [36.105 -- 36.199 \[Reserved\]](#)
- [Subpart B -- General Requirements](#)
- [36.201 General.](#)
- [36.202 Activities.](#)
- [36.203 Integrated settings.](#)
- [36.204 Administrative methods.](#)
- [36.205 Association.](#)
- [36.206 Retaliation or coercion.](#)
- [36.207 Places of public accommodations located in private residences.](#)
- [36.208 Direct threat.](#)
- [36.209 Illegal use of drugs.](#)
- [36.210 Smoking.](#)
- [36.211 Maintenance of accessible features.](#)
- [36.212 Insurance.](#)
- [36.213 Relationship of subpart B to subparts C and D of this part.](#)
- [36.214 -- 36.299 \[Reserved\]](#)
- [Subpart C -- Specific Requirements](#)

Subpart C -- Specific Requirements

- [36.301 Eligibility criteria.](#)
- [36.302 Modifications in policies, practices, or procedures.](#)
- [36.303 Auxiliary aids and services.](#)

1992



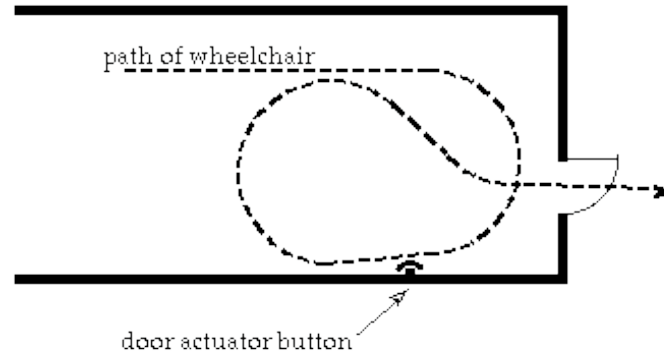
Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines

July 23, 2004

UNITED STATES ACCESS BOARD
A FEDERAL AGENCY COMMITTED TO ACCESSIBLE DESIGN

2005*

Where now? Going beyond



Seven Principles of Universal Design

1. Equitable Use:

The design is useful and marketable to people with diverse abilities.

2. Flexibility in Use:

The design accommodates a wide range of individual preferences and abilities.

3. Simple and Intuitive:

Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

4. Perceptible Information:

The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

5. Tolerance for Error:

The design minimizes hazards and the adverse consequences of accidental or unintended actions.

6. Low Physical Effort:

The design can be used efficiently and comfortably and with a minimum of fatigue.

7. Size and Space for Approach and Use:

Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

(from http://www.design.ncsu.edu/cud/univ_design/princ_overview.htm and other sources)

These don't always apply well in design fields. Perhaps follow them up...

Universal Design: Four Questions to Test a Design

- **Is it universal?**
 - Is it designed for a wide range of abilities and needs?
- **Is it effective?**
 - Does it actually work for the specific needs?
 - Has it been tested or at least reviewed by representatives of a wide range of users?
 - Is it supported by research, design standards, or other sources?
- **Is it welcoming?**
 - Does it feel natural and comfortable for all users?
 - Does it discriminate unnecessarily on the basis of ability?
 - Does it give the impression of disability-based discrimination?
- **Will the design solution be durable over time?**
 - Can it accommodate change through flexibility, adaptability, or adjustability?

ADA Title II vs. Title III

or: Is program accessibility dead?
and: What can be inaccessible?



ADA Title II vs. Title III

or: Is program accessibility dead?

no: Rehabilitation Act/Section 504 and ADA still apply



ADA Title II vs. Title III

ADA Title II: What can be inaccessible?



ADA Title II vs. Title III

ADA Title II: What can be inaccessible?

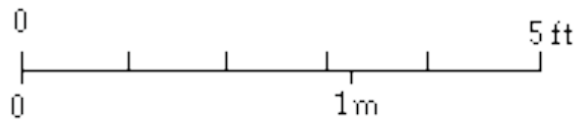
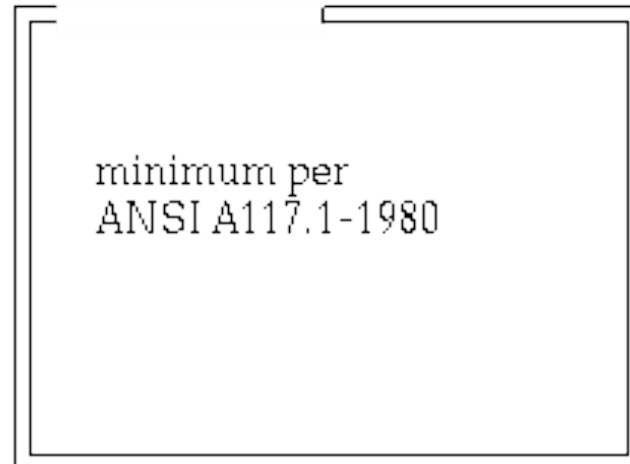
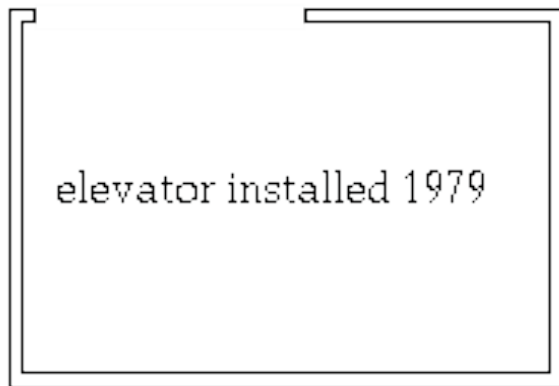
Almost nothing: just mechanical rooms, etc.



Other issues for the Title II owner

Am I grandfathered?

What's prudent?

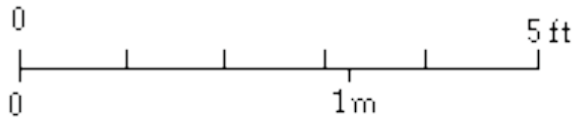
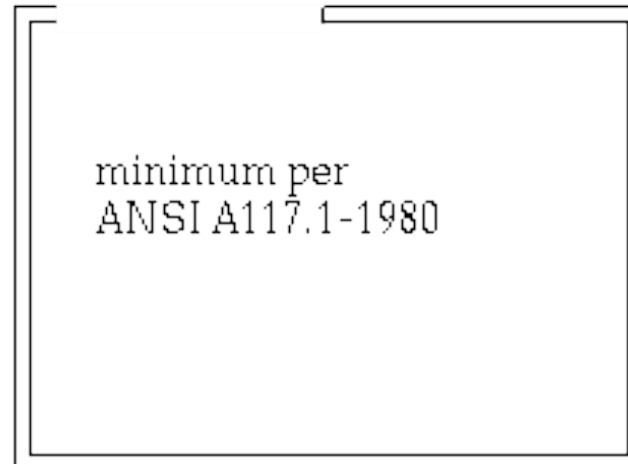
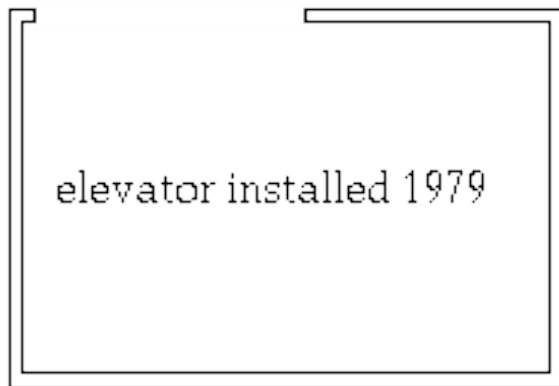


Other issues for the Title II owner

Depends on whether it meets program access needs

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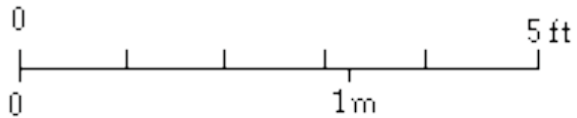
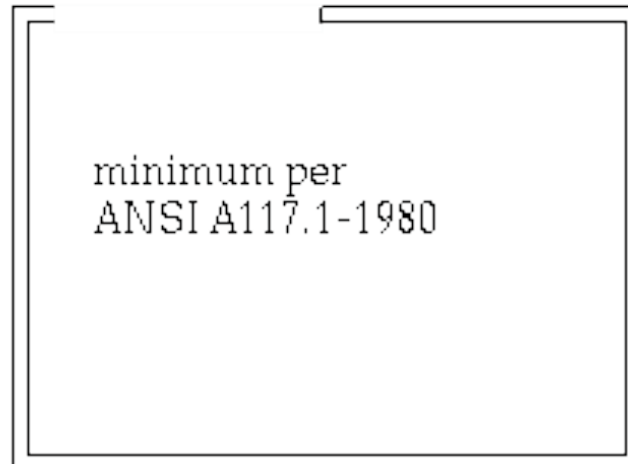
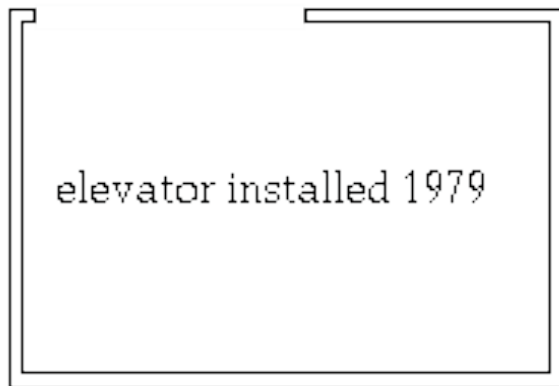
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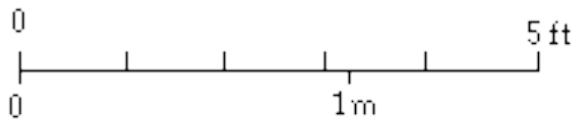
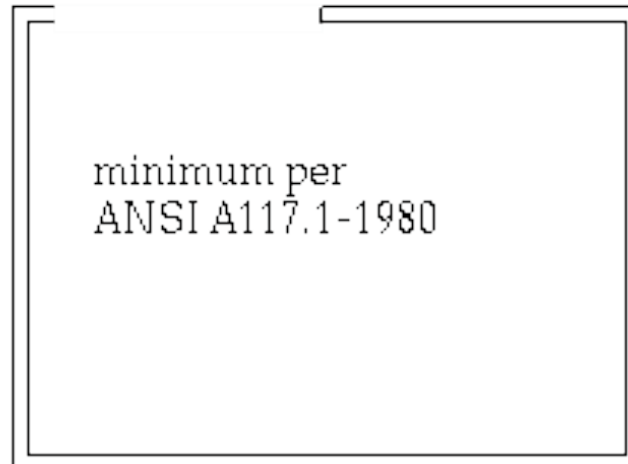
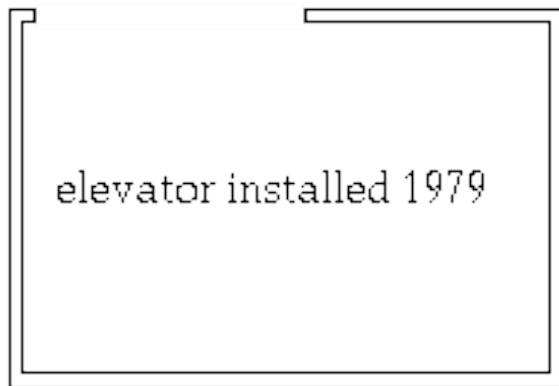


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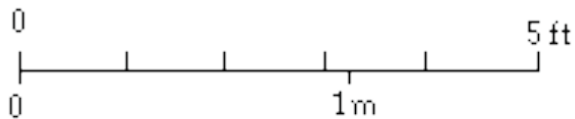
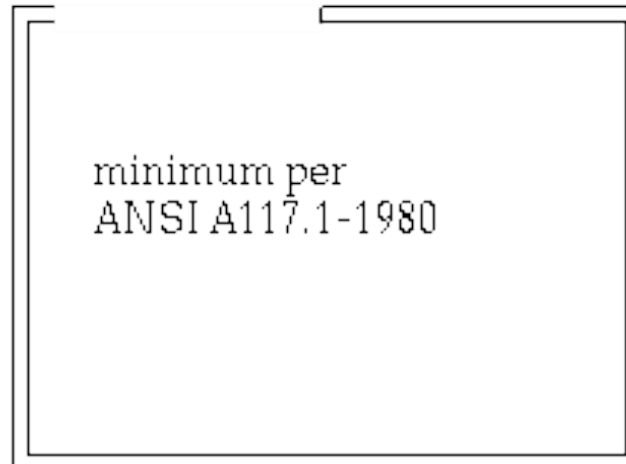
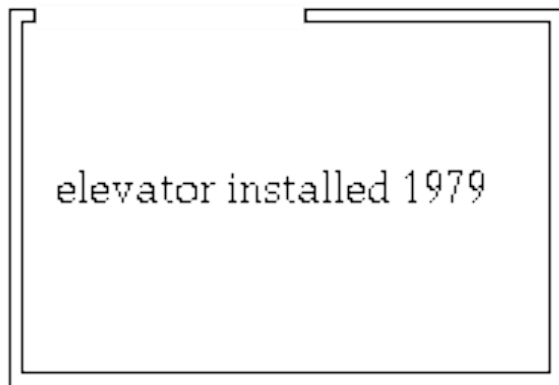
Do the right thing: Universal Design



Issues for the owner Title II owner

Am I grandfathered?
What's prudent?

Is it effective?
Is it safe?



Universal Design: The Closed Fist Test for Controls



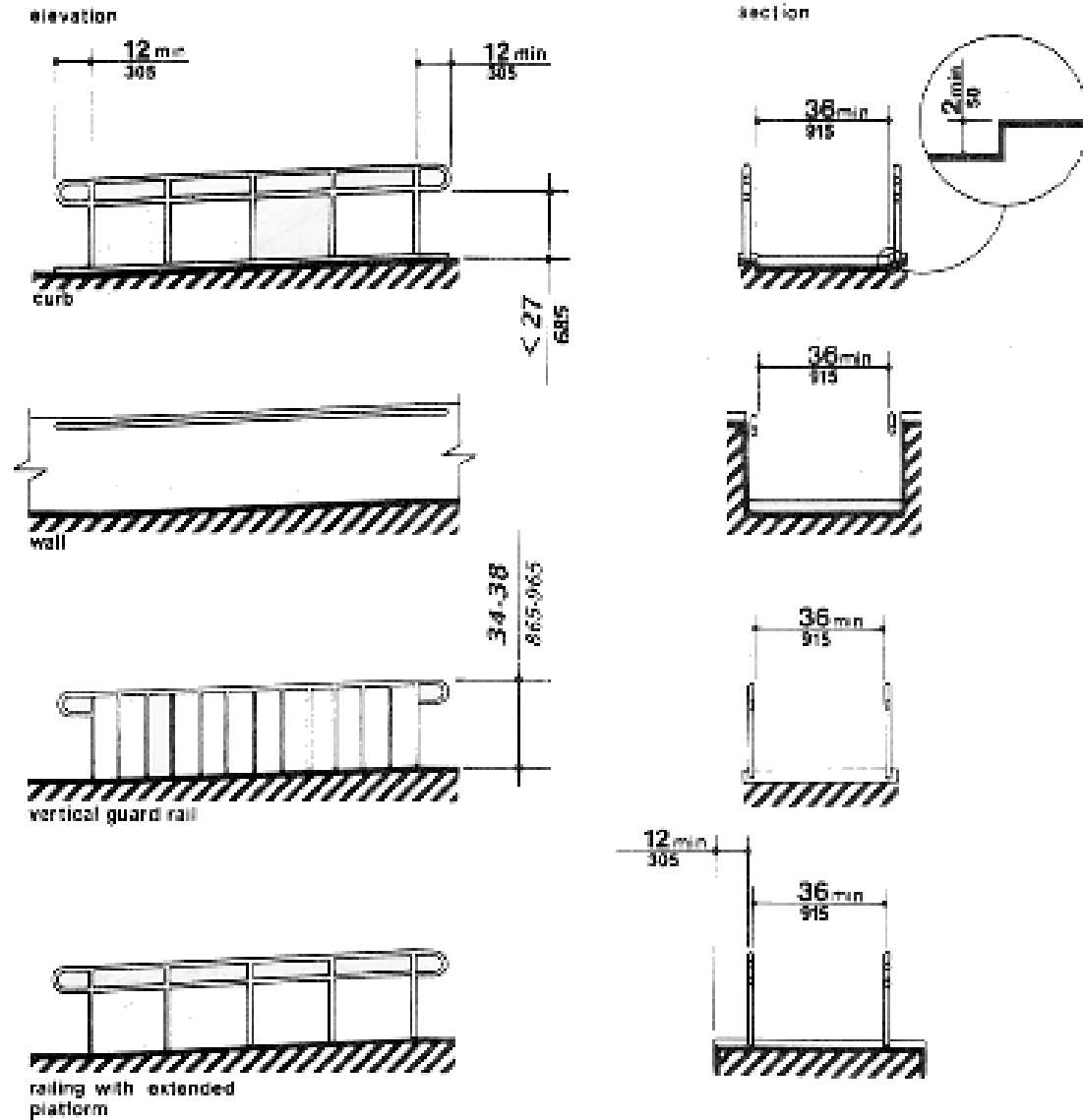
Pattern:

Can the control be operated with a closed fist?

Many standard plumbing, electrical, and hardware controls can be. However, others can't, in particular door knobs, thumb latch locks, faucets that require grip, and so forth.

Compliance: ramps

The standard uninspired solution to grade differences is to pick a ramp from the building code or from the ADA Standards. The results are seldom beautiful and sometimes don't work well for almost anyone.



Universal Design: site mobility

PATTERNS:

Integrated Path

Make sure that accessible routes are a meaningful main route used by all.

Cascade Court, UO

long zig zag ramp

Low Slopes / Short Ramps

Keep slopes at 5 percent or less except for short ramps (up to 12 – 15 feet long)

Shortest Path

Make accessible routes a direct and as short as possible (within the context of Low Slopes / Short Ramps). This suggests integrating grade changes into the direction of desired travel. [add UHCC examples]

Inaccessible ext. stair, Johnson Hall, UO

Manageable Climbs

Total vertical ascents of more than about four feet can be very tiring for many people. Avoid them or provide alternative means (such as an elevator).

Low slope entrance Johnson Hall, UO



Universal Design: vision

Shoreline

Safe crossing

Wayfinding

Universal Design: vision

Shoreline

Safe crossing

Wayfinding



Universal Design: vision

Shoreline

Safe crossing

Wayfinding

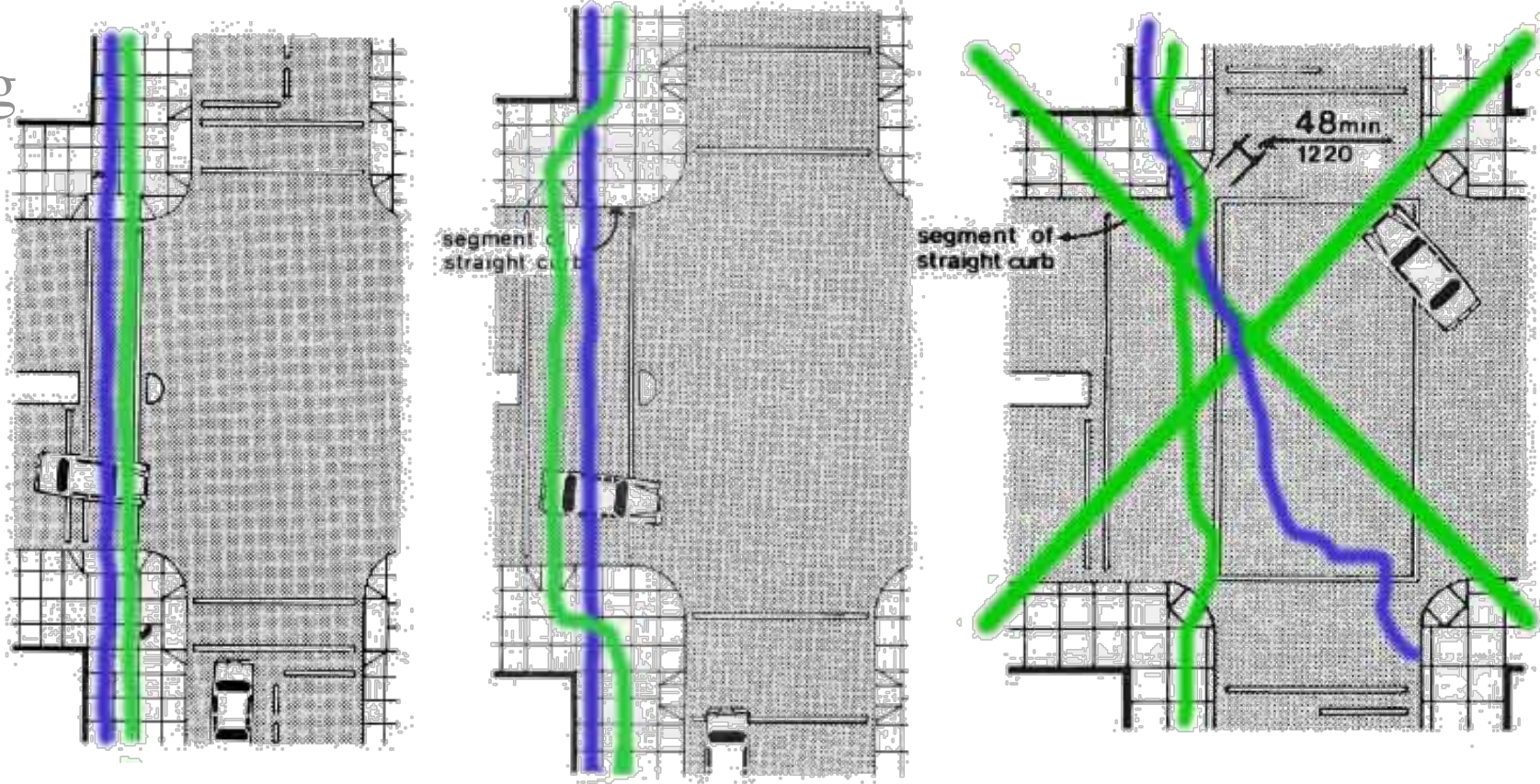


Universal Design: vision

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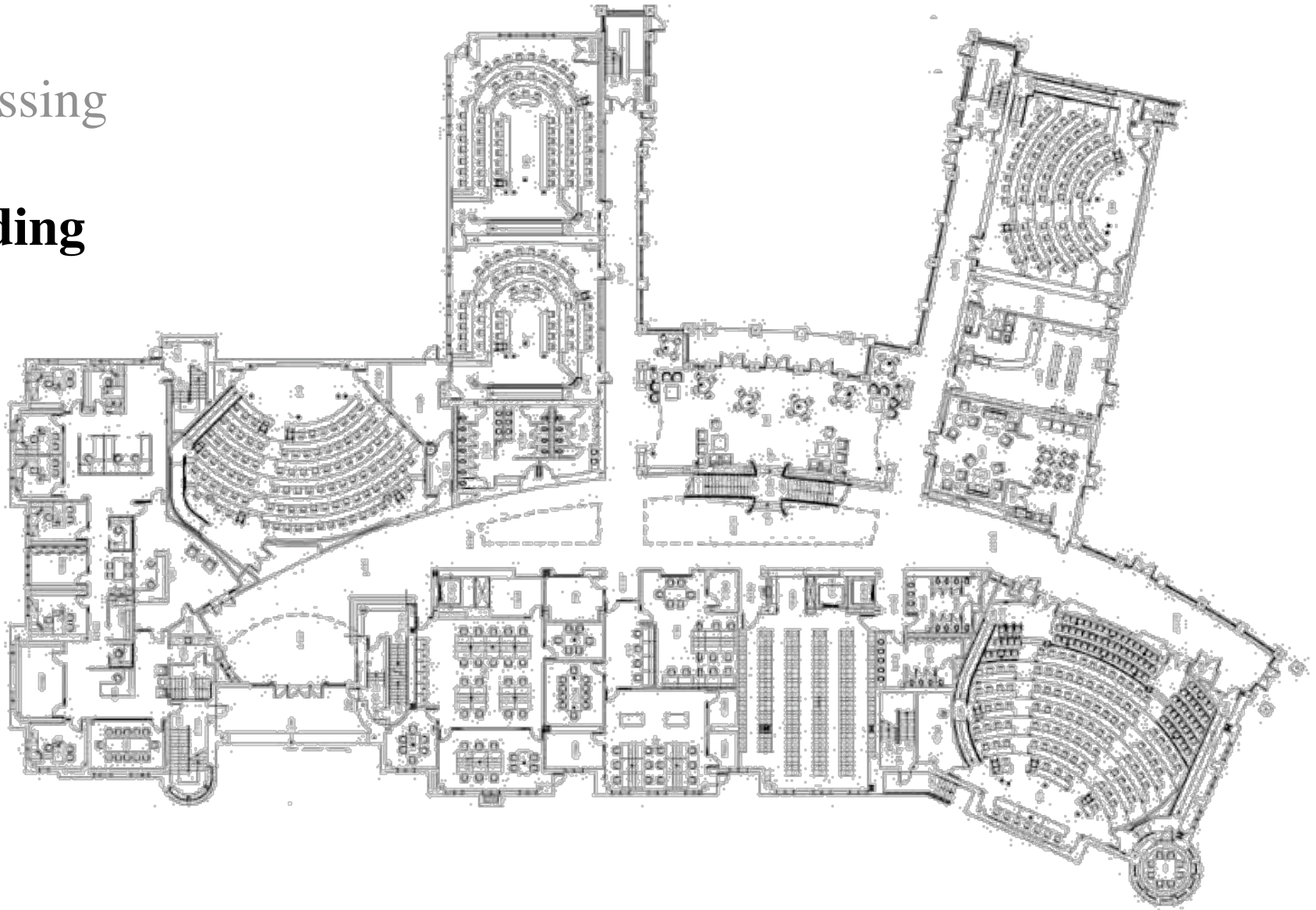


Universal Design: vision

Shoreline

Safe crossing

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Universal Design: vision

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STANDARDS: generation of new approaches through

- user involvement
- research

