



ADA on Campus – Keys to Creating and Maintaining Accessibility

By David Handwork

The American with Disabilities Act (ADA) and the ADA Accessibility Guideline (ADAAG) have been a familiar topic of educational facilities managers for two decades. In March of 2012, the requirements of ADAAG will be replaced with the 2010 ADA Standards for Accessible Design.

Although the updated ADA rules and content in the 2010 publication are not radically different from the prior ADAAG publication, the change in document title from “Guideline” to “Standard” is fairly significant. Facilities managers will probably understand the difference in the two titles: clearly “standard” removes the general flexibility allowed with a “guideline.”

Evidence of ADA legal settlements and accessibility corrective actions at colleges and universities between 2000 and 2009, in excess of \$200 million, indicate several institutions and facilities management groups struggle with addressing campus accessibility. The new context “Standard” may help change any casual view of ADA compliance.

Admittedly, on this author’s campus, accessibility complaints have been filed with the U.S. Department of Justice (DOJ), with subsequent DOJ campus investigations. Fortunately, complaints have not progressed to formal legal settlements, but corrective measures cited by DOJ were implemented with significant financial investment. These complaints have elevated campus accessibility awareness. Subsequently,

the following three key operational strategies have been incorporated to improve campus accessibility.

BEING PROACTIVE INSTEAD OF REACTIVE

It is not acceptable for institutions to wait for a DOJ complaint to identify campus deficiencies in accessibility. Institutions that ignore requirements of ADA create a significant financial liability, and frankly ignore disabled students, visitors, faculty, and staff.

Being proactive in dealing with campus accessibility is not limited to new construction. It is the primary responsibility of facilities management leadership to identify accessibility deficiencies, organize and prioritize, and annually fund corrective measures. Even small institutions should invest an annual budget to systematically address the needs, but the budget should not be a trivial amount.

In the event a complaint elevates to a DOJ investigation or litigation, a genuine proactive approach demonstrates an institutions’ attempt for accessibility compliance. Pro-activeness will not eliminate any fiscal liability if a complaint is elevated, but it certainly can help reduce the liable risk.

A specific proactive measure for APPA members is to engage in the code development process. ADA rule-making is unique, as it is not developed by a professional organization such as NFPA, ASHRAE, or ASME. The federal government via the DOJ provides avenues for public input for new rules, and



comment on proposed and current rules and standards. As with industry developed codes and standards, ADA rules and standards will not be appropriate for all applications, or they may not be sufficient. APPA members are encouraged to provide comment either to the Code Advocacy Task Force, but more directly to the U.S. Department of Justice at www.ada.gov.

CONTINUOUS EDUCATION OF STAFF

It is perplexing to observe facilities management groups at educational institutions investing minimal or no professional educational opportunities for FM staff. We support an educational industry! This is particularly true with code compliancy and related liability issues.

A significant factor in being proactive about accessibility is continuous education for the FM professional and trades staff. Several service providers in

all regions of the U.S. provide training venues and opportunities at low or no fees. Being active in international, regional, and state APPA meetings will also provide training sessions, as well as networking opportunities with knowledgeable ADA consultants and peer institutions.

If funding of ADA education is a hurdle, several free resources and webinars are also available online. One valuable resource for information and continuing education is www.accessibilityonline.org. If your campus has a specific department that supports campus accessibility, facilities should partner with them for training, information, and a collaborate approach to address campus accessibility deficiencies.

CHOOSING THE RIGHT DESIGNER AND HOLDING THEM ACCOUNTABLE


For new construction and renovations, a paramount factor for incorporating compliant accessibility is the knowledge

and quality of the design professional and consultants that are hired. Many facilities professionals have shared at APPA forums and networking events the frustrating ADA shortcomings and their subsequent struggles to correct issues in newly opened buildings, recreation and sports venues, parking lots, and site projects.

Granted, even the best design professionals can make a mistake. However, it is incumbent on the facilities managers to thoroughly document all code deficiency issues that are design-related, and hold the designer financially accountable. Accessibility issues are just as important as life safety code issues. Post-occupancy remediation, especially beyond the applicable statutes of limitations, can be costly for institutions. Equally incumbent of facilities managers is thoroughly discussing accessibility compliance expectations with the design professional during the selection process

and contract negotiation.

An equally important success factor of design professionals is applying the appropriate design discipline relevant to the project scope. Generally, the architect's scope of services is about the interior of the building. Site-related design is best dealt with by landscape architects and civil engineers who have extensive knowledge and skill designing with accessibility in mind.

Following these key strategies is merely a starting point. Every institution has common, as well as unique challenges when incorporating and implementing their particular code compliance factors. 

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