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Keeping the house in order: Government regulations and campus compliance. A case study of Section 504 of the Rehabilitation Act of 1973 and compliance by the College of William and Mary

Robbie Lee Cordle
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Keeping the house in order: Government regulations and campus compliance. A case study of Section 504 of the Rehabilitation Act of 1973 and compliance by the College of William and Mary

Cordle, Robbie Lee, Ed.D.

The College of William and Mary, 1991

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KEEPING THE HOUSE IN ORDER:
GOVERNMENT REGULATIONS AND CAMPUS COMPLIANCE

A Case Study of Section 504 of the Rehabilitation Act of 1973
and
Compliance by the College of William and Mary

A DISSERTATION
Presented to
The Faculty of the School of Education
The College of William and Mary in Virginia

In Partial Fulfillment
of the Requirements for the Degree
Doctor of Education

by
ROBBIE L. CORDLE
July 1991
KEEPING THE HOUSE IN ORDER:

GOVERNMENT REGULATION AND CAMPUS COMPLIANCE

A Case Study of Section 504 of the Rehabilitation Act of 1973
and
Compliance by the College of William and Mary

by

Robbie L. Cordle

Approved July 1991 by

John R. Thelin, Ph.D.
Chair of Doctoral Committee

Roger E. Baldwin, Ph.D.

James M. Yankovich, Ed.D.
It is with endless gratitude and love that I dedicate this
dissertation to my parents

Phyllis and Wally Cordle

You have been and remain the wind beneath my wings;

You are my Heroes
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ABSTRACT

The topic of this study is federal regulations and university compliance. The purpose is to understand university compliance with public policy; the approach used is a case study of one particular university, the College of William and Mary, and its compliance measures with Section 504 of the Rehabilitation Act of 1973. Areas that are reviewed are as follows:

I. Public Policy and Compliance of Colleges
II. Section 504 of the Rehabilitation Act of 1973
III. Organizational Behavior: College Response to External Mandates
IV. Particular Case School: The College of William and Mary, Circa 1693

This study looks at broad interpretations of federal influences on higher education, particularly in the area of "social justice"; it then proceeds to focus on critical issues of Section 504 and interpretations thereof, compliance measures, and university programs concerning compliance.
Finally, a state supported university, considered to be highly selective and prestigious, will be studied to determine response to this once debated mandate. The hypothesis being that the university is reactive rather than proactive in matters of social justice policy; and this tends to be a factor in slow and partial compliance.
KEEPING THE HOUSE IN ORDER:
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and Compliance by the College of William and Mary
CHAPTER 1:
RESEARCH TOPIC

Since the Morrill Land Grant Act of 1862, the federal government has been involved in state institutions of higher education. This study drew from the initial involvement by the federal government and examines government regulations and campus compliance. The study incorporated a broad review of federal policy governing higher education and later focused on one particular social regulation, Section 504 of the Rehabilitation Act of 1973. Higher education's response to the social regulation of Section 504 and a case study of one particular university, the College of William and Mary, concluded.

KEY CONCEPTS AND THEORIES IN HIGHER EDUCATION:

Clark Kerr (1982), in The Uses of The University, speaks of the modern university, noting that the multiversity is inherently a conservative institution but with radical functions. Abraham Flexner, quoted by Kerr (1982), referred to universities generally as "institutions usually regarded as conservative, frequently even as strongholds of reaction" and that "institutions as such tend for quite obvious reasons to
lag behind the life which they express and further" (Kerr, 1982). There is a "guild mentality" in the academic profession. The guild is isolated from society, devoted to producer against consumer sovereignty, and committed to guild rules than to quick adaptation to popular demand (Kerr, 1982). It was possibly the enticement of federal monies that pulled higher education institutions into societal involvement and somewhat loosened the "guild mentality".

Clark Kerr (1982), in *Uses of the University*, traced federal involvement in higher education to 1787, the beginning of endowment of public institutions of higher education with public funds. Involvement was not effective until the Morrill Land Grant Act of 1862. The Second Morrill Act of 1890 supplemented the original land grant with federal grants of funds to support college instruction in specified subjects. These grants still continue. According to Kerr, two great events have molded the modern American University system and made it distinctive. Both have come from forces outside the university; both primarily from the federal government. These two events are the land grant university and federal support of scientific research during World War II (Kerr, 1982). In other words, federal interest in higher education has meant not only support for projects, but also, the expectation of compliance with federal regulations. The issue, however, was not one of federal control but of federal influence in institutions of higher education. A federal agency offers a
project. A university need not accept - but as a practical matter, it usually does. Consequences of federal aid are subtle, slowly cumulative and gentlemanly, making them all the more potent (Kerr, 1982).

Chester Finn (1978) in Scholars, Dollars and Bureaucrats, argued that colleges can refuse money, but if the money is accepted, the college must accept the limitations. As Finn (1978) explains with the Morrill Land Grant Act, instead of trusting recipients to make good use of the money, Congress required annual reports regarding the progress of each college, recording costs and results. The federal government treats higher education today as it did with the Morrill Act, a means to an end. However, higher education and the federal government are more complex than the initial aid. Modes of government regulations have grown and changed and higher education must develop better self regulations to fend off federal encroachment (Finn, 1978).

The lack of a basic statement of principles to guide relations between the federal government and colleges means there is no anchor, few standards and little perspective (Finn, 1978). In Uses of the University, Kerr (1982) noted that the principles of government-institution relations are laid down in the basic land grant legislation. The responsibility for internal administration, fiscal management and proper direction is vested with the university officers rather than with agency staffs. However, Finn (1978)
explained that many of the constraints found offensive no longer have much to do with federal money. Even if federal money stopped, regulations would remain.

The Carnegie Council on Policy Studies (1980) article, "The federal role in post-secondary education: unfinished business 1975-1980", noted that the principle that the federal government plays an important role in the financial support of postsecondary education has become firmly established. There is agreement on the broad purposes for which the federal government should assume special responsibility. These are: 1) to promote equality of opportunity in postsecondary education; 2) to promote scholarship and the advancement of knowledge through support of graduate education and research; and 3) to attain a nationwide balance of opportunities to benefit from postsecondary education and from the advancement of knowledge (Carnegie Council on Policy Studies, 1980).

Arthur E. Wise (1979) suggested in Legislated Learning that often educational policies fail to achieve results, but this failure is becoming the cause of profound, unexamined changes in conception and operation of education in the United States. Wise noted that more policy is being determined by the state and federal government and by the courts rather than by education itself. The federal government is calling for procedures and actions to be followed by educational institutions.
Nathan Glazer (1979) in "Regulating business and the university: one problem or two?, The Public Interest, stated that although higher education once welcomed the federal government, offering research grants, access for others and general helpfulness, somehow over the years has ended up in a comparable situation as business, in that compliance as an employer is a dominant theme. Glazer (1979) felt that the federal government should consider differences when regulating higher education over business regulations. He noted: (a) higher education is non-profit and has trouble dealing with costs of regulations, and (b) higher education, because of function, stands apart from economic institutions and must be exempt from many regulations. Glazer (1979) retorted with the feeling that the federal government finds the autonomy of higher education an irritating obstacle for carrying out its ends. He feels that the inner face of higher education is damaged as the outer face complies with federal regulations.

Gellhorn and Boyer (1981) stated however, in the Policy Studies Journal, "The Capital and the Campus—each in its proper place", that "universities are too important a force in society to escape the contemporary demands for fairness, openness, equality of opportunity, and accountability that are being pressed upon all large and powerful institutions" (Marcus and Hollander, 1981). This brings about the ideal of "Social Justice" which is defined as the "provision of equal opportunity for talent to be discovered and advanced is a

Social regulations set forth by the federal government are an example of achieving social justice in higher education. All regulations, procedures and forms can be traced to a law enacted to constituent pressure. Lawmakers are responsible and have reacted to appease a group (Finn, 1978). Finn (1978) in Scholars Dollars and Bureaucrats, explained three modes of government regulation: Allocation of funds or incentives offered to universities. This money is needed and if declined it may distort the university's agenda. Use of funds or the institutions accountability for use of monies. This is a burdensome requirement for higher education, however money may be terminated if not used properly. Vigilance of the federal government for reporting may seem regulatory to higher education officials. Social regulations, however, not usually accompanied by federal money, are subject to compliance even if not bound by federal dollars. Just as the rest of society complies, so must higher education (Finn, 1978).

The Carnegie Foundation for the Advancement of Teaching (1982) in The Control of the Campus, concluded that during the past fifteen years, the federal civil rights laws have pushed colleges and universities in the right direction, stirring an awareness on campus of the often deeply entrenched barriers
faced by members of minorities and women. Higher education has been required, quite properly, to make moves toward equity—moves that have been far too long delayed (Carnegie Foundation for the Advancement of Teaching, 1982).

When a social regulation is passed or an executive order is issued, agencies are empowered to enforce the regulation with the compliance tools given. Enforcers are seen as carrying out the law. Not being a "regulated industry" with a federal agency all its own, higher education may feel regulation more difficult with control by multiple agencies and overlapping requirements (Finn, 1978). Putting more responsibilities as "watch dog" on the federal government has contributed more to higher education's loss of autonomy and self rule. One view is that this loss could have been averted if higher education had shown more willingness to regulate itself (Finn, 1978). Finn explained in Scholars, Dollars and Bureaucrats that if higher education hopes to keep independence it must demonstrate self regulation in some areas and comply spontaneously with societal norms and expectations in other areas.

The focus in this document was to study higher education's compliance with social regulations, which have no accompanying money but are in actuality, federal laws. Section 504 of the Rehabilitation Act of 1973 was specifically studied as its passage effected higher education in a costly manner and brought dispute from higher education.
RESEARCH ISSUES

Carol Shulman (1978) in *Compliance with Federal Regulations: At What Cost?*, noted that since the late 1960's, federal officials and the higher education community have not always focused on the government's contributions to higher education's achievements. Often, they have quarreled over the way education programs are also used to accomplish other types of federal goals: nondiscrimination, equal education, and equal employment opportunities. Civil rights activists made the concepts of nondiscrimination and social justice national concerns (Shulman, 1978). Colleges and universities are major businesses, employing about 1.5 million people (Policy Analysis Service, cited in Shulman, 1978). In this role, colleges and universities, like all business enterprises, are subject to laws and regulations governing employment activity (Shulman, 1978).

According to Shulman (1978), higher education officials have seen academic and economic pressures resulting from regulatory problems evolve and intensify since the 1960's. Colleges and universities are subject to regulations on nondiscrimination and equal opportunity if they are recipients of financial assistance. Three federal civil rights regulations that have affected or have the most potential to affect the academic community are:
1) Executive Order 11246 which bans federal contractors from discriminating in employment on the basis of race, color, religion, national origin, or sex; "affirmative action" in all employment procedures and practices.

2) Title IX of the Education Amendments of 1972 which prohibits sex discrimination in all educational programs and activities receiving federal financial assistance.

3) Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of handicap in all educational programs receiving federal financial assistance (See Appendix A).

"Recipient" is a broad term so that virtually all colleges and universities meet its definition (Shulman, 1978). The recent Americans With Disabilities Act (1990) borrows much of its substantive framework from Section 504 of the Rehabilitation Act of 1973 (HEATH, Fall 1990) (See Appendix B).

Shulman (1978) explained that in theory the relationship between federal agencies and higher education is voluntary; all colleges have the option to refuse aid. If they were able to do so they would not have to abide by the provisions of the laws discussed. She felt that federal regulations are inefficient because the federal government does not understand how the campus community functions. Federal legislation does not recognize the differences from other sectors. The academic community is an important national resource, however growth of administration staffs for reporting, documentation
and compliance monitoring costs. Social regulations with no funds accompanying increases the difficulty of meeting educational obligations (Shulman, 1978).

Derek Bok, President of Harvard, (1980) in *The Public Interest*, "The Federal Government and the University", described government intervention as narrowing and inhibiting, and forcing universities to spend money complying with regulations. He argued that federal government mandates result in costly expenditures to accommodate special populations, equalize services between men and women and alter facilities for safety reasons. All of this causes institutions to take from other budgets in order to comply. Bok (1980) felt that the government rarely took the time to select a wise choice in all of the regulation to achieve goals.

David Broder (1991) "Governors getting stuck with the bills", *The Daily Press*, confirmed Bok's (1980) argument suggesting that Washington mandates more and more state spending by passing social justice laws. The impact of these regulations is devastating to state budgets [and campuses].

Birnbaum (1988) in *How Colleges Work*, emphasized that the college/university is a complex system. Higher education lacks a clear and unambiguous mission. There is a confusion of levels in management, faculty and research; and neither administration nor faculty systems have consistent patterns of structure or delegation. University governance is clouded
because there is no center of authority. However, this loose coupling known to higher education is essential to the survival of an open system.

A loosely coupled system refers to elements of a system that respond to each other, but preserve their own identities and some logical separateness. Loose coupling has often been attacked as merely a slick way to describe waste, inefficiency, or indecisive leadership and as a convenient rationale for the crawling pace of organizational change. Institutions must respond to environments that have different economic, social value, political, informational and physical characteristics. Traditional business management theories cannot be applied to educational institutions without carefully considering whether they will work well in that unique academic setting. Leaders in higher education are subject to internal and external constraints that limit their effectiveness and may make their roles highly symbolic rather than instrumental (Birnbaum, 1988).

In *How Colleges Work*, Birnbaum (1988) described the cybernetics at work in an institution of higher education. In a cybernetic institution, all three models, (collegial, bureaucratic and political), are apparent and functioning in the institution. All models play a role in the functioning of the university. One should look at the complexity of the cybernetic model in comparison with the hierarchical, bureaucratic system of the federal government. Birnbaum
suggested that the reasonable degree of stability and order in the higher education system is accomplished through cybernetic controls. Through self-correcting mechanisms that monitor organizational functions and provide attention cues, or negative feedback, to participants when things are not going well. Therefore, the more federal and state controls that are placed on a university, the more layers of governance are involved and the opportunity for growth lessens (Birnbaum, 1988).

Critics of federal efforts to achieve social goals in higher education through the external regulatory process charge that the quality of academic life is being impaired by colleges' needs to respond to requirements that are insensitive to or inappropriate for their organization, procedures and financial circumstances.

However, Shulman (1978) explains in Compliance with Federal Regulations: At What Cost?, that as recipients of federal financial assistance, virtually all colleges and universities are subject to federal laws and regulations designed to achieve equal educational and employment opportunities for all segments of society (Shulman, 1978).

Regulations implementing Section 504 [and the Civil Rights Restoration Act of 1988] have required that recipients of federal funds including colleges and universities, review policies and procedures, facilities, and programs to be sure that qualified individuals cannot be excluded from
participation in campus programs solely because of their disability. Most campuses have been complying with the spirit and the letter of these laws. Evidence of such compliance is the fact that The National Center for Education Statistics reports that 10.5 percent of students enrolled at all levels of postsecondary education have one or more handicapping conditions (HEATH, Fall 1990).

The self-evaluation required by Section 504 regulations calls for careful consideration of how institutional policies and practices may wrongfully discriminate against qualified handicapped individuals (Shulman, 1978). Section 504, being put into action as a federal mandate imposed on post-secondary education institutions, meant that higher education leaders needed to begin compliance procedures. Peggy Pinder (1982) in "Obligation of the Disabled Student-Reasonable Self Help", explained that Section 504 was seen by institutional administrators as a set of duties for them to follow. University leaders interpreted 504 inappropriately: (a) as a federal order requiring institutions to remove "physical" or architectural barriers, and (b) as an order forcing university officials to take care of the needs of students often done through rehabilitation services. These interpretations were inappropriate because this is not what Section 504 implies.

Section 504 of the Rehabilitation Act of 1973 bears close resemblance to the Civil Rights Act of 1964 and more recently to the Americans With Disabilities Act (1990), (See Appendix
C), both which prohibit discrimination against the disabled. Although a few disabled individuals attended college prior to 1973, many disabled students were refused a chance to attend due to the assumption that a disability would prevent the individual from achieving a higher education (Redden, 1979). The Rehabilitation Act of 1973 was passed in the 93rd Congress, Public Law 93-112. Significant to the disabled was Section 504 which stated, "no otherwise qualified handicapped individual in the United States...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (U.S. Dept. of Health, Education and Welfare, 1977) (See Appendix D). This non-discrimination statute guarantees a right of entrance for students with disabilities into colleges and universities, as well as their participation in educational programs as a whole.

To fully understand Section 504 of the Rehabilitation Act of 1973 as defined, terms within this law are clarified by the federal government.

Section 504 of the Rehabilitation Act of 1973:

**Definition of handicap:** The term handicap includes such diseases or conditions as speech, hearing, visual and orthopedic impairments, cerebral palsy, epilepsy, muscular
dystrophy, multiple sclerosis, cancer, diabetes, heart disease, mental retardation, emotional illness, and specific learning disabilities such as perceptual handicaps, dyslexia, minimal brain dysfunction and developmental aphasia. Physical or mental impairments do not constitute a handicap, however, unless they are severe enough to substantially limit one or more of the major life functions (Dept. of Health, Education and Welfare, 1977).

**Definition of qualified handicapped individual:** A handicapped person is qualified with respect to postsecondary and vocational services, if he or she "meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity" (Kaplan, 1985). The recipient in this case is the institution.

**Definition of a program:** The regulation provides that programs must be accessible to handicapped persons. This does not require that every building be made accessible but the program as a whole must be accessible. Structural changes to make the program accessible must be made only if alternatives, such as reassignment of classes, are not possible. The intent is to make all benefits or services available to handicapped persons (Dept. of Health, Education and Welfare, 1977).

**Definition of federal financial assistance:** Federal financial assistance refers to any grant, loan, contract, or any other arrangement by which the Department of Health, Education and Welfare provide or otherwise makes available
Redden, 1982).

**Definition of reasonable accommodation:** The term "reasonable accommodation" means providing or modifying devices, services, or facilities, or changing standards, criteria, practices or procedures for the purpose of responding to the specific functional abilities of a particular person with a physical or mental impairment in order to provide an equal opportunity to participate effectively in a particular program, activity, job, or other opportunity (National Council on the Handicapped, 1988).

Criteria set forth by the federal government for compliance with Section 504 of the Rehabilitation Act of 1973 is taken from The Rights of Individuals with Handicaps Under Federal Law, published by the Office for Civil Rights (1989) (See Appendix E). Guidelines set forth for campus officials are as follows: 1) Students with handicaps must be afforded an equal opportunity to participate in and benefit from all postsecondary education programs and activities, including education programs and activities not operated wholly by the recipient. 2) Students with handicaps must be afforded the opportunity to participate in any course, course of study, or other part of the education program or activity offered by the recipient. 3) All programs and activities must be offered in the most integrated setting appropriate. 4) Academic requirements must be modified, on a case by case basis, to afford qualified handicapped students and applicants an equal
educational opportunity. For example, modifications may include changes in the length of time permitted for completion of degree requirements. However, academic requirements that the recipient can demonstrate are essential will not be regarded as discriminatory.

5) The recipient may not impose students with handicaps rules that have the effect of limiting their participation in the recipient's education program or activity; for example, prohibiting tape recorders in classrooms or guide dogs in campus buildings.

6) Students with impaired sensory, manual or speaking skills must be provided auxiliary aids, such as taped texts, interpreters, readers and classroom equipment adapted for persons with manual impairments. Recipients can usually meet this obligation by assisting students to obtain auxiliary aids through existing resources, such as state vocational rehabilitation agencies and private charitable organizations. In those circumstances where the recipient institution must provide the educational auxiliary aid, the institution has flexibility in choosing the effective methods by which the aids will be supplied.

7) Students with handicaps must have an equal opportunity to benefit from comparable, convenient and accessible recipient housing, at the same cost as it is available to others. The availability of housing directly operated by a recipient must be in sufficient quantity and variety so that the choice of living conditions is, as a whole, comparable to that of students without handicaps. In
addition, a recipient that assists any agency, organization or person in making housing available shall assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of handicap.

8) Students with handicaps must have an equal opportunity to benefit from financial assistance. A recipient may not, on the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance or otherwise discriminate. A recipient may administer or assist in administering scholarships, fellowships or other forms of financial assistance, under wills, trusts, bequests, or similar legal instruments that require wards on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap.

9) Students with handicaps must have an equal opportunity to benefit from programs that provide assistance in making outside employment available to students. A recipient that employs any of its students may not discriminate against students with handicaps in such employment.

10) Students with handicaps must be provided an equal opportunity to participate in intercollegiate, club, and intramural athletics. Separate or different physical education and athletic activities are permitted only when these activities are provided in the most
integrated setting appropriate, and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different. 11) Students with handicaps must be provided counseling and placement services in a nondiscriminatory manner. Specifically, qualified handicapped students must not be counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities.

As Finn (1978) explained in *Scholars, Dollars and Bureaucrats*, "social" regulations are made to be obeyed. The academy has no distinctive claim to special treatment. Finn advised that if higher education hopes to vouchsafe its sovereignty, it must demonstrate its willingness to regulate itself in some areas and to comply spontaneously with societal norms and expectations in other areas.
RESEARCH QUESTIONS

Questions answered through research of this issue were as follows:

1) How does a higher education institution respond to directives for compliance with federal social justice legislation?

Commentary: This was reviewed in descending levels as follows: a) the ideal of how the federal government perceives college compliance with social regulations; b) the general model in which colleges follow in complying; and c) the reality of how the College of William and Mary complies with Section 504 of the Rehabilitation Act of 1973. Challenges face administrators in their efforts to comply with Section 504. Campus planners without much experience working with accessibility issues are having trouble working with available standards and with getting realistic interpretations of the regulations and ideas that will constitute compliance with the regulations. With some institutional initiative, creativity and more experience with both the letter and the spirit of the regulations is probably not going to cost as much as pessimistically projected when first issued. Compliance is not going to be inexpensive and universities may be forced to look to the courts for a definitive word on some
of the more difficult issues raised by the regulations. Campus officials must employ their own initiative, creativity and common sense, plus the ideas of knowledgeable disabled students and staff, in good faith efforts and compliance (Redden, 1979).

2) Does compliance modify models or notions of how colleges work?

Commentary: Section 504 regulations are flexible, both as to format and as a means too of achieving compliance; a change from the rigid formulas of the affirmative action regulations. Aside from basic physical access, compliance and access are to be achieved largely on a case-by-case basis. Recipients are required to involve the protected class in the accomplishment of the compliance chores. Colleges and universities have generally welcomed the flexibility of Section 504. Common sense and imagination has helped to keep the cost of access to a minimum, however cost is still the principal complaint (Redden, 1979).

3) How does government policy on social justice diffuse to the level of campus practice?

Commentary: Dr. Ruth Mulliken (Mulliken, personal communication, interview, April 1989) of the Handicapped
Student Services Office at the College of William and Mary, disclosed that the federal register was sent to all colleges receiving federal funds, a Guide for College Administrators noting compliance with Section 504 (guidelines noted in the previous Issues section). Being a civil rights act, all federally funded colleges must comply. The passing of Section 504 did have an impact on colleges, although some handle it differently than others. The University of Virginia, for example, started the compliance process early, developing a Learning Center. George Mason University, on the other extreme, handles compliance similar to the College of William and Mary, on an "as requested" basis, once a need is determined, the university complies. The federal government does not monitor Section 504 compliance on college campuses. Unless a student brings a charge against the college, no supervision takes place. The complaint is usually handled by the university before progressing any further (Mulliken, 1989).

According to correspondence received from John S. Bilinski, Jr., (J. S. Bilinski, personal communication, August 3, 1990) Acting Director, Program Review and Management Support Staff, Office for Civil Rights, complaint investigations are the direct result of specific problems brought to the Office for Civil Rights' attention through the complaints of beneficiaries. There are several considerations used to determine whether a recipient will be selected for a
compliance review. Examples of such considerations are the number of complaints brought against an institution, a review of state-collected data, and information provided by state agencies under various cooperative agreements. Through monitoring, the Office for Civil Rights verifies the recipient's implementation of a corrective action plan and confirms that the plan has corrected the violation. The Office for Civil Rights is responsible for monitoring all recipients who have promised to come into compliance with the law. This may be done by a desk review of progress reports submitted by the recipient or by an on-site visit by Office for Civil Rights staff. Corrective action plans accepted contain time frames for coming into compliance with the law and specific deadlines that the recipient must meet for submitting progress reports (J. S. Bilinski, personal communication, August 3, 1990). This may refer back to the commentary of question #2 noting the flexibility of the Section 504 regulation.

RESEARCH HYPOTHESES

Hypotheses that emerged from the research questions were:
1) The campus (specifically William and Mary and disability issues) is reactive rather than proactive in matters of social justice policy; and this tends to be the reason for compliance being viewed as slow and partial.
2) This institutional inertia in compliance is due to the flexibility of the Section 504 regulation; conservatism of campus; an alleged threat to campus autonomy; lack of appropriate leadership; and thought that compliance will be expensive.

3) This inertia also is due to factors in the external domain (government agency); variable interest and enforcement; and lack of communication.
CHAPTER 2:
KEEPING THE HOUSE IN ORDER: GOVERNMENT REGULATIONS AND CAMPUS COMPLIANCE: A REVIEW OF THE LITERATURE

This literature review investigated the spectrum of resources which defended and/or opposed the condition of university compliance with federally imposed regulations. More specifically, compliance with Section 504 of the Rehabilitation Act of 1973 was reviewed.

In conducting this literature review, it was necessary to look at sources representing the broader issue of public policy and university compliance; after that the task was to narrow the review to culminate in a case study of the College of William and Mary and its compliance with a particular federal mandate: Section 504 of the Rehabilitation Act of 1973. Other issues reviewed in reaching the case study included (a) Section 504, and (b) organizational behavior and college response to external mandates. As an example, literature has been chosen from Chester Finn, Scholars, Dollars and Bureaucrats, which covered broad issues of external regulations imposed on universities, to the HEATH (Higher Education and Adult Training for the Handicapped) Foundation literature regarding college and university approaches in compliance with Section 504. Hypotheses that were reached in reviewing this case are (a) the College of William and Mary complies with Section 504 on an "as
requested" basis, (b) such practice does not thoroughly comply with Section 504.

Questions that arose from these hypotheses and were partially answered in this literature review were (a) what are the specific guidelines of Section 504?, (b) what impact did Section 504 have on colleges and universities?, (c) who is responsible for overseeing the enforcement of Section 504?, and (d) does the federal government monitor colleges and universities for compliance? The fact that William and Mary is considered a prestigious and selective university created the interest in exploring how a university of this caliber responded to a federal mandate. The hypothesis being that the university tends to be reactive and slow in compliance, seeing itself as selective and prestigious, possibly exempt.

The Blueprint for this review will be divided in the following topic areas.

I. Public Policy and Compliance of Colleges
II. Section 504 of the Rehabilitation Act of 1973
III. Organizational Behavior: College Response to External Mandates
IV. Particular Case School: The College of William and Mary
REVIEW OF THE LITERATURE

I. Public Policy and Compliance of Colleges

Clark Kerr (1982) in The Uses of the University spoke of the inherent conservatism of universities although they have radical functions. Kerr (1982) traced the involvement of the federal government in higher education but explained that it is not federal control but federal influence in higher education institutions. The Carnegie Council on Policy Studies (1980), stated that the federal government plays an important role in the financial support of postsecondary education and has become firmly established. There is agreement on the broad purposes for which the federal government should assume special responsibility.

Gellhorn and Boyer, quoted in the Policy Studies Journal (1981) by Marcus and Hollander, saw universities as important in society and not able to escape societal demands. In the same respect, The Carnegie Council on the Advancement of Teaching (1982), noted the need for colleges and universities to make moves toward equity.

Arthur E. Wise in Legislated Learning (1979), suggested that often educational policies fail to achieve results, but this failure is becoming the cause of profound, unexamined changes in conception and operation of education in the United States. Wise (1979) noted that more policy is being
determined by the state and federal government and by the courts rather than by education itself. The federal government is calling for procedures and actions to be followed by education.

Although seeming scornful of federal interference at times, Wise (1979) tended to soften when noting other points. Such as, the observation that policies represent the efforts of policy makers to improve the educational system. Citing that in the Education For All Handicapped Children Act of 1975, the federal government not only made education available to this population, but it assured that the education provided would be effective.

On one side, Wise (1979) noted that under our structure of government, policy makers at all levels have the authority to make policy for education, to set goals, to specify criteria for achievement, and to require that schools conform to various laws. The other point has Wise (1979) concurring that policy makers are looking for thorough and efficient education for all qualified. As Wise (1979) showed a two-sided, objective approach in explaining this issue, Derek Bok was more narrow in his treatment. In his article in The Public Interest, "The Federal Government and the University", Bok (1980) declared that federal regulations are costly and annoying. Citing Frankfurter's four essential freedoms of American higher education, Bok (1980) noted the university is being compromised by federal government regulations.
Bok (1980) explained that federal regulations are an important issue to the nation. Colleges and universities are the principal source of new knowledge but since higher education is central to culture, the federal government is more inclined to intervene and make sure the public is served well at the cost of stifling creativity. Bok (1980) described government intervention as narrowing and inhibiting, and forcing universities to spend money complying with regulations. He brought forth three reasons why the government should leave academics to educators:

1. Universities are complicated institutions for academician skills and not public officials. 2. Government should leave universities free to pursue truth in the realm of ideas, and protect them from political intervention. 3. By respecting the independence of institutions, society encourages innovation and maintains diversity of institutions to meet varying needs. In other words, uniform rules weigh heavy on higher education.

Bok (1980) argued that federal government mandates result in costly expenditures to accommodate special populations, equalize services between men and women and alter facilities for safety reasons. All of this causes institutions to take from other budgets in order to comply. Bok (1980) felt that the government rarely took the time to select a wise choice in all of the regulation to achieve goals, however he did not offer solutions to his arguments. In closing, Bok (1980)
conveyed that intervention attempts to regulate ideas and knowledge that universities seek to discover, and that there are cases where the federal government tries to overrule university decisions about academic matters. Protective measures are limitless. In this instance, Bok (1980) is giving only one view for the academician.

Broder (1991) "Governors getting stuck with the bills", added to Bok's (1980) expenditure concern, noting Washington's social mandates causing more state spending which threatens state and university budgets. State legislators have been able to do little more than gripe about the cards Washington deals.

After Bok's opposition, Chester Finn's Scholars, Dollars and Bureaucrats (1978) took a clinical, critical look at where higher education is and how it got to that point. Finn (1978) stated that even if federal financial support was cut off tomorrow, regulations would remain and protests would continue. Federal control is illegal, however government regulations are smothering the educational process in ways not distinguishable from "control" and this is a controversial element of higher education policy.

Finn (1978) stated that all regulations, procedures, forms and law suits can be traced to a law in response to constituent pressure. Lawmakers are to blame because they have acted to appease groups seeking change. Finn (1978) shared the reproach saying that this is not a struggle between
the academy and the bureaucracy, but between parts of society seeking change and parts that resist changing. There are some in the academic world, Finn (1978) pointed, that feel universities are fragile and unique and should receive extraordinary treatment. There are others however, that felt laws and regulations apply equally and if education wants greater autonomy, it should stop taking money from Washington, D.C. (Finn, 1978).

Finn (1978) defined "regulation" as an action by the federal government that compels a college or university to do something it would not otherwise have done, that make it worth the institution's while to do so, or that make it painful to refrain from doing it. Finn (1978), as others, brought up the issue of costs that are not being lightened by the government. He also reverberated the threat to academic freedom and infringement on institutional sovereignty where it is accustomed to regulating itself.

One area that Finn (1978) explained is the different categories of federal regulations: (a) allocation of funds, (b) use of funds, and (c) social regulations. A social regulation is the category in which Section 504 of the Rehabilitation Act of 1973 applies. Finn (1978) clarifies the link between federal funding and social regulation. In many cases, money has virtually nothing to do with government regulation. Finn (1978) noted that educational leaders dare to assert that the social objective behind a particular law or
regulation is undesirable or that colleges should be exempt from it. Higher education is simply being treated much like other sectors of society. However, not being a "regulated industry" with a federal agency all its own may make life harder for higher education, which must contend with multiple agencies and overlapping requirements. Finn (1978) explained that "social" regulations are made to be obeyed. The academy has no distinctive claim to special treatment. Finn (1978) advises that if higher education hopes to vouchsafe its sovereignty, it must demonstrate its willingness to regulate itself in some areas and to comply spontaneously with societal norms and expectations in other areas. To this point, sources were reviewed pertaining to higher education and federal regulations. They were objective views, explanatory views, and defensive views. All focusing on higher education's plight.

Nathan Glazer took a comparative look at higher education and business under the federal government's regulations. In the Public Interest (1979) "Regulating Business and the University: One Problem or Two?", Glazer noted that although higher education once welcomed the federal government, offering research grants, access for others and general helpfulness, somehow over the years has ended up in the same boat as business. Glazer (1979) asked the question: Does higher education possess certain characteristics important for our culture and society which make singularly inappropriate,
much of the regulation to which it is now subjected? Glazer (1979) followed with: (a) real abuses developed when government contracted with higher education for services, (b) the explosion of social regulations did not make distinctions between profit making and non-profit making sectors of society, and (c) higher education became seen as discriminating, insensitive to social demands and elitist.

Glazer (1979) explained that the forces of bureaucratic expansionism had led to interference of perfectly proper academic functions. The very essence of higher education seems to create antagonism. Glazer (1979) contended that, unlike business, whose regulations are usually in environmental protection and occupational safety and health regulations, higher education faces different regulatory issues in affirmative action and equal opportunity in employment. Glazer (1979) felt that the federal government should consider differences when regulating higher education over business regulations. He noted: (a) higher education is non-profit and has trouble dealing with costs of regulations, and (b) higher education, because of function, stands apart from economic institutions and must be exempt from many regulations. Again, Glazer (1979) did his part in the plea for money for higher education to be able to absorb the costs of these regulations, but he questioned if the non-profit argument would stand up in Congress. Glazer retorted with the feeling that the federal government finds the autonomy of
higher education an irritating obstacle for carrying out its ends. He felt that the inner face of higher education is damaged as the outer face complies with federal regulations.

The HEATH Foundation, (1990), suggested a reverse to Glazer's views. Businesses will begin looking to educational institutions for guidance with the Americans With Disabilities Act (1990) being passed as educators have dealt with Section 504 for over a decade. The irritation here was that these sources, although displaying objectivity in the relay of facts, added a personal twist to the side of higher education and autonomy. The preference for none or very few federal regulations comes through in the undertone. However, Chester Finn (1978) clarified this best when he pointed out that this is not the doing of one side over the other, it is society wanting change and lawmakers setting out to appease it.

The alleviation of another societal groan was seen in a new bill to be presented in Congress. The Americans with Disabilities Act will require nearly every kind of retail establishment to be accessible to the disabled and usable by them (Rasky, 1989). Currently, a present bill of 1973 extends only to the federal government, government contractors or entities that receive federal funds (Rasky, 1989).

Presently, just as higher education has stated over the years regarding Section 504, businesses are concerned with costs and are seeking amendments to clarify ambiguities in language and influence regulations distinguishing how this law
will be put in effect. The businesses will likely contend with views such as Senator Tom Harkin who felt "costs do not provide the basis for an exemption from the basic principles in a civil rights statute" (Rasky, 1989, pg. A4) It is almost certain that higher education should watch the development and outcome of this.

Still other accounts of society wanting a change are seen in Peter Baker's (1989) *Washington Post* article "Access for Disabled A Crusade for VA Students", and Katherine Palmer's *Virginia Gazette*, "Colonial Williamsburg by Wheelchair is Tough". Baker (1989) reported of Fairfax County highschools' inaccessibility for disabled students. Students at the schools banded together and written a 55-page report citing access in Fairfax schools severely lacking and sporadic. A plan was proposed to eliminate these barriers by the late 1990's. As with the higher education argument, some school officials agreed and others disagreed.

Katherine Palmer (1989) pointed to another inaccessibility issue, that of a private historical site, Colonial Williamsburg. She discovered that the area accommodated as well as possible but the old buildings could not be renovated accessible, therefore make shift accommodations needed to serve.

This section took one from federal regulations on a broad scale with both objective and opposing views, however all useful in forming an opinion of what is fair. Well known
scholars wrote about the topic of federal regulations as well as local citizens writing concerning needed social change.

II. Section 504 of the Rehabilitation Act of 1973

Whether a social regulation, a civil rights act or an anti-discrimination measure, the federal government has promoted equal access for all individuals in higher education programs. Carol Shulman (1978), Compliance with Federal Regulations: At What Costs? explained that of the Civil Rights Laws and Regulations, three have been seen as the most intrusive into academic life and having the most potential for such interference. These three acts are: (1) Executive Order 11246 - "affirmative action", (2) Title IX of the Education Amendments of 1972, (3) Section 504 of the Rehabilitation Act of 1973. The focus in this review was on Section 504.

Shulman (1978) clarified that colleges and universities are subject to regulations on nondiscrimination and equal opportunity if they are recipients of financial assistance. "Recipient" is a broadly defined term, so that virtually all colleges and universities meet its definition.

Shulman (1978) effectively pointed out that Section 504 is an effort to insure that concepts of nondiscrimination and social equity are extended to a group in society that has suffered discrimination. This law required institutions to
follow self-evaluation, modifications and reform.

Continuing with her clear analysis of Section 504, Shulman (1978) noted the effects on institutional life of this federal mandate. Section 504 regulations called for careful consideration of how institutional policy and practice(s) may discriminate against qualified handicapped individuals. Colleges cannot avoid changes on their campuses by making special arrangements for handicapped students only (e.g. developing special centers and/or housing for handicapped individuals). Shulman (1978) added that refusal to comply with these federal regulations could result in partial or total loss of federal funds. There are few indications, Shulman (1978) noted, that Section 504 has significantly influenced the manner in which internal academic life is conducted. Cost was causing severe financial pressure.

Helene and Robert Abrams, in the Wayne Law Review (1981) noted that one alternative to avoiding the possible programmatic limitation of Section 504 in the post-secondary context is the adoption of a broad interpretation of the term "a program". They continued in saying that a more plausible interpretation would view the "program" in question as being the course of study supported by the funds granted to the student involved. While Congress chose programmatic language for Section 504, its purpose was not frugal. It is entirely plausible that Congress intended to benefit handicapped students using the term quite broadly (e.g. undergraduate
education programs). This constant questioning of terminology only served to confuse the issue and what it is attempting to promote.

A Brief History of Section 504:

When one reviews such an endeavor by the government as Section 504, questions may arise as to where such a law commenced. Robert Katzman (1986) in *Institutional Disability* effectively and informatively explained to the layperson the roots and agonies of Section 504 of the Rehabilitation Act of 1973 and its passage. Katzman (1986) offered that Section 504 was a little noticed part of the Rehabilitation Act of 1973. Most of the conflict between the executive branch and legislature centered upon federal support of rehabilitation programs, expansion of existing services and creating new projects.

The push for Section 504 began with Representative Charles Vanik of Ohio who felt that the logical next Civil Rights act after those prohibiting racial and sex discrimination, was prohibiting discrimination against the handicapped. Vanik had the support of Hubert Humphrey on this amendment. After two vetoes of the Rehabilitation Act of 1973 by President Nixon and a compromising scale down by Congress, the Rehabilitation Act of 1973 became law. Section 504, seeming so simple, was not debated and remained in the law
Katzman (1986) continued by stating that although unnoticed initially, when this section was questioned, the Office for Civil Rights seized the opportunity to assume principal responsibility for the development and implementation of Section 504. The Department of Health, Education and Welfare was approached to formulate standards and regulations.

Katzman (1986) explained that the regulations differ from the initial ones in that they give the institution more discretion by seeking "program" accessibility rather than structural changes. Institutional Disability was easy to read in trying to understand this area of politics and the law. Although the book is titled with transportation concerns as the main issue, it is much more far reaching in focus.

Harvey Edwards and Virginia Nordin (1979), Higher Education and the Law and William Kaplan (1985), The Law of Higher Education, extended a more technical legalistic approach to explaining Section 504 and its legislative journey. Edwards and Nordin (1979) noted that although the Rehabilitation Act was passed in September 1973, the Executive branch did not delegate its Section 504 rule making authority until April 28, 1976. This provided that "compliance agencies" should enforce rules and regulations consistent with standards and procedures set forth by the Secretary of Health, Education and Welfare. Edwards and Nordin (1979) continued
that Secretary Califano delayed signing because of insufficient congressional guidance regarding issues raised by Section 504, a change in the presidential administration, and reluctance to sign the regulations without first ensuring that the regulations adequately addressed the legitimate needs of the handicapped. On June 3, 1977, Secretary of Health, Education and Welfare, Joseph Califano, signed the first Section 504 regulations.

Kaplan (1985) added that discrimination against the handicapped was most often, as perceived by Congress, the product of benign neglect...that discrimination against the handicapped is primarily the result of apathetic attitudes rather than affirmative animus. Both of these sources might be more appropriate for the individual interested in the legal jargon of the legislation and the effects on higher education. Although these serve the purpose of understanding the importance and impact of such a mandate, Stephen Thomas (1985) in Legal Issues in Special Education explained in one sentence, Section 504 requires recipients to provide aid, benefits or services [to qualified handicapped individuals] that are equal to those provided non-handicapped students.

Birnbaum (1988) in How Colleges Work, defended higher education institutions in emphasizing the complexity of the university. Explaining that there is a confusion of levels in management and university governance is clouded because there is no center of authority. Birnbaum (1988) described the
cybernetics of higher education governance and how government interference stifles its functioning.

III. College Response to External Mandates:

Section 504, being put into action as a federal mandate imposed on post-secondary education institutions, meant that higher education leaders needed to begin compliance procedures. Peggy Pinder (1982) in "Obligation of the Disabled Student-Reasonable Self-Help" explained that Section 504 was seen by institutional administrators as a set of duties for them to follow. University leaders interpreted 504 inappropriately: (a) as a federal order requiring institutions to remove "physical" or architectural barriers, and (b) as an order forcing university officials to take care of the needs of students often done through rehabilitation services. These interpretations were inappropriate because this is not what Section 504 implies.

Margaret Barr (1983), Student Affairs and the Law, presented somewhat of a handbook for student services administrators. Barr (1983) explained that there are three levels of statutes that must be accounted for by institution administrations: (1) federal statutes, (2) state statutes, and (3) local government ordinances. Many policy decisions encountered by student affairs administrators derive from
federal statutes and the implementing regulations. Barr (1983) conceded that after all of the regulation and implementation standards are detailed, compliance may be difficult or impossible. Barr (1983) reminded that failure to comply may result in the cut off of federal funds and that individuals may bring private lawsuits which could result in additional money being paid by the university. Shari Rhode (1983), "Use of Legal Counsel: Avoiding Problems" suggested that institutions use legal counsel in reacting to statutes and knowing laws and ramifications if not followed.

Hazel Sprandel and Marlin Schmidt (1979), Serving Handicapped Students, lent helpful advice in pointing out three areas in which higher education must view substantial in complying with Section 504. (1) institutions must provide program accessibility to disabled students. Students must be able to participate in all campus activities, (2) institutions must ensure that auxiliary aids necessary for student participation are available to the disabled, i.e. interpreters, readers, or adapted equipment, and (3) accommodations are necessary for disabled students to participate in an academic program, i.e. adaptation of the way a course is taught, testing procedures, or substitutions. The principle goal should be to move the disabled student into the mainstream of the university. Sprandel & Schmidt (1979) covered the role of student services in a very effective manner.
Margaret Barr (1988), in another legal handbook for student services, *Student Services and the Law*, shared some disturbing statistics for educators. Disabled persons constitute over 10 percent of the population of the United States, but make up less than one percent of the students at colleges and universities, and even a smaller proportion of students in graduate and professional school. One might question why the disabled are not represented more in higher education, however as seen later, many students with disabilities do not make this information known to the college attended. Barr (1988) discussed different areas of the university and proper compliance measures in: (a) admissions and recruitment, (b) testing, (c) academic services, (d) nonacademic services, (e) counseling, (f) financial assistance, and (g) accessibility must be ensured for all programs at the college. Barr (1988) concluded that in Section 504 institutions must be aware that "good faith" measures are not enough of a defense for noncompliance.

Margaret Barr (1989) also wrote the chapter, "Legal Issues Confronting Student Affairs Practice", for *Student Services: A Handbook for the Profession*, edited by Ursula Delworth and Gary Hanson. This publication may be helpful viewed in its entirety for student services, however devoted a brief explanation to Section 504 and cited one court case which questions the meaning of "qualified handicapped" student.

The HEATH (Higher Education and Adult Training for the
Handicapped) Foundation offered a vast selection of useful information regarding handicapped individuals and appropriate resources. "Cost Effective Ideas for Serving Disabled Students" (HEATH, 1985-86) called for creative measures and planning for costs facing universities to accommodate the disabled. The article noted that facilities providing effective services for the disabled are the consequence of long range planning by institutions and that the commitment must start with the top administration. The key person in Disabled Student Services must involve as many departments as possible. Ideas for cost effectiveness are explained and several cost effective programs are described. This is an excellent resource for those concerned about rising costs.

HEATH also explored different types of disabled students and their specific needs. One type is those students with severe handicaps. In "Students with Severe Handicaps on Campus" (HEATH, 1988), different colleges and the programs offered to accommodate severely disabled students were described. Areas covered range from enrollment and intake procedures of well developed Disabled Student Services offices, accommodation measures, and student assistants that work for the Disabled Student Services office and assist disabled students with special needs.

On the other end of the spectrum, "Hidden Handicaps" (HEATH, 1988) revealed that the largest group of disabled students on campuses are those whose disabilities are
invisible. Students reporting health related or learning disabilities comprise over half of students with disabilities. The article stated that students with a disability resulting from some invisible condition may decide not to request accommodations and face the barriers rather than face social stigma. These students coping with fluctuating abilities face lack of acceptance from faculty and peers who are confused by shifting symptoms. One student described this as a "lack of belonging in either the world of the disabled or that of the able-bodied" (pg. 8). The HEATH report notes that these students need to learn how to articulate their needs for accommodation.

Virginia Johnson (1984), *A University Handbook on Disabilities*, composed a guide for Clarion University discussing Section 504, different types of disabilities, and services offered to disabled students of Clarion. This is a helpful guide for peer schools to review for their own programs.

IV. The Particular Case School: The College of William and Mary:

Prior to conducting the study of the College of William and Marys' compliance with Section 504 of the Rehabilitation Act of 1973, it was necessary to review the college
description, perceptions of others, services offered to the disabled, disabled students' perceptions and William and Mary archival documents of initial action taken beginning in 1972. Archival documents pertinent to this study were found in President Graves' files and Administration and Finance files.

The Admissions Brochure (1988) of the College of William and Mary stated that William and Mary admits students it believes have the intellectual curiosity, the tenacity, and the motivation to succeed. William and Mary is committed to creating a selective, residential college within the context of a modern state university. Scholarship is at the heart of the college. Students come from throughout the nation and many foreign countries. William and Mary is considered a prestigious and selective, state university. Mark DiVincenzo (1989) in "W & M hits one top college list, misses another" wrote of the USA Today Most Selective College survey. William and Mary was ranked the choosiest public college in the nation, selecting only 26.8 percent of the undergraduate applicants who apply. William and Mary was ranked 19th overall in selectivity. DiVincenzo also noted that the average freshman SAT score is at least 1200. Although many people do not feel that these surveys are important and should not be used, there is a large population that does pay attention to them. U. S. News and World Report (1989) publishes "America's Best Colleges" each year. Whether admitted or not, this is a widely regarded survey. William
and Mary was not mentioned in the 1989 survey. When billing oneself as a prestigious and selective institution, this oversight could raise some questions. The survey ranks schools in five academic areas based largely on objective data received from the college. The areas are: (1) quality of student body determined by selectivity (2) strength of faculty, (3) financial resources, (4) ability to retain and graduate students, and (5) reputation for academic excellence. This omission of the college causes one to want to review the objective data sent by the College of William and Mary for the survey.

**The Office of Handicapped Student Services:**

The Office of Handicapped Student Services at the College of William and Mary offered an office pamphlet of services available when housed in the office of Minority Services and a request for disabled students to advise the office of their disability and needs, which remains a request. There is also a *Guide for Accommodating Disabled Students* which noted that the college is reasonably prepared to accommodate the disabled and clarified the fact that programs are made accessible for disabled students. The guide further explained parking accommodations and also offered suggestions to professors for classroom accommodation. By May 1991, a new brochure had not been developed with the relocation of the office to the Dean of Students.

Tom Hollandsworth (1988), "Disabled Students Cope", *Jump*
Magazine, brought in controversial data through interviews with two disabled students on the William and Mary campus. Hollandsworth (1988) found that these students felt too many non-related services came from the same office. Support services were not strong enough for the severely disabled student. One of the students interviewed was deaf and the other had a bone disease. It was felt that while requests and accommodations were eventually met, there were hardships involved in getting to that point. Neither student would recommend William and Mary to other disabled students. Hollandsworth (1988) felt that William and Mary must re-evaluate the handicapped students' position and find that these valuable members of society will refuse to put up with the colleges insensitivity.

This review was conducted to investigate the treatment by colleges and universities of federal social justice regulation. Section 504 of the Rehabilitation Act of 1973 was signed into effect in 1977. Twelve years later, few recent publications can be found that describe the state of colleges and universities in compliance with Section 504. The HEATH Foundation does an excellent job of keeping this type of information current, but there is a need for colleges and universities to study themselves regarding independent compliance measures. The status of disabled students needs to be reviewed. With new legislation coming forward that will
effect businesses and disabled individuals (Americans With Disabilities Act & Virginians with Disabilities, 1990), maybe it is time to resurrect Section 504 for familiarities sake if nothing else. Businesses will now be concerned with costs. Possibly business can learn something from the education field in how higher education handled the mandate of Section 504.

It is important that administrators clearly review the basics with Section 504 and clarify that compliance is being met. Twelve years later, some self study could be enlightening as well as gratifying, which is in process with the passing of the Virginians with Disabilities (1990) legislation.
CHAPTER 3:
THE CASE STUDY

Most research literature on public policy emphasizes formulation of policy at the macro level. A void in understanding is the micro-level: how policy does and does not filter down to campus practice. A case study of campus compliance with "social justice" provides a core sample that does two things: 1) a better understanding of the complexities of a university's relations with government, 2) given the importance of the external government role, a modified sense of how colleges actually behave and work.

The significance of the College of William and Mary as a case study drew from Clark Kerr's point that a campus is inherently conservative. William and Mary very much matched this point in that it is conservative because of lean finances, traditionally conservative and, has a record of belated and limited involvement in social justice (e.g., limits on part-time students). As an academically selective institution with a high number of applicants, William and Mary has tended to be exempt or less pressured by some external forces (contrasted to an institution with open admissions and declining enrollments). In sum, it provided an extreme example of an institution that one would expect to be limited and slow and, reactive rather than proactive, in compliance.

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Section 504 of the Rehabilitation Act of 1973 was chosen because of the recent surge of legislation at the federal and state level in the passing of the Americans with Disabilities Act (1990). The social regulation of the ADA will look to businesses to provide accessibility and accommodation for persons with disabilities just as higher education institutions were required to do 17 years ago in the passing of the Rehabilitation Act of 1973. Businesses will now look to the universities for guidance on this issue. The interest was to review how a university such as the College of William and Mary had accepted and complied with the federal social justice regulation of Section 504.

Key sources used in this study were recent legislation; government criteria for rights of the disabled; Colonial Williamsburg documents as a base of reference for a neighboring non-profit institution and information obtained from a site visit to an institution of higher education known for a model program in serving their disabled student population.

Data specific to the College of William and Mary were obtained from the University archives housed in Swem Library and through interviews conducted with pertinent college administrators. Strategies for the use of archives as a valuable source of information regarding the history of a university came from the Brown Alumni Monthly, (November 1975)
article "Archives". The article noted the function of archivists as collecting, preserving and organizing records, documents, pictorials and reference sources relevant to the university. The initial request to the Swem archivist was to review a master list of file titles. Files chosen for review in the archives were those related to issues concerning the "handicapped" (i.e., handicapped, disabled students, minority affairs, affirmative action). Nineteen seventy two was chosen as the initial year for research as it was one year prior to the 1973 passing of the Rehabilitation Act. Files offering significant information were those from President Graves' Office and from the Office of Administration and Finance. Administrators selected for interviews were William Merck, Vice-President of Administration and Finance; Samuel Sadler, Vice-President of Student Affairs; Dale Robinson, Director of Affirmative Action; and Ruth Mulliken, psychologist employed at the College of William and Mary for disabled student services.

Collection and analysis of the data were conducted through techniques described by Sharan Merriam (1988) in Case Study Research in Education. Merriam described the qualitative case study; qualitative data collection methods and analysis and reporting of case study data. These methods were enlisted when conducting this case study. For example, once archival data were studied, these documents were triangulated by interviews with administrators; this helped to
confirm or deny findings. At another point in the research, when documents were sought from earlier years (i.e., 1973-1976) cited in correspondence, often there was lack of adequate record keeping for present retrieval and reconstruction. Data and documents kept after the initial signing of Section 504 (mid to late 1970s) were fairly complete as compared to materials found in the early 1980s. Gaps in data were seen once deadlines for 504 compliance were met.

Other sources for clarification of legislation came from HEATH (Higher Education and Adult Training for the Handicapped), a national clearinghouse on postsecondary education for individuals with handicaps. The newsletters from HEATH keep constituents abreast of current developments and changes in legislation, and postsecondary concerns with the handicapped population.
CHAPTER 4:
ANALYSIS OF DATA

The campus is reactive rather than proactive in matters of federal social justice policy; and is viewed as complying partially and slowly to regulations. This holds in particular for the College of William and Mary in the area of disability policies and practices. This hypothesis reinforces the point made in Clark Kerr's *Uses of the University* (1982) by Abraham Flexner when he referred to universities as institutions regarded as conservative and tending to lag behind the life which they express and further (Kerr, 1982).

Developments from 1972-1990:

Section 504 of the Rehabilitation Act of 1973 was delegated rule making authority on April 28, 1976. Joseph Califano, Secretary of Health, Education and Welfare, signed the first Section 504 regulations on June 3, 1977 (See Appendix D). For the College of William and Mary, initial correspondence found in the Office of the President and Administration and Finance files in the William and Mary Archives regarding accommodation of students with disabilities, date back to December 15, 1972. The majority of the letters concerning the accommodation issue were dated in the early 1970's and were directed to the President's office.
from concerned faculty. Faculty expressed concern about the inaccessibility of buildings in which classes were held because physically disabled students were inconvenienced in attending (President Grave's Handicapped Access 1973-79 file, 1982.59, Box #8).

In October 1975, the Office of Administration and Finance conducted a preliminary survey for accessibility of the College of William and Mary campus. Prior to the June 3, 1977 signing of Section 504 regulations, the Office of Affirmative Action at the college had already developed a plan for the handicapped issued on January 17, 1977. Several access issues including review of William and Mary's design standards for facilities and correspondence with institutions having "model" accessibility for students had been reviewed by college administrators prior to the June signing (Administration and Finance Handicapped Persons 1975-81 file, 1985.4, Box #3).

Correspondence generated during the summer of 1977 described the College's work toward meeting the minimum requirements of Section 504, barrier removal being the priority. President Graves (T. A. Graves, personal communication, Nov. 1, 1977) requested that Ms. Jo Horvath, an expert in facilities access, of Thomas Nelson Community College visit the college to conduct an indepth building and site evaluation of the William and Mary campus to assist in developing the Capital Outlay request through 1980 (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8).
The Board of Visitors for the College of William and Mary met on October 13-15, 1977. The board was presented with the deadlines for campus access as submitted in the Capital Outlay Request for handicapped access.

The deadlines were as follows:

August 2, 1977: Program access to existing structures

September 1, 1977: Assure the Office of Civil Rights of the college's commitment to Section 504

December 3, 1977: Present the college's "transition" plan of handicapped access to the Office for Civil Rights

June 3, 1978: Present the college's "self-evaluation" of campus access to the Office for Civil Rights

For three years after completion, maintain records of self-evaluation at the college.

June 3, 1980: Facilities access met by college

(President Graves Handicapped Access 1973-79 file, 1982.59, Box #8).
On October 18, 1977, The William and Mary News ran an article entitled "Campus Changes Aimed at Helping Handicapped", (See Appendix F). The article informed readers of steps being taken on the campus to comply with the Rehabilitation Act of 1973. Modifications to the campus were highlighted as well as the deadlines that the college was given to meet these access changes. Costs for the adaptations were also mentioned with William J. Carter, Vice President for Business Affairs, stating "We intend to do all we can to remove barriers on the campus to the handicapped, within the limits of our fiscal and physical resources" (W. J. Carter, 1977). The article also mentioned the task force which was developed to coordinate arrangements for the handicapped on campus. The task force consisted of the associate dean of students; assistant director of buildings and grounds; director of auxiliary services; associate dean of the faculty of arts and science; and the facilities coordinator (William and Mary archives, TA 170, L5, 1977). The mention of the availability of funds begins here as a theme used by the administrators in protecting against the possibility of lack of funds therefore, lack of access in some areas.

In May 1978, $198,323 was allotted to William and Mary from the General Fund for Architectural Barrier removal by the State Council of Higher Education. The next month, an entry for the William and Mary student guidebook was submitted on June 29, 1978, noting reasonable access to disabled students
and services available (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8).

In Fall 1979, Section 504 was a prominent issue and letters of concern came from faculty regarding accessibility of the campus. A letter to President Graves from Professor Bloom (R. B. Bloom, personal communication, Oct. 19, 1979) and his special education class referred to a sensitivity study of campus access conducted by the Education 425 class. The students found "...[the] college not to be in compliance with 504 requirements" (R. B. Bloom, personal communication, Oct. 19, 1979). A reciprocal memo from Graves to Bloom assured movement ahead on the [access] issue "as fast as time and funds permit" (T. A. Graves, personal communication, Oct. 26, 1979), (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8).

Another letter to Professor Bledsoe, Theater Department, from William Carter, (W. J. Carter, personal communication, Nov. 1, 1979) Vice President of Business Affairs, confirmed awareness of the need for removal of barriers in Phi Beta Kappa Hall and that state funds were earmarked for barrier removal (President Graves Handicapped Access file, 1982.59, Box #8). In follow up to Professor Bloom's concern for barrier removal, Vice President Carter (W. J. Carter, personal communication, Nov. 26, 1979) corresponded with Bloom offering background information regarding preparation involved in the project; estimated costs of the project; funds granted
to the college by the Commonwealth of Virginia; and priority projects established by SCHEV (State Council of Higher Education in Virginia) in light of funds provided. Carter relayed that Phase I of the barrier removal project was scheduled for completion on March 21, 1980. Carter noted housing available to the handicapped students in 1977 and that fifteen disciplines (programs) would be accessible to the handicapped upon completion of Phase I. Carter welcomed the opportunity to publicize further the undertakings and assured Bloom and the campus community "...continued commitment to make the campus and programs of the College of William and Mary accessible to the physically handicapped" (W. J. Carter, personal communication, Nov. 26, 1979). Carter assured Bloom that as more funds were available, the college would continue to remove other architectural barriers present on campus. Carter also relayed the planning and paperwork involved before construction work could commence (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8).

Once again, Vice President Carter mentioned that funds were pertinent for barrier removal.

Returning to Professor Bloom and his classes' concerns about access, Wesley Wilson, Affirmative Action Officer for the College of William and Mary, spoke with Bloom's class on November 20, 1979, discussing William and Mary's program and plans for the handicapped. In a memo to President Graves, Wilson (W. C. Wilson, personal communication, Dec. 5, 1979)
noted his subtle attempt to point out to the class that the information he was sharing was available to the class when conducting the research and should have been obtained prior to drawing conclusions (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8).

After the deadline of June 3, 1980 for making facilities accessible, correspondence showed concern for access of specific buildings, and requests for private funds. Non-accessible buildings included Washington Hall (which is being renovated in 1990-91), (Admin. & Finance Handicapped Persons 1975-81 file, 1985.4, Box #3) Ewell Hall, on which renovations were completed in 1986 with additions completed by August 1989, and Cary Field (Admin. & Finance Handicapped Access 1983-84 file, 1986.54, Box #9). Specific issues requested by handicapped individuals included a law student suffering from allergy irritation in the new Marshall-Wythe School of Law (Admin. & Finance Handicapped Persons-Design Standards file, 1985.27, Box #3), and need for a special lift in the swimming pool for a wheelchair bound professor (Admin. & Finance Handicapped Access 1983-84 file, 1986.54, Box #9). Both issues were accommodated for each individual through channels within the College.

A memo to George Healy, Vice President of Academic Affairs, from W. Samuel Sadler, Dean of Student Affairs, requested funds for handicapped access projects. (W. S. Sadler, personal communication, Sept. 3, 1981) Three thousand
dollars in private funds were allocated (November 19, 1981) for efforts to assure reasonable accommodation for the handicapped (President Graves Affirmative Action file, 1984.42, Box #1).

Two years later in October 1984, a letter to Lawrence Broomall, Vice President of Administration and Finance, from Dale Robinson, Director of Affirmative Action at the College of William and Mary, expressed Robinson's "...impression that over the past two years the college has not sought state funds to continue its efforts to make the campus accessible" (D. Robinson, personal communication, October 4, 1984), (Admin. & Finance Handicapped Access 1984-85 file, 1988.2, Box #13). In conjunction with Robinson's memo, Broomall received a memo from James Connolly, Assistant Director of Buildings and Grounds, commenting on Robinson's memo. Connolly cited the initial lack of sufficient funds in the Commonwealth to completely fund the program. Connolly stated the priorities issued for access by the state and noted the significant cutback of funds from the two million dollar request of the College to the $400,000 allocation. Connolly also noted that a survey completed by Professor Douglas Prillaman's special education class "...addresses many buildings and states requirements that are in excess of the mandatory provisions that we have to comply with" (J. Connolly, personal communication, Oct. 19, 1984). The memo emphasized that the college was restricted to make facilities accessible to the
mobility impaired and attempts were never made to achieve access for visually handicapped because the college was not granted specific funds to serve this specific constituency (Admin. & Finance Handicapped 1985-86, Subfile: correspondence file, 1989.6, Box #9).

Correspondence of February 19, 1986 from the Dean's Advisory Council of the School of Education to fourteen pertinent administrators invited attention to classroom inaccessibility for physically handicapped students. The memo advised of inoperable elevators; non-accessible entrance areas; and inflexible scheduling of classes. It was suggested that improvements would "...vastly improve William and Mary's image as an institution that lives up to its commitment to foster the development of human potential on an equitable basis for handicapped as well as nonhandicapped students" (Dean's Advisory Council, personal communication, February 19, 1986), (Admin. & Finance Handicapped 1985-86, Subfile: correspondence file, 1989.6, Box #9).

The correspondence from 1986 and 1987 continued issues concerning specific buildings not yet accessible. In a memo, Andrew Fogerty, Vice President for Administration and Finance, regarding the need for elevators, stated the firm commitment "...to realizing a campus which is barrier free to individuals with handicaps and to the fullest extent that budget and personnel will allow..." (A. Fogerty, personal communication, June 11, 1986), (Admin. & Finance Handicapped 1985-86,
Subfile: correspondence file, 1989.6, Box #9). Once again, Fogerty mentioned the problem of budget restrictions.

Recent Developments 1990-1991:

Interviews with current administrators in 1991 on the William and Mary campus indicated a sensitivity and maturing of the university community with regard to handicapped issues. William Merck, Vice President for Administration and Finance, arrived at the College of William and Mary in 1986. A handicapped access plan to renovate facilities on the campus was continued and renovations to specified facilities were completed in December 1990, with additional facilities targeted for future modifications. According to Merck (1991), reasonable accommodation is still the key factor in campus access (See Appendix G). The college now has 22 ramps, 40 handicapped parking spaces and 104 curb cuts. Many of the curb cuts were achieved after Merck (1991) walked down Jamestown Road with a wheelchair bound student who offered advice as to where curb cuts would be convenient. As far as costs were concerned, Merck (1991) offered that modifications to existing structures cost the most; when changes are melded into work that is "in process" or new structures, expenses are less. Merck (1991) is well aware of necessary modifications and these are in future plans (Merck, 1991).
Concerning modifications, Dale Robinson (1991), Director of Affirmative Action, disclosed that even state building codes do not always meet handicapped access codes. The state is developing new standards that might comply, however Bill Camp, Associate Director of Facilities Management-Capital Outlay, has developed new architectural standards for William and Mary buildings to be followed for access in renovations and new structures.

When the social regulation of Section 504 was signed, facilities assessments, reinventory of buildings, and a self evaluation were conducted on the College of William and Mary campus. Reports were required in the Office for Civil Rights (OCR) as to compliance measures. In the late 1970s, access was a high priority; by 1990, the Section 504 issue has not yet enjoyed this status. However, with the passing of the Americans With Disabilities Act (1990) and the Rights for Virginians with Disabilities (1990), there is a new focus on rights of the disabled and self study begins again at William and Mary (Robinson, 1991).

Robinson (1991) stated that William and Mary is reasonably accommodating, however it is reactive and fragmented, and slow to react, one reason being the difficulty within the university to reach a consensus. Money is not used as an excuse not to accommodate, although this had been a theme of earlier administrators enforcing the new Section 504 law. Accommodations are met as requested and it is usually the
students who are put in the position of expressing needs. Being reactive is not unique to William and Mary. One example cited earlier is that of the state building codes which are not meeting handicapped access codes. It is the exception rather than the rule when colleges are proactive (Robinson, 1991).

Disabled Student Services is housed in Student Support Services under the Dean of Students. The Assistant Dean of Students usually counsels students with physical disabilities as to needs and refers those with learning disabilities to Dr. Ruth Mulliken, psychologist, for testing. Disabled Student Services moved to Student Support Services within the past year of 1990 from Minority Services. With several other duties in the Dean of Students office, there is little knowledge of handicapped services by those handling the responsibilities.

Since the transition of the office serving disabled students, it is difficult to actually find the appropriate office for assistance. The office brochure has not been updated and no mention of Disabled Student Services is in the campus directory. Samuel Sadler (1991), Vice President for Student Affairs explained steps involved to inform students with disabilities of available services. There are volunteer questions on the college application. Mulliken answers questions of the admissions office and of prospective students once identified. A questionnaire is sent to admitted students
for accommodation and health needs. A section regarding Differently-Abled Student Services and the office location, which is on the second floor of a building with no elevator, is in the Student Handbook (Sadler, 1991) (See Appendix H). Sadler (1991) added that students may be referred to other staff depending upon the expressed needs.

The Admissions office is one area which has become more sensitive to the handicapped. Mulliken (1991) speaks with admissions staff about awareness issues. She also helps train faculty and advisors. Awareness and sensitivity of faculty is primarily of physical disabilities, understanding of learning disabilities seems to be a slower process (Sadler, 1991). Many disabled students are not registered with Disabled Student Services, this being a voluntary task of the student. Several needs and assistance for students with disabilities are discovered and accommodated in the students' college career.

Mulliken noted positive changes in serving disabled students. More equipment has been purchased such as readers, telephones for the deaf, and elevators. The need for funds is still a complaint and accommodations are achieved on an "as requested" basis, however, although a low priority, needs of disabled students have been met when requested.

Looking to the future, Sadler (1991) sees the university arriving at a time when a full time employee for Disabled Student Services will be needed. Sadler feels the campus is
three years away from achieving full accessibility.

The College of William and Mary, being reactive rather than proactive, complies only partially and slowly with the federal social justice policy of Section 504 of the Rehabilitation Act of 1973. Acceptance or rejection of this hypothesis is not a clear answer as seen through the data presented. The College of William and Mary meets program accessibility and reasonable accommodation standards in complying with Section 504 regulations as set forth by the Office for Civil Rights. The fact that all facilities are not yet accessible may confirm the partial compliance issue, and the reactive nature of the college might be interpreted as inertia.

This institutional inertia in compliance is due to the following: flexibility of the Section 504 regulations; conservatism of the campus; an alleged threat to campus autonomy; lack of appropriate leadership; and, administration's belief that compliance will be expensive.

In reviewing this hypothesis, Redden (1979) in New Directions for Higher Education: Assuring Access for the Handicapped, clarified that the Section 504 regulations were flexible, both as to format and as a means to achieve compliance. Basic physical access aside, compliance and access were to be achieved largely on a case-by-case basis. Campus officials were charged with employing initiative, creativity and common sense teamed with disabled students and
staff knowledge, in good faith efforts and compliance.

Developments 1978-1991:

The generous deadlines from the Office for Civil Rights for completion of access standards confirms the flexibility of the 504 regulations. Secretary of Health, Education and Welfare, Joseph Califano, re-confirmed the flexibility in a letter to Governor of Virginia, John Dalton. Califano's response to Dalton's question of the June 2, 1980 deadline offered "In light of the flexibility of the program accessibility standards, we believe our June 2, 1980 deadline is realistic..." (J. Califano, personal communication, March 30, 1978). Califano also emphasized the "program accessibility in existing facilities, instead of a barrier free environment, is significant" (J. Califano, personal communication, March 30, 1978), (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8).

Flexibility might also be interpreted in the September 1, 1977 data to assure the Office for Civil Rights of the university's commitment to Section 504 compliance. Quotes are seen throughout the data from administrators assuring internal as well as external contingencies of William and Mary's commitment to compliance with the "spirit" of the law. As seen in Andrew Fogerty's, Vice President of Administration and
Finance, letter, "...we are firmly committed to realizing a campus which is barrier free to individuals with handicaps..." (A. Fogerty, personal communication, June 11, 1986), (Admin. & Finance Handicapped, Subfile: correspondence file, 1989.6, Box #9).

When asked about federal enforcement of Section 504, Dale Robinson (1991), Director of Affirmative Action, stated that there had been no compliance reviews at William and Mary, and actually there had been few complaints. Complaints received were handled in-house. The college is aware of liability when complaints reach the Office for Civil Rights. John Bilinski, Acting Director, Office for Civil Rights, verified this confirming that investigations are the direct result of specific problems brought to OCR's attention through complaints of beneficiaries (J. Bilinski, personal communication, August 3, 1990). Robinson (1991) noted that when significant grants are approved for the college, routine compliance checks are made of college records. A sincere commitment to compliance is noted; prestige of the college has nothing to do with this issue. Colleges, such as William and Mary, who receive smaller amounts of money are not checked as much as those in the state who receive more funds, (i.e., University of Virginia, Virginia Polytechnic Institute, and Virginia Commonwealth University).

The question of conservatism of the campus and belief that compliance will be expensive were reviewed together.
William and Mary is regarded as a conservative institution, and it is located in a commonwealth known for its conservative nature. Governor John Dalton corresponded with Secretary of Health, Education and Welfare, Joseph Califano, noting the state's agreement with the goals of Section 504 but included the need for appropriate federal funding to fulfill the obligation. Dalton requested concurrence that the Commonwealth of Virginia has "...moved promptly in an effort to comply with the federal mandate..." (J. Dalton, personal communication, Feb. 10, 1978), but severe fiscal restraints caused difficulty in allocating funds for this purpose [compliance] (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8). Califano responded with the belief that regulations were "...sensible, fair and flexible", and "...that the need for Federal dollars to comply with Section 504, is not as great as some believe" (J. Califano, personal correspondence, March 30, 1978), (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8).

In interviews conducted with the four College of William and Mary administrators, Merck, Sadler, Robinson, and Mulliken, all offered the same sentiment regarding funds stating, using the excuse of no funds is not an excuse when attempting to meet access needs. Monies can and have been found when needed. Fogerty, Vice President of Administration and Finance, assured that a barrier free campus would be realized to the "...extent that budget and personnel will
allow" (A. Fogerty, personal communication, June 11, 1986),
(Admin. & Finance Handicapped 1985-86, Subfile: correspondence
file, 1989.6, Box #9). The continued assurance that
accessibility would be met so far as funds provided is
interpreted as a protection in the event that funds were not
available. However, to this date, finding money for
accommodation has not been a deterrent to meeting access
needs.

On May 1, 1978, the College of William and Mary was
allotted $198,323 from the General Fund by the State Council
of Higher Education in Virginia for architectural barrier
removal. William and Mary had requested $599,901. William
and Mary's allocation fell fourth to amounts allotted to UVA
($454,588); VPI ($375,790); and VCU ($303,086) (President
Merck (1991), Vice President of Administration and Finance,
disclosed that colleges lobby for funds from the state
government. The state is fair about funds allocated to all
state schools, however the government sets priorities for use
of funds. For example, funds for handicapped projects were
not priority in 1991 allocations. Health and safety projects
such as removal of toxic waste, asbestos removal, and fire
safety standards were priority issues. The state cut the
handicapped access project for 1991, according to Sadler
(1991), Vice President of Student Affairs. Funds must be
obtained from other sources; private funds, annual funds or
endowments must be allocated (Merck & Sadler, 1991).

This appeared to be a persistent theme when reviewing data. The need for funds is targeted by the college administrators, requests are made and some type of funding is achieved. The State of Virginia and colleges are aware of the financial burden. In September 1978, SCHEV conducted a Facilities Survey, choosing William and Mary as one of the institutions to participate. The survey was to establish the university's condition of meeting handicapped access requirements, and to obtain data on the financial burden to William and Mary (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8).

In 1980, the General Assembly approved a Capital Outlay project of $304,460 to implement the university handicapped access project (Admin. & Finance Handicapped Persons 1975-81 file, 1985.4, Box #3). Three thousand dollars in private funds were allocated for efforts to assure accommodation of the handicapped. In 1984 however, Robinson (D. Robinson, personal communication, Oct. 4, 1984) sent Vice President of Administration and Finance, Lawrence Broomall, a memo expressing concern that the college had not sought funds for handicapped access in the last two years (Admin. & Finance Handicapped Access 1984-85 file, 1988.2, Box #13).

In lieu of the seemingly constant seeking of funds, conditions of the campus toward access are reasonable. Sadler (1991) had all buildings on the William and Mary campus
checked for access, such as ramps, power doors and elevators in December 1990. Ten to twelve locations on campus were cited as needing renovation; however these citations were not a hindrance as four to five percent of the William and Mary campus is accessible as compared to the two percent required by federal guidelines (Sadler, 1991). The consensus is that William and Mary does meet reasonable accommodation guidelines, although the administration remains aware of additional modifications to be made. Ruth Mulliken (1991) felt that William and Mary does a good job for the disabled population with its limited funds.

The federal government does not monitor Section 504 compliance on college campuses. Unless a student brings a charge against the college, no supervision by OCR takes place. The complaint is usually handled by the university before progressing any further (Mulliken, 1989). The flexibility and "hands-off" attitude of the Federal government on the Section 504 issue disproves the alleged threat to campus autonomy perceived by universities. However, the lack of leadership could stem from the Federal government. Governor Dalton informed Califano in his letter that he was advised by his staff "...that many aspects of this program [Section 504] remain unclear" (J. Dalton, personal communication, Feb. 10, 1978), (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8). The Federal government regulation of Section 504 is not exactly a threat to the autonomy of the
campus, it is that the university does not realize what is required of it (Mulliken, 1991). As seen in the following information, assistance has been offered to state institutions of higher education since the signing of the Section 504 regulations.

The State Council of Higher Education of Virginia survey of William and Mary in September 1978 was to assess the conditions of compliance with Section 504 and financial burdens experienced by the college (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8). Virginia Commonwealth University's coordinator of Disabled Student Services offered technical assistance to Virginia institutions in planning for accommodation of the handicapped in 1979. A questionnaire was sent to universities requesting needs for information concerning Section 504. Alan Reich (A. Reich, personal communication, Dec. 2, 1981) of the U. S. Council for the International Year of Disabled Persons corresponded with President Graves expressing a plan and suggested program to mainstream disabled persons into the college setting comfortably (President Graves Affirmative Action 1981 file, 1984.42, Box #1).

A lack of leadership may be interpreted when reactive, as opposed to proactive, measures must be taken, as faculty and students alert administrators of campus needs to meet access. Broader education is needed for strong leadership and the need for education is constant. Robinson (1991) explained that
social regulations are evolutionary. From Section 504 in 1973 to the Americans With Disabilities Act and the Rights of Virginians With Disabilities of 1990. These social regulations have reached the college level. The disabled have advocates; issues are verbalized more; and there is a new understanding of disabilities as new disabilities emerge. As new access needs arise, there is an increased awareness of the disabled and disabled persons' rights (Robinson, 1991).

The factors of flexibility, conservatism, lack of leadership, and expense do contribute to the inertia of the university in compliance. As indicated prior and as will be discussed in the third hypothesis, this is not the entire fault of the college but of the complex system involved in college governance.

This inertia is also due to factors in the external domain (i.e. government agencies); variable interest and enforcement; and lack of communication.

In The Control of the Campus (1982), by the Carnegie Foundation for the Advancement of Teaching, it is noted that as government oversight expands, and as more agencies intervene, it is increasingly difficult to know where decisions are and are not being made (Carnegie, 1982). With few incentives for responsible decision-making, it is concluded by the Carnegie Foundation for the Advancement of Teaching (1982) that there are real limits to the government's capacity to regulate higher education. Improvement will not
come from better management of the government's regulatory functions, although this is certainly a worthy goal to be pursued. Instead, the academy must rediscover more effective ways to regulate itself (Carnegie Foundation for the Advancement of Teaching, 1982).

Developments 1977-1991:

Mulliken (1991) confirmed that the federal government charged the Department of Education and the Office for Civil Rights with handling questions and problems concerning Section 504, assuming that higher education institutions would handle issues on the campus level through the university administration and staff. Flexible leadership was offered by the government in Section 504 legislation (Mulliken, 1991).

The Task Force on Architectural Barriers provided all state agencies with requirements of Section 504 in September 1977. SCHEV offered guidelines and a transition plan for handicapped access in 1979 (President Graves Handicapped Access 1973-79 file, 1982.59, Box #8). In 1984, the Commonwealth of Virginia, Department of Rehabilitation Services coordinated a conference for state agencies regarding Section 504 compliance (Admin. & Finance COV Rehabilitation Services 1984 file, 1988.2, Box #9).

Internally, all state agencies, including universities, are required to have an affirmative action representative. As
of Summer 1991, coordination of Section 504 issues on the William and Mary campus were fragmented. Several individuals had responsibility in the area of access issues (Robinson, 1991).

There is too much for the Federal government to monitor. At times, concerns must rise from the campus level to the government level (Merck, 1991). The evolution of social regulations brings forth recent legislation of the Americans With Disabilities Act (1990) and the Rights of Virginians With Disabilities (1990) (See Appendix I). A committee for self-evaluation was again appointed to review new accessibility needs on campus. Several of the regulations were taken from Section 504. In the case of the new legislation, written reports, as required before, are not to be sent to OCR, but must be kept on file at the college. Merck (1991) stated that The College of William and Mary plans to meet the compliance regulations by 1993. A good faith effort is made to comply in a fair and accessible manner (Merck, 1991).

The data indicated inertia in several areas. The flexibility and "hands off" approach of the government; numerous agencies involved; variable interest to universities depending on, for one, size and number of grants received; and the vast number of regulations that the government must oversee, may break down communication with those recipients not in need of supervision. As the Carnegie Foundation (1982) concluded in The Control of the Campus, the university must
develop effective ways to regulate itself.
CHAPTER 5:
THE CASE STUDY OF INSTITUTIONAL BEHAVIOR

CONCLUSIONS & CONNECTIONS:

CONCLUSIONS:

The flexibility and interpreted ambiguity of Section 504 of the Rehabilitation Act of 1973 inadvertently respected the autonomy and unique governance system of colleges and universities. Allowing higher education institutions freedom to use their own common sense and imagination in funding compliance measures brought both an easing of anxiety accompanied with complaints, as well as perceived inertia. Teaming the bureaucratic red tape of the Federal government with the unique cybernetic system of higher education may cause inertia and misunderstanding from both parties.

Reviewing the hypotheses at face value, the three are accepted: First, the campus, specifically the College of William and Mary and disability issues, is reactive rather than proactive in matters of federal social justice policy; and this tends to be a factor in slow and partial compliance. Second, this perceived institutional inertia in compliance is due to the flexibility of Section 504 regulations, conservatism of the campus; an alleged threat to campus autonomy; lack of informed leadership, and the thought that compliance will be expensive. Third, this inertia is also due
to factors in the external domain (i.e. government agencies), variable interest, and enforcement, and lack of communication. Delving further into the initial uncertainty of the federal regulations of Section 504 and the government's flexibility, one understands the inertia of colleges and universities in promptness of full compliance.

Prior to the Section 504 regulations enforcement, faculty sensitivity to needs of handicapped students was voiced. A reactive mode began. The signing of Section 504 set Birnbaum's (1988) cybernetics of higher education in motion. The President's administrative staff set forth with a task force from the college community to begin meeting minimum requirements of access. The Office for Civil Rights provided guidelines and deadlines for completion of program access and barrier removal. In the late 1970's, William and Mary made what seemed an intense attempt to comply. In the 1980's there was reasonable accommodation in the Office for Civil Rights' standards met at William and Mary, however the initial projects for accessibility became reactive answers to expressed needs of disabled students.

The need for funds is prominent, although funds are found in other areas when not allocated by the State, and compliance with the "spirit" of the law is regularly reaffirmed. A better understanding of the regulations is being realized which contributes to a more organized leadership.

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The guidelines for compliance published by the Office for Civil Rights are met by the College of William and Mary. Program accessibility and reasonable accommodation as required by Section 504 of the Rehabilitation Act of 1973 is also apparent.

Connections:

A case study is an unlikely source of a wholly and complete new theory of organizational behavior. However, this study does have potential to suggest elaborations and nuances on how colleges and universities behave in matters of external relations and compliance with government regulations. This study was based on some explicit interpretations of campus behavior: e.g., from Clark Kerr and Abraham Flexner, the finding that colleges and universities are conservative institutions, relatively slow to embrace change or respond to external factors; second, was Birnbaum's finding that universities are characterized by ambiguity associated with multiple goals, diverse constituencies; third was Chester Finn's interpretation of higher education and public policy, that the so-called "regulatory swamp" that was in place by the 1970s has made for complex, even confusing, conditions of federal regulation and campus compliance. A fourth influential interpretation was that provided by Nathan Glazer, who argued that there has been a persistent, sustained
historical change in how the federal government views both higher education and business: specifically, the American campus over the past several decades has been subjected to increasing external government regulation, whereas in many cases, businesses and for-profit corporations have been granted exemptions.

The result of these distinct yet related interpretations is that the campus of the 1980s and 1990s often is not well suited to responding swiftly and substantially to numerous federal regulations. The important note is that there is no single or simple explanation for that (slow) response. The case study supports the conservative nature of the campus, but with an important suggestion. It is not so much that the campus resists change (although some of that may be evident); but also, that a campus may lack adequate resources to provide new facilities and services; a campus may not have a clear understanding of its obligation, further complicated by the fact that there may not be agreement or clarity from federal agencies as to what constitutes "compliance". The conservative or slow compliance also is complicated by the fact that the external agencies often send out conflicting, ambiguous signals. For example, it may well be that the Office for Civil Rights has placed more emphasis during the 1970s and 1980s on having colleges reduce or eliminate gender discrimination of Title IX; or, the priority of achieving the social justice goal of racial representation in the student
body may be a federal and state priority that stands above that of making certain a campus fairly accommodates disabled students and staff. Some of this organizational behavior, then, is historical; i.e., campus compliance on disability measures may well accelerate in the 1990s if there is increased emphasis from external agencies. In other words, the specific institutional behavior of 1970 to 1980 need not hold for 1990 to 2000.

Selecting a conservative campus as the focus of the case study may be important for further research. This is so because the case presented here shows that even an allegedly conservative campus has made sustained effort to be aware of and to comply with external mandates. There was no evidence of overt resistance, no defiance, no court case. In addition to finite resources that impede compliance, the example of disabled access points to a peculiar situation facing a college: compliance requires an institution to devote increased attention and resources to what might be called its "systems maintenance" as distinguished from its primary goals. In other words, for an academic administrator, the primary goals probably are teaching, research, and public service; for a selective undergraduate institution, compliance with the disabled access probably has not been crucial thus far in determining the size or academic qualifications of the applicant pool. In the 1970s and 1980s, the marginal costs of anticipating compliance services and facilities would be very
high, with uncertain gains for the college in its primary mission. The increased attention and legislation of the late 1980s, however, may modify this somewhat.

Research has shown a maturing of the university when complying with the social justice regulation of Section 504. Leadership came from a better understanding evolving through the checks and measures involved in compliance. Currently, the Americans With Disabilities Act (1990) and the Rights of Virginians with Disabilities (1990) is interpreted more clearly as many of the issues have been dealt with in Section 504. A study of compliance issues of the 1990 social justice regulations and future social regulations; as well as a review of the evolution of awareness of the disabled population, and related issues in access needs is recommended.

(1) *Executive Order 11246*, as amended, which bars federal contractors from discriminating in employment on the basis of race, color, religion, national origin, or sex. It also requires the contractor to take "affirmative action" in all employment procedures and practices.

(2) *Title IX of the Education Amendments of 1972*, which prohibits sex discrimination in all educational programs and activities receiving federal financial assistance.

(3) *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination on the basis of handicap in all educational programs and activities receiving federal financial assistance.
ADA and Postsecondary Education Institutions

What does this new legislation mean for colleges, universities, and other postsecondary training entities who have been subject to similar disability discrimination prohibitions for over 15 years? Indeed, the ADA (Americans with Disabilities Act) borrows much of its substantive framework from Section 504 of the Rehabilitation Act of 1973. Regulations implementing Section 504 (issued in 1977) and the Civil Rights Restoration Act of 1988 have required that recipients of federal funds (including colleges and universities) review policies and procedures, facilities, and programs to be sure that qualified individuals cannot be excluded from participation in campus programs solely because of their disability. The ADA demands virtually the same standards for compliance in the employment area as mandated by the Rehabilitation Act and 503/504 Regulations.
Campus disability service directors or coordinators, having had several years of experience facilitating disability access, may be prime resources for local business and public accommodations community as they implement compliance with ADA. Campus staff who work effectively with community leaders will improve "town-gown relationships."
The Americans with Disabilities Act (ADA), signed into law by President Bush on July 26, 1990, has been called one of the country's most important pieces of legislation. Others have described it as the most far-reaching civil rights legislation since the Civil Rights Act of 1964, and an "emancipation proclamation" for people with disabilities in America. The ADA prohibits discrimination against people with disabilities in the areas of private employment, public accommodations and services, transportation, and telecommunications.

Regulations implementing ADA are expected to be issued in the next few months. The following are the key elements of ADA, as the law pertains to:

**Businesses**

* becomes effective within two years of enactment
* covers businesses employing 25 or more persons (in 1992) and those employing 15 or more persons (1994)
* protects applicants and employees who are "qualified individuals with a disability"
* requires covered employers to make "reasonable accommodations" (but excludes such accommodations which would impose "undue hardship")

Public Accommodations and Transportation

* becomes effective within eighteen months of enactment
* covers private entities which provide public services and accommodations, such as hotels, restaurants, bars, theaters, stadiums, convention centers, grocery stores, shopping centers, museums, libraries, parks and schools
* covers private entities engaged in transporting people and whose operations affect commerce
* requires that such private entities make reasonable accommodations, provide auxiliary assistance, and remove architectural barriers so that individuals with disabilities can use the public accommodations and transportation services
Appendix C (cont.)

Telecommunications

* becomes effective within three years of enactment

* covers common carriers engaged in interstate communication by wire or radio

* requires that such common carriers must provide telecommunications relay services to facilitate communications (between deaf and/or speech impaired individuals and others)
Appendix D


"Today I am issuing a regulation, pursuant to Section 504 of the Rehabilitation Act of 1973, that will open a new world of equal opportunity for more than 35 million handicapped Americans--the blind, the deaf, persons confined to wheelchairs, the mentally ill or retarded, and those with other handicaps."

"The 504 Regulation attacks the discrimination, the demeaning practices and the injustices that have afflicted the nation's handicapped citizens. It reflects the recognition of the Congress that most handicapped persons can lead proud and productive lives, despite their disabilities. It will usher in a new era of equality for handicapped individuals in which unfair barriers to self-sufficiency and decent treatment will begin to fall before the force of law." (Statement by Joseph A. Califano, Jr., Secretary of Health, Education, and Welfare on April 28, 1977).
In September 1973, Congress passed a law that prohibits discrimination on the basis of physical or mental handicap in every federally assisted program activity in the country. That law is Section 504 of the Rehabilitation Act.

Section 504 states that: "No otherwise qualified handicapped individual in the United States...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In April 1977, a final Section 504 regulation was issued for all recipients of funds from HEW, including elementary and secondary schools, colleges, hospitals, social service agencies, and in some instances, doctors. The Section 504 regulation will affect fundamental changes in many facets of American life, in the actions and attitudes of institutions and individuals toward handicapped persons.

The term handicap includes such diseases or conditions as speech, hearing, visual and orthopedic impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, diabetes, heart disease, mental retardation, emotional illness, and specific learning disabilities such as perceptual handicaps, dyslexia, minimal brain dysfunction and developmental aphasia.
Appendix D (cont)

In accordance with a formal opinion of the Attorney General of the United States, alcohol and drug addicts are also considered handicapped individuals. Physical or mental impairments do not constitute a handicap, however, unless they are severe enough to substantially limit one or more life functions.

Program Accessibility

The regulation provides that programs must be accessible to handicapped persons. It does not require that every building or part of a building must be accessible but the program as a whole must be accessible. Structural changes to make the program accessible must be made only if alternatives, such as reassignment of classes or home visits, are not possible. The intent is to make all benefits or services available to handicapped persons as soon as possible. Institutions are given three years to complete structural changes to their physical plants; nonstructural changes must be made in 60 days.

In meeting the objective of program accessibility, a recipient must take care not to isolate or concentrate handicapped persons in settings away from nonhandicapped program participants.
All buildings for which site clearance has begun after June 3, 1977, must be designed and constructed to be accessible to handicapped persons from the start. The design standards of the American National Standards Institute (ANSI) can be used to determine minimal requirements for accessibility.

Preschool, Elementary and Secondary, and Adult Education

The basic requirements are:

- That no handicapped child can be excluded from a public education because of disability; this requirement is effective immediately.

- That every handicapped child is entitled to free appropriate education, regardless of the nature or severity of handicap; complete compliance with this requirement must be achieved by September 1, 1978.

- That handicapped students must not be segregated in public schools but must be educated with nonhandicapped students to the maximum extent appropriate to their needs.

- That evaluation procedures be improved in order to avoid any inappropriate education that results from misclassification.
- That procedural safeguards be established so parents and guardians can object to evaluation and placement decisions made with respect to their children.

- That state or local educational agencies locate and identify unserved handicapped children.

An appropriate education can be afforded by many different methods, including use of regular classes with or without aids, depending on need; in private or public homes or institutions, or through combinations of such methods so long as handicapped and nonhandicapped students are educated together to the maximum extent possible. The result should be to provide the education program best suited to the individual needs of handicapped people.

It should be emphasized that where a handicapped student is so disruptive that education of other students in the classroom is impaired, the student can be reassigned. A common sense rule of reason applies in such cases.

The regulation provides that school systems bear special responsibilities, in some instances, for transportation of handicapped people to and from education programs. When placement in a public or private residential program is necessary, the school district has responsibility for the costs of the program, nonmedical care, room and board, and transportation.
Postsecondary Education

In colleges and other postsecondary institutions, recruitment, admissions, and the treatment of students must be free of discrimination.

Quotas for admission of handicapped persons are ruled out, as are preadmission inquiries as to whether an applicant is handicapped. However, voluntary postadmission inquiries may be made in advance of enrollment concerning handicapping conditions to enable an institution to provide necessary services.

Higher education institutions must assure accessibility of programs and activities to handicapped students and employees. Architectural barriers must be removed where the program is not made accessible by other means. A university, however, is not expected to make all its classroom buildings accessible in order to comply with program accessibility standards. It may have to undertake some alterations, or it may reschedule classes to accessible buildings, or take other steps to open the program to handicapped students. Handicapped persons should have the same options available to others in selecting courses.
Other obligations of the institution include:

- Tests which a college or university uses or relies upon including standardized admissions tests, must not discriminate against handicapped persons. Tests must be selected and administered so that the test results of students with impaired sensory, manual or speaking skills are not distorted unfairly but measure the student's aptitude or achievement level, and not his or her disability.

- Students with impaired sensory, manual or speaking skills, must be provided auxiliary aids although this may often be done by informing them of resources provided by the government or charitable organizations. In academic requirements, where necessary, (illegible)...opportunity for handicapped students. Such modifications may include the extension of time for completing degree requirements, adaptation of the manner in which specific courses are conducted, and elimination of rules prohibiting handicapped persons from having tape recorders in class or dog guides on campus.

- Physical education must be provided in a nondiscriminatory manner and handicapped students cannot be unnecessarily segregated in physical education classes.

- Infirmary services must be provided handicapped students on a par with those offered others.
Addiction

As noted earlier, drug and alcohol addiction are covered under the Section 504 regulation. The regulation, however, protects rights of "qualified" handicapped people and this term implies limitations on what is expected of employers or institutions providing services. In regard to addiction, an employer is not required to change performance or behavioral standards regarding past performance, or disruptive, abusive or dangerous behavior, even if these actions stem from a person's alcoholism or drug addiction.

Nothing in the regulation prohibits a school from applying its rules concerning use of drugs and alcohol to students with addiction problems just as it would to other students, as long as the rules apply equally to all students. Schools or colleges, like other employers, may apply their standards of employment performance to alcohol and drug problems as they would apply them in any other case.
How to File a Complaint of Discrimination

Any person who has a complaint that discrimination on the basis of physical or mental handicap exists in any program funded by HEW may notify the Office for Civil Rights. A complaint should be filed by letter to: Director, Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

Letters of complaint should explain: who was discriminated against; in what way; by whom or what institution; when the discrimination took place; who was harmed by the discriminatory act; who can be contacted for further information; the name, address, and telephone number of the complainant; and a much background information as possible. These are suggestions, not requirements. However, the Office for Civil Rights can move more efficiently if it is well-informed. Citizens may ask the Office for Civil Rights for help in writing complaints.
(1) Students with handicaps must be afforded an equal opportunity to participate in and benefit from all postsecondary education programs and activities, including education programs and activities not operated wholly by the recipient.

(2) Students with handicaps must be afforded the opportunity to participate in any course, course of study, or other part of the education program or activity offered by the recipient.

(3) All programs and activities must be offered in the most integrated setting appropriate.

(4) Academic requirements must be modified, on a case by case basis, to afford qualified handicapped students and applicants an equal educational opportunity. For example, modifications may include changes in the length of time permitted for completion of degree requirements. However, academic requirements that the recipient can demonstrate are essential will not be regarded as discriminatory.
(5) The recipient may not impose students with handicaps rules that have the effect of limiting their participation in the recipient's education program or activity; for example, prohibiting tape recorders in classrooms or guide dogs in campus buildings.

(6) Students with impaired sensory, manual or speaking skills must be provided auxiliary aids, such as taped texts, interpreters, readers and classroom equipment adapted for persons with manual impairments. Recipients can usually meet this obligation by assisting students to obtain auxiliary aids through existing resources, such as state vocational rehabilitation agencies and private charitable organizations. In those circumstances where the recipient institution must provide the educational auxiliary aid, the institution has flexibility in choosing the effective methods by which the aids will be supplied.

(7) Students with handicaps must have an equal opportunity to benefit from comparable, convenient and accessible recipient housing, at the same cost as it is available to others. The availability of housing directly operated by a recipient must be in sufficient quantity and variety so that the choice of living conditions is, as a whole, comparable to that of students without handicaps. In addition, a recipient that assists any agency, organization or person in making housing
available shall assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of handicap.

(8) Students with handicaps must have an equal opportunity to benefit from financial assistance. A recipient may not, on the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance or otherwise discriminate. A recipient may administer or assist in administering scholarships, fellowships or other forms of financial assistance, under wills, trusts, bequests, or similar legal instruments that require wards on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap.

(9) Students with handicaps must have an equal opportunity to benefit from programs that provide assistance in making outside employment available to students. A recipient that employs any of its students may not discriminate against students with handicaps in such employment.

(10) Students with handicaps must be provided an equal opportunity to participate in intercollegiate, club, and intramural athletics. Separate or different physical
education and athletic activities are permitted only when these activities are provided in the most integrated setting appropriate, and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

(11) Students with handicaps must be provided counseling and placement services in a nondiscriminatory manner. Specifically, qualified handicapped students must not be counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities.
Campus Changes Aimed At Helping Handicapped

Wheelchair ramps, curb cuts and parking spaces designated "reserved for handicapped" have been appearing on campus as the university moves to make its educational programs and employment opportunities more accessible to handicapped persons.

Alternative Action Officer Wesley Wilson is the compliance officer, responsible for implementing new regulations issued last spring by the Department of Health, Education and Welfare. The new regulations, outlined in the Rehabilitation Act of 1973, protect the right of the handicapped to equal opportunity in federally assisted programs.

An informal campus survey was conducted this spring by the Alternative Action Advisory Committee at Wilson's request. The committee identified the buildings least accessible to the handicapped and matched them with those which receive the greatest use.

Professor William Hill, who houses most of the administrative offices, was consequently given high priority for modifications. Designated parking spaces, a curb cut and a wheelchair ramp now make the building reasonably accessible to the handicapped. Although there are no elevators in the building, Wilson said, "we felt that if the individual could get into the building, services could be provided."

Parking spaces have also been reserved and a ramp constructed at the rear of the Campus Center. Other parking spaces for the handicapped are being placed in strategic areas identified by the survey.

Because it is used so frequently for concerts, lectures and other public events, the Beta Kappa Hall is a building Wilson hopes to make more accessible "as soon as we can. It will probably be next year," Wilson said. "We felt it was important initially, however, to deal with the buildings that affect the daily activity of students and employees."

He pointed out that William and Mary Hall, also the site of many events open to the public, is already accessible to those in wheelchairs through the ramp at the rear of the building. Parking spaces are being designated for the handicapped close to that entrance to allow easy access, he said.

The College will respond to specific needs of handicapped students and employees as they become apparent. "We have to look at each person and try to accommodate them individually," Wilson said. To coordinate arrangements for the handicapped on campus, Wilson has set up a task force. Members include Dean Cline, vice president for student development; James Conolly, assistant director of buildings and grounds; David Healy, director of auxiliary enterprises; David Kranbuehl, associate dean of the faculty of arts and sciences; and Betty Safran, facilities coordinator.

Allen will assess needs of current and incoming handicapped students. Connolly and Healy will coordinate construction and housing requirements, and Kranbuehl and Sandy will work with handicapped students to adjust academic programs and class schedules.

Wilson said there are at least ten students and several faculty members with physical handicaps this year on campus.

The ramps and other recent modifications are part of the university's long-range plan to provide access to the handicapped. "We are taking a new look at what is available to us now, from the standpoint of what we can accomplish internally," said Wilson. "We want to provide reasonable accommodation immediately, and then we can look at the long-range needs."

Cost of work completed so far amounts to approximately $5,000, said Vice President for Business Affairs William J. Carter. Carter said the money was allocated from a "very small" contingency fund in the budget administered by George R. Healy, vice president for academic affairs. "This will be done," Carter said, "as funds are available and as we develop priorities.

The College has already taken initial steps to provide for housing for the physically handicapped. Facilities in five of the sixteen old fraternity lodges have been modified to accommodate those in wheelchairs. Each lodge houses up to six students.

The College is currently preparing a transition plan, required by the new

NEW regulations, outlining any structural changes needed to provide accessibility to university programs for the handicapped. The plan must be completed by December 3 this year and the changes made by June 1, 1978. Carter said College officials are working to determine whether or how much it will be necessary to revise the capital outlay request submitted to the General Assembly to cover the cost of any needed structural changes.

"We intend to do all we can to remove barriers on campus for the handicapped," Wilson said. "This applies to all buildings on campus, both those new and those that need modifications."

Appendix F
Appendix G

From the office of William Merck, Vice-President of Administration and Finance, College of William and Mary.

HANDICAPPED ACCESS PROJECTS

1986

ANDREWS & HUGH JONES HALL - Construction of ramps and entrance door replacement at the main entrance.

EWELL HALL - Construction of a ramp at the main entrance to the Admissions Office at Ewell.

PHI BETA KAPPA - Installed an infra-red hearing system for the hearing impaired.

8/87

JEFFERSON - Automatic door opener installed at entrance to building for handicapped ramp.

MUSCARELLE MUSEUM - Addition completed and made handicapped accessible.

10/87

JEFFERSON & EWELL CIRCLE - Made four (4) curb cuts using brick at entrance to Ewell Hall parking lot. Also raised sidewalk on Jamestown Road at entrance to Jefferson Hall.

1988

SWEM LIBRARY - Addition completed and made handicapped accessible.

7/88

THIEMES - Added handicapped ramp from parking lot to sidewalk.

9/88

CAMPUS CURBING - 20 curbs cut and installed at critical campus locations.

CAMPUS CENTER - Passenger elevator installed.

REVES CENTER - Renovation completed. First floor made handicapped accessible.

2/89

PHI BETA KAPPA HALL - Cut curb at handicap space.
Appendix G (cont.)

5/89  EWELL HALL - Join handicap ramp to building, run
gutter drains through new wall to allow
drainage.

8/89  EWELL HALL - Addition completed and made handicapped
accessible.

9/89  RANDOLPH RESIDENCE - Two additional residences
completed. First floor rooms made handicapped
accessible.

RECREATION CENTER - Building completed - handicapped
accessible - special equipment installed to
provide handicapped access to building
activities (pool, weight facilities, etc.)

2/90  JAMES BLAIR HALL - Replaced bricks at handicapped
access curb cut at James Blair Drive, at end of
sidewalks leading from Monroe Hall.

5/90  WILLIAM AND MARY HALL - Handicapped access ramp
purchased for Commencement stage.

6/90  CAMPUS DRIVE - Curb cut on Campus Drive/reset bricks
at handicap ramp.

6/90  CAMPUS CENTER - Automatic door opener installed at
handicapped entrance.

7/90  TAZEWELL - Two automatic door openers installed -
access ramp completed.

8/90  CAMPUS CENTER - Removed steps between Jamestown Road
sidewalk and building access sidewalks.

JAMESTOWN ROAD TUNNEL - Reworked sidewalk to remove
step near tunnel.

9/90  RECREATION BUILDING - Installed automatic door opener
in front entrance.

11/90  MILLINGTON HALL - Installed handicapped access from
outside entrance to Millington Hall lecture
hall.

11/90  ROGERS HALL - Installed curb cut and repoured concrete
sidewalk to allow handicapped access to
sidewalk, next to loading dock, at Rogers Hall.
12/90  **BLOW HALL** - Renovation incorporated access/restrooms/elevator.

**ANDREWS HALL** - Automatic door opener installed at handicapped ramp access.

**FUTURE**

Andrews Hall (elevators and restrooms) - This project will involve construction of an elevator in the main lobby and modification of one men's and women's restrooms for handicapped accessibility.

Millington Hall - Elevator controls ordered. Automatic door openers ordered.

Washington Hall - Will be handicapped accessible upon completion.

Matoaka Art Studio - Will be handicapped accessible upon completion.

Tercentenary Hall - Will be handicapped accessible upon completion.

University Center - Will be handicapped accessible upon completion.

Graduate Residence Complex - Will be handicapped accessible upon completion.
HANDICAPPED ACCESSIBILITY - MAJOR ACADEMIC BUILDINGS

ACCESSIBLE:

Hugh Jones Hall
Morton Hall
William Small Hall
Ewell Hall
Blow Hall
Muscarelle Museum
Swem Library
Washington Hall (when renovation is complete)
Matoaka Lodge (when constructed)
Tyler Hall
Campus Center
Recreation Sports

PARTIALLY ACCESSIBLE:

Andrews Hall
PBK Hall
James Blair Hall
Millington Hall (door needed to make it accessible already ordered)

Marshall-Wythe
Tucker Hall

NOT ACCESSIBLE:

Adair Gym
Wren Building
Brafferton
DIFFERENTLY-ABLED STUDENT SERVICES

Services for the differently abled are to be found at the Office of the Dean of Students. It is a special mission of this office to provide assistance to students with disabilities in order to guarantee equal access to the College's programs and activities and to ensure that they enjoy the same rights and responsibilities as all other students. Services and equipment provided will depend upon each student's specific needs.

Whether enrolled full-time or part-time, any student with a documented disability is eligible for services. The decision to use Disabled Student Services is voluntary, a matter of individual choice. However, it is each student's responsibility to inform the Office of the Dean of Students (James Blair 211, 221-2510) upon notification of admission to the College.
Appendix I

BOARD FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

NON-DISCRIMINATION UNDER STATE GRANTS AND PROGRAMS

TIME TABLE OF EFFECTIVE DATES

October 1, 1990
No qualified person with a disability shall, on the basis of disability, be subject to discrimination under any program or activity which receives state financial assistance or is conducted by or on behalf of any state agency.

October 1, 1990
Construction or alteration to an existing facility commenced after this date shall be constructed so that the facility is accessible to and usable by persons with disabilities.

October 1, 1990
Programs and activities shall designate an employee responsible for coordinating compliance efforts and adopt grievance procedures.

December 1, 1990
Programs and activities shall operate so that the program or activity when viewed in its entirety is accessible to persons with disabilities.

January 1, 1991
Programs and activities shall have taken initial steps to notified participants, applicants, employees, professional groups and unions that it does not discriminate on the basis of disability. Notification of non-discrimination shall be a continuing process.

April 1, 1991
A program or activity shall have developed a transition plan setting forth the steps necessary to complete any structural changes necessary to make the program or activity accessible. If the time period of the transition plan is longer than one year, the transition plan shall identify steps that will be taken during each year of the transition period.
October 1, 1991
A program or activity, with the assistance of persons with disabilities, shall have evaluated its policies and practices to determine compliance with the requirements, modified any policies and practices that do not meet the requirements and have taken appropriate remedial steps to eliminate the effects of any discrimination. (This can be achieved through an update of the self-evaluation required under federal regulation Section 504 of the Rehabilitation Act of 1973.)

October 1, 1991
Educational institution that provide housing to nondisabled students shall have developed a transition plan setting forth the steps necessary to provide comparable, convenient, and accessible housing for persons with disabilities at the same cost as to others.

October 1, 1993
Structural changes needed to achieve program accessibility shall be completed.
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