



# Making the World Accessible: Study Abroad and the ADA

by John M. Roberts, Ph.D.

As international education becomes a growing reality for universities across the US, the need to ensure the accessibility of these programs to all qualified students has become increasingly important for university administrators and faculty. Study abroad programs are more in demand than ever, acknowledged as a way for students to add value to their undergraduate experiences. Accessibility to study abroad programs for qualified persons with disabilities has also been mandated by the Americans with Disabilities Act (ADA).

Universities fall under the purview of the ADA as public programs and are required to eliminate obstacles to the use of their institutions by persons with disabilities. This includes the removal of physical obstacles to buildings and facilities. All newly constructed facilities must take the ADA into account in their design, as must renovations of older buildings.

## Can US Law Be Enforced Overseas?

This particular requirement creates potential difficulties for a university when it comes to study abroad. It is unclear whether the ADA applies to physical structures occupied by US institutions overseas. To what extent can any US law be enforced overseas? Some study abroad programs occupy buildings owned by local landlords, so renovating such a facility to increase its accessibility involves questions about lease-holding in a foreign country. Are universities compelled under the ADA to ask their landlords to renovate in accordance with the ADA? Or are universities required to quit their leases at the earliest possible date and find a facility that is accessible? For the most part, the ADA remains silent about the specifics of this situation and case law has set no precedent from which to draw conclusions. But generally, campus officials have acted on the belief that the ADA does not intend to unduly burden institutions in their attempts to accommodate students. The ADA *does* encourage good faith efforts on the part of institutions to make changes whenever they do not create unreasonable difficulties for the institution.

In the case of university ownership of property overseas, the ADA's application is more clear but still problematic. On the one hand, as university property, the building is expected to conform with accessibility standards. But in some cases, universities own property that is reg-

istered as an historic landmark which cannot be renovated without significant regulatory process. The ADA argues that, where possible, university property overseas should be renovated without delay in order to conform with the law. And whenever the university budgets for renovations to a specific facility it owns abroad, those renovations should take the ADA into account.

At Syracuse University we include our facilities overseas in the regular scheduling of building renovations; thus renovations to improve accessibility will occur on a regular basis.

Renovation has been made easier because of the availability of temporary structures, such as temporary ramps, which provide accessibility without making permanent changes to the edifice of a building registered as an historic landmark. Such temporary measures also make it possible to conform to the ADA at a much lower cost.

## Who is Liable for Admission Rejection?

Another complication for study abroad programs regarding ADA compliance is in the area of reciprocal agreements between universities. Not all study abroad programs are so-called "island" programs. Some are total immersion or direct enrollment programs in which students essentially become full-time students enrolled at the host institution. Often the institution with the final decision-making authority regarding enrollment is not the US institution, but the host institution. So the applicability of US law to a foreign institution comes into question. In this situation, study abroad programs are vulnerable to litigation from a student who was "accepted" to a program by the US institution, but ultimately rejected by the host institution because of its concern over risk management. Once again, case law provides no precedent to assist in making decisions about appropriate policy. It is increasingly clear, however, that the crafting of future agreements between US and foreign institutions must include some dialogue on the issue of accommodation by host institutions of students with disabilities.

Perhaps more importantly for universities in general and study abroad in particular, the ADA requires the removal of procedures that create unreasonable barriers to persons with disabilities. At universities, this has meant the adoption of policies that are sensitive to the physical and other disabilities that students face and the provision of services that allow otherwise qualified students to participate in the intellectual and social life of the university.

So the provision of hearing aids for those with hearing

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impairments, the provision of note-takers for the hearing-impaired and for students with learning disabilities, and the training of staff to deal sensitively with these issues are all strategies universities have had to adopt. It is especially useful for study abroad offices to schedule presentations by a professional from the university's student assistance office to educate staff about the law and to sensitize them to the issues. These presentations help a study abroad office to manage applications from students with disabilities and to use appropriate language when discussing disabilities.

The implementation of the ADA has also meant the removal of procedures in admissions and other student services that created a bias against the inclusion of students with disabilities. These all fall within what have come to be seen as "reasonable accommodations" for students facing various disabilities. Note that the university, and by extension the study abroad program, is not expected to provide what is known as "personal service." The provision of a personal assistant to clothe and care for the student, for instance, is not considered an accommodation necessary for participation in an academic program. Since this is not a service provided other students, the ADA does not require such an accommodation for students with disabilities.

In the field of study abroad, conformance with the ADA has typically meant extending the university's efforts on the home campus to sites overseas. Programs have had to begin supplying devices that would enable students with hearing impairments to participate in lectures, and they have had to investigate housing arrangements in order to ensure that the students' safety is not threatened by their impairment and by the lack of special warning devices. At Syracuse University, we have begun the process of obtaining special fire alarms, phones and security devices for each of our centers overseas. We intend to have a number of these devices at each center, with back-ups in case of damage to one, in order to meet the needs of the few students with disabilities per semester who may choose to attend our programs. This issue could also be addressed by the placement of students with local families who have some experience with disability. For instance, if a family member has a hearing or sight impairment, they might already be prepared to deal with the issues of safety and communication or, at the very least, might be willing to accommodate some changes to their home, provided the university makes available the necessary devices.

### Application Do's and Don'ts

One special modification that many study abroad programs have had to implement relates to the application process for their semesters overseas. Many programs have included health statements in their application packets in order to ascertain a student's physical ability to deal with the rigors of foreign travel and living. This procedure, however, directly contravened the ADA in that it created an additional obstacle to study abroad for persons with disabilities and increased the likelihood that a person who was otherwise qualified would not be allowed to participate. The phrase "otherwise qualified" is the important issue at hand. The ADA means to ensure that persons with the attributes to successfully participate in an academic experience are not excluded for reasons that do not create undue burdens on the programs or do not bear directly on an individual's performance in the program. Universities are required, therefore, to take

steps to remove from their decision making any information that does not pertain to the qualifications absolutely necessary to the successful completion of the program. A GPA requirement is an acceptable standard. The ability to walk may not be.

It is also acceptable to have a health statement as part of your study abroad materials, although not as part of the pre-admission application process. At Syracuse University we have moved the health statement out of our application and now include it in the packet of information we request from students once they are accepted. Once a student identifies himself or herself as having a particular disability, we notify the appropriate office on campus so the student and the campus official can determine the best possible means to accommodate the student's needs. For students from other campuses applying to our programs, we generally put our office of student assistance in contact with the student's home campus office of similar function. This allows us to stay out of the process as much as possible and maintains the privacy of students as well. This strategy is ideal, actually, because it allows a study abroad office to draw upon experts and resources in the area of ADA compliance without forcing the study abroad officials to become experts themselves. The study abroad office enters the equation only at the moment when some final decision about accommodations must be implemented.

### No "Coaching" Allowed

As you can see, these issues place study abroad professionals and other university officials in a delicate situation. We can all identify cases in which a disability might be, in our opinion, a severe obstacle to the student's enjoyment of, and participation in, the program. And many of us would feel remiss if we did not tell the student about the difficulties inherent in some study abroad experiences, given particular disabilities. For instance, if we know a particular site would present especially difficult circumstances for a person in a wheelchair, it is appropriate to be proactive in assisting the student in making a fully-informed decision about his or her participation in that program. The ADA asks only that we refrain from using the information about a student's disability in our admissions process. We certainly can voice our concerns as professionals and make information available to the student, but we cannot "coach" the student away from a particular program toward another. And we can't exclude the student based on his or her disability. We must, in a sense, leave the decision up to the student. This strategy is based upon the assumption that a fully informed student will make the best possible decision for himself or herself and treats the student with a disability in the same fashion as any other student.

Beyond what might be considered the first level accommodations discussed above related to physical obstacles and procedural difficulties, the next level of accommodation might be to prepare resources that would help the student to integrate within the local community's disability culture. Such a step might be beyond the resources of some programs, but where possible it could introduce a student to local agencies that meet the needs of persons with disabilities. There might be possibilities for internship placements with particular NGOs and from that there may be opportunities for socializing between the student and other individuals with disabilities. Something like this would be entirely up to the student, of course. But the possibility for such interaction may be

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attractive. Whenever we can create opportunities for students, our resources should be used in order to prepare a quality study abroad experience for them. We are currently identifying such NGOs in London and at our center in Zimbabwe in order to create opportunities for students to integrate into the local communities in a rewarding manner. We are also extending this process to our other centers as well.

As universities attempt to make their campuses more accessible to students with disabilities, it is imperative that study abroad programs not be left behind. To that end, it is incumbent upon study abroad professionals to work closely with their campus office of student assistance in order to identify the appropriate strategies for accommodating students. Once that is accomplished, we must take steps to work with our overseas staff in order to make them sensitive to the issues and to prepare them to make the accommodations that have been agreed upon. Finally, it is also important that study abroad professionals listen to the students themselves. Take the time to learn about the student's interest in study abroad, what he or she hopes to take from the experience, and how it may help that student meet some personal or professional goal. You will notice that this is precisely what we do for all of our students, and the ADA simply wants us to be aware of the fact that students with disabilities deserve no less attention.

**Helpful Resources:****Physical Disabilities**

- *A World of Options*. 3rd edition. (Eugene: Mobility International USA, 1997).
- *AWAY: A World Awaits You: A Journal of Success in International Exchange for People with Disabilities*
- Mobility International USA (MIUSA).  
PO Box 10767  
Eugene, OR 97440  
541-343-1284
- Society for the Advancement of Travel for the Handicapped.  
347 5th Avenue, Suite 610  
New York, NY 10016  
212-447-7284

**Learning Disabilities**

- Association for Children and Adults with Learning Disabilities  
1920 Association Drive  
Reston, VA 22091  
703-620-3660
- Higher Education and the Handicapped  
Closer Look Resource Center  
Box 1492 Washington, DC 20052  
202-833-4707

**Eating Disorders**

- American College Health Association  
PO Box 28937  
Baltimore, MD 21240-8937  
410-859-1500
- American Anorexia/Bulimia Association  
133 Cedar Lane  
Teaneck, NJ 07666  
201-836-1800

*continued from page 1***WAITING FOR DEARING****CONSEQUENCES OF EXPANSION**

To understand the context within which Dearing makes his recommendations, this article identifies some of the main systemic changes experienced by British HE over the last fifteen years.

The post-war political and social consensus produced a system of "free" university access for those who successfully demonstrated academic competence by passing traditional exams. This resulted in restricted access, with university enrollments far below those of comparable countries. Central funding inured the universities from penury and from the need to seek alternative revenue-generating strategies.

The Thatcher era challenged these traditions, restricting financing both for operating and research purposes, admonishing universities to be more responsive to the demands of the labor market, and calling for broader access. This set up market competition within the system, guaranteeing a clash between enterprise values and the high culture of academe as well as between State control and university autonomy. The connections and links between the universities and the State are now being deliberately stretched.

Conservative governments emphasized expansion of enrollments until 1992. The Treasury then realized that this policy was creating an endless rise in the cost of HE, and froze further growth. In the same year, the Further and Higher Education Acts removed the distinction between universities and polytechnics. The university sector responded by repeatedly drawing attention to the effects of expansion without compensatory financing. There has been a 30% reduction in the amount of money spent on each student, larger class sizes, a deterioration in the staff-student ratio, from 1:10 in the mid-1980s to 1:16.5 currently, with some universities reporting 1:25 in certain areas. In addition, the most recent 30% cut in capital funding has postponed essential building maintenance, library acquisitions and the purchase of equipment.

The drift away from an elite, well-funded system of HE towards one that increasingly resembles the US version, led Professor Gareth Williams of the Institute of Education, University of London, to comment: "The new model provides for a much larger number of people but we are spreading the money out more. There are questions about quality." (*The Independent*, March 6, 1997)

**EXPANSION AND ACCESS ISSUES**

More than 30% of 18-year-olds now continue to HE as compared with 12% in 1979. From the mid 1970s to the early 1990s the number of students enrolled in HE in the European Union doubled. In the UK the figures have not only more than doubled, but completion rates remain among the highest in the world. Success, in terms of expanding access, is palpable. Nevertheless, the adjustments caused by expansion are legion.

There is still some skepticism, despite the dramatic overall increase in numbers, as to whether the students going to university in the 1990s are "more of the same" i.e. traditional, full-time 18-22-year-olds from largely middle-class backgrounds studying for their first degree. The under-