

# **Section 5.7.5 Americans with Disabilities Act**

## **Americans with Disabilities Act**

### **What Exhibition and Event Planners Must Know**

#### **Executive Summary**

The Americans with Disabilities Act (ADA) prohibits discrimination against individuals with disabilities. It contains four major sections that address employment, public accommodations, public services and transportation and telecommunications. All IAEE events including Chapter functions must be in full compliance with the law. The purpose of this memo is to assist members and staff to conform to the requirements of the Americans with Disabilities Act (ADA).

Essential points include:

- Text must appear in all contracts entered into by IAEE and its chapters ensuring our intent to comply with the requirements of the ADA, and verifying that the party with which the organization is contracting also will comply with the requirements of the ADA.
- It is our obligation to secure information about the special needs of those who will be attending our events to allow us to better plan for their needs.
- It is important to for us obtain in advance key resource information so that we may respond quickly to needs that are brought to our attention at the last moment on site.

#### **The Act**

The Americans with Disabilities Act (ADA) became law in the United States on July 26, 1990. Its purpose is to include persons with disabilities in the mainstream of public life and to provide them with opportunities for full participation in society. The ADA is actually an extension of the Rehabilitation Act of 1973, which prohibits all recipients of federal funds from discriminating in services or programs they provide and employment on the basis of an individual's disability.

The ADA prohibits discrimination against persons with disabilities in the public and private sectors, regardless of funding sources. Of special importance to the exhibitions and events industry is Title III of the law, which prohibits discrimination against those with disabilities by those who operate places of "public accommodation," such as hotels, restaurants, retail stores, arenas, exhibition halls, meetings rooms and other public gathering places which include most, if not all facilities used by event planners. Under Title III, associations and companies become "public accommodations" when they lease space for a meeting, convention, or trade show. The sponsor then must assume responsibility for compliance with Title III of the ADA, which includes holding the event in a facility that is accessible to individuals with disabilities, ensuring that auxiliary aids and services or other appropriate accommodations are provided if requested, and otherwise ensuring that individuals with disabilities have an equal opportunity to participate in and benefit from the event.

Under Title III of the ADA, In practice, both the owner/operator of the venue in which the event is held and the association which leases or rents the venue for an event may be held liable for any noncompliance. Title III also permits the parties to allocate responsibility for ADA compliance by contract. therefore, thegenerally are responsible for different aspects. The hotel or convention center typically has the primary obligation to ensure that the facility is physically accessible to persons with disabilities. (If the facility is not accessible, or if the owner/operator declines to accept responsibility for ensuring that the facility is accessible, another venue should be selected.) The ADA intentionally leaves it up to the parties to determine who should provide auxiliary aids and services, such as assistive listening systems and/or sign language interpreters, when they are necessary at a meeting. The law only establishes a performance standard of "effective communication", which is the desired outcome. In the case of an exhibition, it, as well as the building in which the meeting is held must be accessible to individuals with disabilities. Thus, in most instances, the event planner and venue management should discuss and negotiate what will be provided as accommodations and who will be responsible for the related costs. It is, in other words, often a shared responsibility.

Public facilities are also required to provide auxiliary aids and services to ensure effective communication for individuals with hearing and vision impairments. Such accommodations might include assistive listening devices, sign language interpreters, or graphics that are presented in Braille, such as has become common at the entrances to public restrooms and inside elevators.

However, personal items like hearing aids or wheelchairs need not be provided. Auxiliary aids and services must be made available to the disabled at no cost. The ADA says that an auxiliary aid or service that would result in "undue burden or fundamental alteration" in the nature of the goods or services provided by the public accommodation is not required.

The effective date of this Act's provision for "public accommodation" (Title III) is January 26, 1992.

The U.S. Department of Justice, the agency which enforces Title III of the ADA, is

authorized to seek civil penalties up to \$5,000 for a first violation and up to \$110,000 for any subsequent violation, for noncompliance with Title III. An entity's good faith efforts to comply with Title III are a factor that the Department will consider in determining whether a civil penalty is appropriate, and its amount. The Department also can seek monetary relief on behalf of the aggrieved individual.

## **Making Events Accessible to Individuals with Disabilities**

All event planners (including volunteers) must be aware of the requirements imposed upon us by the ADA. The ADA recognizes that over time changes will occur, but compliance must be taken seriously. IAEE strives to make all reasonable accommodations so that its events and activities can be made accessible to those who wish to participate.

Preparing to properly serve persons with disabilities requires planning and forethought. Here are steps that we can take to properly discharge our responsibilities:

1. Our registration forms must include a question(s) about a person "special needs." It is not necessary or advisable to refer to the word "disabled," instead a question might read "Do you have any special needs?" Such insight allows you to plan your event in ways that make the venue and program accessible to all. It is very important that data collected in this way be conveyed to the principal event organizer or else it is of little real value.
2. Include a "barrier-free" room category on your hotel reservation form. Insist that hotels guarantee reservations for persons requiring such rooms.
3. ADA compliance and related issues must be included on hotel specification sheets and RFPs (request for proposals). A planner should ask whether or not facilities and services are accessible. We must distinguish between mobility accessibility, visual accessibility, and hearing accessibility.
4. Hotel and event venue contracts must contain a clause indicating that the facility or company meets ADA requirements. An example would be: "The Hotel/Facility ensures that the meeting facility meets with the accessibility requirements as required by the Americans with Disabilities Act (ADA)." It is also recommended that the contract contain an indemnification provision in which the facility agrees to assume full liability for the accessibility of the venue and to reimburse the organization for its fees and expenses in defending any suit brought against the organization regarding the accessibility of the venue.
5. If providing transportation, accessible transportation facilities (for example, lift-equipped vans or buses) are needed for those who use wheelchairs.
6. Consider if the meeting room floors have non-slip surfaces that can be managed by persons who must use wheelchairs. Adequate space for wheelchairs in meeting rooms and theaters should be dispersed throughout the room and within easy view and access to emergency exits.
7. Consider what kind of assistive listening devices you will need to provide in meeting rooms and general sessions. Possibly plan to have a sign interpreter on

- stage. Consider if there is need for any special in-room amenities, such as a vibrating alarm clock or a TDD (telecommunications device for the deaf) telephone system.
8. Consider what assistance may be required for persons who are visually-impaired.
  9. Secure a list of service providers to those with disabilities. The Convention Services Manager, or a member of the hotel staff, will almost always have access to such a list.

## **Reasonable Accommodations**

The essence of the ADA is that *reasonable solutions* must be found to address the needs of persons with disabilities, whether through "readily achievable" architectural modifications, or by providing auxiliary aids and services. It is the intent of the law that hosts and planners are not subjected to an "undue burden" in order to provide public accommodation. For example, reading a menu to a blind attendee relieves the need to provide a Braille menu. Likewise, if a planner must use a room in a pre-ADA facility with fixed seating that cannot accommodate attendees who use wheelchairs, an alternative method -- such as providing closed circuit television in another room -- is considered a reasonable and acceptable solution.

The ADA's definition of disability includes a broad spectrum of issues including visual and hearing impairments to epilepsy, HIV disease, and diabetes.

## **For More Information**

Detailed information about the Americans with Disabilities Act is available by telephone and at [www.ada.gov](http://www.ada.gov). The Disability Rights Section of the Justice Department's Civil Rights Division also provides speakers for workshops and conferences, audiovisual material, and pamphlets (ADA, Civil Rights Division of the Department of Justice, P. O. Box 66118, Washington, D.C. 20035-6118). Information about how to comply with the ADA is also available by telephone: (202) 514-0301.

Americans with Disabilities Act Document Center page is available at <http://www.jan.wvu.edu/links/adalinks.htm>. It contains links to the full ADA documents and answers to commonly asked questions. It also has many links to other information sources.

The National Easter Seal Society provides two brochures: "Tips for Disability Awareness" and "Tips for Portraying People with Disabilities in the Media" for 25 cents each. There is also a 14-page booklet called "ADA Checklist" for \$1.40. They can be reached by writing them at 70 East Lake Street, Chicago, IL 60601, or calling (312) 726-

6200.

The Opening Door Inc. provides etiquette training for dealing with the disabled (8049 Ormesby Lane, Woodford, VA 22580) (804) 633-6752. At [www.wcduke.com](http://www.wcduke.com)

### **Conclusion**

The ADA provides important requirements that define how planners and others can make their events accessible to the broadest and most diverse audiences possible. It is important that IAEE and its members comply in all respects with the provisions of ADA but we should also view the Act as an opportunity to extend the reach of our events to all audiences.