A SIMPLE SOLUTION

Creating and implementing a library policy for patrons with disabilities

By Stephanie A. Huffnagle

In the interest of full disclosure and to give readers a sense of my perspective, I start with this: I have no disability that impacts my ability to freely engage in all of the resources and services of any libraries in which I have ever been. My curiosity in looking at academic law libraries and their policies, or lack thereof, for patrons with disabilities stemmed from my general desire to get involved with and be a proactive member of the academic law library in which I had just started working. I did not want to show initiative just to add to my resume (and, in future years, my multipage CV); I wanted to participate in my new career field in a useful and meaningful way. I was looking for a problem I could help fix or a gap I could help fill.
In one of many brainstorming sessions I undertook, I noticed that, while the academic law library for which I work had many policies and procedures, it lacked a policy regarding providing assistance to patrons with disabilities. How could this be? The main university libraries had a policy; it was posted right on the website under “Services for Patrons with Disabilities.” Didn’t we, in the Legal Research Center, care about all our patrons? Of course we cared. Didn’t we want to make sure that every patron had equal access to all of our resources and services, regardless of the presence of a disability? Of course we did. So why didn’t we have one? And so it was that I found a problem and a gap.

In the summer of 2011, I took a look at law school libraries’ websites to see if they had policies regarding patrons with disabilities. The focus of my inquiry was not about physical access or accessibility equipment. It was not compliance with the Americans with Disabilities Act (ADA) or the Rehabilitation Act of 1973. My attention was on written policies that recognize patrons with disabilities and outline provisions providing equal access to law library resources, specifically reference and circulation services.

Disability Statistics
According to the 2011 American Bar Association (ABA) Disability Statistics Report, approximately 19 percent of Americans and about 7 percent of ABA members identify as having a disability. This report also found that, in law schools, there has been a slow and steady increase in the number of law students requesting a disability-related accommodation (last reported at 3.4 percent).

Existing Mandates
The American Library Association (ALA) recognizes that patrons with disabilities should have equal access to library services. In 2001, the ALA approved the Library Services for People with Disabilities Policy. Section 2 of the policy reads, in part, “Libraries must not discriminate against individuals with disabilities and shall ensure that individuals with disabilities have equal access to library resources.” Currently, there is no specific guidance on this issue for law libraries (i.e., no recommendations or guidelines coming from AALL).

There are two key federal laws that may apply to an educational institution—The Rehabilitation Act of 1973 and the ADA. The former, specifically 504, provides that no otherwise qualified individual with a disability can be discriminated against under any program or activity that receives federal financial assistance. Title II of the ADA applies only to “public entities” and calls for various requirements to ensure equal access and opportunity for those with a disability. While the Rehabilitation Act and Title II of the ADA require educational institutions to provide certain services to students with disabilities (the key concept here is “reasonable accommodation”), these laws do not obligate institutions to have written policies and procedures regarding what services are available and how they will provide them.

The Push for Policies
The laws prohibiting discrimination based on disabilities may or may not apply to a specific educational institution. There are no mandates coming out of AALL to create and implement such a law library-specific policy for patrons with disabilities. And, of course, just because your academic law library doesn’t have a written policy—at least one that is freely accessible via its website—it by no means suggests that law librarians would not provide assistance or a reasonable accommodation to a patron needing assistance because of a disability or any other reason. So why should academic law libraries have policies regarding patrons with disabilities?

Well, as a first instance, I argue that it is simply the right thing to do. Having a written policy would call attention to the fact that certain patrons may have special needs when it comes to being able to access resources in the library, and it would overtly recognize that all patrons deserve equal access to library services and resources. A formal policy would also help create a culture of diversity in the law library and a respect for all types of law library patrons. Again, this guarantees that all patrons are getting, or should be getting, the same level of service and access to resources.

Many times, an academic law library maintains a separate and distinct identity from its main university library; for example, it may have restricted access or different borrowing policies and procedures. As such, even if the larger affiliated university or, more specifically, the main university library already has a policy regarding patrons with disabilities, a law library should have its own that is compatible with and complements any existing university-wide policies. Patrons using an academic law library should have the same level of service and access to resources as they would in a main university library. A formal written policy allows this to occur.

Less than 18 percent of academic law libraries I surveyed have separate policies regarding patrons with disabilities.

Current Policies
In order to determine which law school libraries have a policy regarding, or offer additional services to, patrons with disabilities, I searched law school library websites, along with the affiliated university library websites, if applicable. Overall, out of 197 law school libraries surveyed, only 35, or 17.8 percent, have separate disability services/access policies posted on their websites. With respect to
the law schools affiliated with a university, 33, or 19 percent, of law libraries posted such a policy on the web. In contrast, 99 out of 174, or 57 percent, of affiliated university libraries surveyed have a disabilities services/access policy available online. These figures, of course, only take into account policies or services that are specifically posted in some way on a library’s website. Obviously, law librarians could be offering services that are not formally recognized in an official policy posted online. My investigation did not take into account these types of services.

As noted above, less than 18 percent of academic law libraries I surveyed have separate policies regarding patrons with disabilities. Those policies that currently exist are, for the most part, basic, and they generally are not as detailed or as comprehensive as the larger affiliated university libraries’ policies. For the most part, law libraries’ policies recognize patrons with disabilities in general and acknowledge that the library and its staff will provide reasonable assistance when needed.

The University of California, Berkeley Law Library is one of the law libraries that stands out in terms of having a more extensive policy (www.law.berkeley.edu/library/disabilities.html). The Law Library at Berkeley offers several circulation services for patrons with disabilities, including retrieval services, photocopying assistance, modification or extension of loan periods, and proxy borrowing (allowing designated individuals to check out library materials for someone else).

In addition, that law library offers various assistive technologies. The specific “Users with Disabilities” policy provides links and contact information for numerous campus resources for patrons with disabilities.

Overall, there are several common components that appear in existing law library disability policies. These include:

- An introductory statement recognizing the library’s commitment to serving all of its patrons, including those with a disability
- Physical access attributes of the library (wheelchair accessibility, parking arrangements)
- Circulation services (retrieval and photocopying assistance, modification of loan periods, proxy borrowing)
- Reference services (availability of librarians to schedule appointments or telephone or online chat reference)
- Assistive technology (adaptive work stations, various computer software)
- Information on whom to contact if a patron has more questions or needs more assistance (either a specific librarian or library department, generally access/circulation services)
- Contact information for the campus-wide disability services office
- A Web link to the main university library’s disability policy

Of the 35 law library policies that were surveyed, more than half have policies that include introductory statements, physical access attributes, and/or information on what librarian or library department to contact for further assistance. Approximately 37 percent of the policies have information on special circulation services available. (Of the ones that offer circulation services, all provide retrieval assistance, 23 percent provide photocopying services, 11 percent provide modification of loan periods, and 6 percent allow the use of proxy cards.) Only three out of 35 policies mention particular reference services available to patrons with disabilities. Twenty-nine percent of the policies refer to various assistive technologies. About one-third of the policies include contact information for the campus-wide disability services office. Only 9 percent of the law library policies reviewed include a link to the main university library’s disability policy.

Creation and Implementation

After reviewing all of the statistics above and looking at existing policies, it was decided that, in our law library, we would create a basic and general policy for patrons with disabilities. Representatives from the reference and access services departments finalized the exact language and extent of the policy. Overall, the policy really just formalized what the practice was or would have been if any patron needed assistance accessing library services, regardless of the presence or absence of a disability (see earlhamclaw.drexel.edu/library/policies.htm#disabilities).

Specifically, the policy acknowledges our commitment to serving all members of our patron community and to providing equal access to library materials and services to all patrons including those with a disability. The policy states that the librarians “will make every effort to accommodate reasonable requests for assistance from patrons with disabilities.” We selected our head of access services to be the main contact person regarding this policy because we feel this person is best suited to handle any requests made under or pursuant to this policy. In addition, we included links to the university libraries’ Services for Patrons with Disabilities Policy and the university’s Office of Disability Services. The policy was then added to the library’s website under “Policies and Access” → “Services for Patrons with Disabilities.” No ceremonies or fanfare ensued, but we had our policy, and it was freely available to all of our library patrons. We have had the policy in place now for several months and have had no requests pursuant to it, but when the time comes, we will be prepared. In the future perhaps we will expand our policy to include details on specific services we can offer. For the time being, however, a general policy allows us the freedom and flexibility to tailor services to the specific needs of our patrons on an individual basis.

Final Thoughts

Creating and implementing our policy regarding patrons with disabilities was relatively straightforward and, besides gathering up all of the statistical information, took very little time. Services such as extending loan periods or allowing the use of proxy cards may require additional time and revision of existing policies, but such measures are not necessary to create and implement a significant and valuable policy. Simply stating in writing that the library is dedicated to serving all patrons, including those with a disability, is important. It is a great start to ensuring a law library’s commitment to diversity and equal access to services for all patrons, and it allows us, as law librarians, to make a meaningful and positive impact in our field.

Stephanie A. Hufnage (ah347@drexel.edu) is research and instructional services librarian at the Legal Research Center at Earle Mack School of Law at Drexel University in Philadelphia.