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ADA and Communication Accessibility in Theatre

Elena SV Flys

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Introduction of the Problem

More and more people experience sensory disabilities daily such as blindness/limited vision or hearing difficulties; moreover, there is an increasing number of seniors that experience similar limitations. Yet, most of the leisure activities offered do not include accessible tools for these audiences to fully enjoy the cultural and artistic experience (audio description, captioning, ASL, etc.). Furthermore, those who do include them usually fail to follow universal design principles, thus often sacrificing the quality of the experience (Udo & Fells, 2010; Orero, 2005; Neves, 2008).

In this article, I discuss several elements related with theatrical reception and inclusion. Firstly, I address the importance of accessibility in terms of effective communication in theatre performances. Secondly, I introduce the social model of disability on which ADA (Americans with Disabilities Act) is based and ADA's limitations to fully guarantee accessibility and effective communication within theatrical activities. In addition, I explain the importance of making current and future creators aware of the need for accessibility and the greater effectivity of incorporating it as part of the creative process. Finally, I present different alternatives and tools that can be adopted by a theatre company, considering both universal design principles and budget restrictions. Effective accessibility is always possible if everyone involved is committed to the goal.

Sometimes when people think about accessibility or the requirements of ADA, they tend to think exclusively of physical or architectural barriers. However, communication barriers are just as important as the former. The purpose of effective communication is to ensure that everyone can communicate, receive, and convey information. There are multiple ways to communicate,

though we may most often consider hearing, vision, or speech as the only ways to do so. Thus, it is important to acknowledge that effective communication may be different for each individual and situation.

Consequently, with regards to live performances, one could question what happens with effective communication when people with sensorial disabilities attend a theatre show. As Kowzan (1992) explained with his 13 Sign Systems, theatre communicates using many sign systems at once. However, when analyzing these sign systems, 4 out of 13 are auditive signs (word, tone, music and sound effects) and 9 are visual signs (mime, gesture, movement, make-up, hairstyle, costume, props, décor and lighting) (p. 146). The underlying implications of Kowzan's system could be that theatre is intrinsically exclusive for people without sensorial disabilities. If so, this may be an example of what the social model of disability explains: that disability comes from a person's environment and social sphere rather than their personal diagnosis and, therefore, that it is society who imposes barriers. (UPIAS, 1976).

Thus, the social model of disability shifts the analytical focus "away from individual functional limitations to the barriers to social inclusion created by disabling barriers, attitudes, and cultures" (Barnes & Mercer, 2005, p. 530). Therefore, since the source of limitation is external to people, "interventions should occur not on individual bodies but in terms of full equality and civil rights systemically"; in short, collective solutions are needed. (Dirth & Brasncombe, 2017, p. 418).

Although ADA (1991) could be considered a collective solution, it has its own limitations. ADA was built upon the social model which holds employers and organizations responsible for the limiting aspects of their workplaces, products, and services designs. Moreover, ADA requires that Title II entities (state and local governments) and Title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have sensorial and communication disabilities. For instance, places of exhibition or entertainment are considered public accommodations. As a result, ADA requires that these places do not discriminate people with disabilities and that they cannot deny full and equal enjoyment of the goods and services they offer (Brennan, 2013). In order to ensure "effective communication," institutions should provide "auxiliary aids and services" (p. 21). For example, for people who are blind or have vision loss, this could include audio description, or providing information in different print materials such as large print or braille. For people who are deaf or have hearing loss, this could include, among others, written materials, a sign language interpreter, or providing assistive listening devices, and real-time closed or open captioning (ADA Effective Communication). To obtain some of these services, entities may require advance notice to acquire them. However, and despite the fact that these are ADA requirements, one wonders why accessible performances are not available everywhere.

Although ADA requires and encourages entities to provide aids and services, these are not guaranteed since ADA also states that entities are not required to do so if it would result in an "undue burden." According to section 36.104 of ADA "undue burden means significant difficulty of expense" which can be related to the cost of the aid or service and the effect on expenses and resources of the entity. Also implied in Title III is that businesses or nonprofits

with greater resources have a greater responsibility to ensure effective communication than those with fewer resources. One could argue that accessibility services are not so expensive if the annual budget of the organizations, rather than the specific project/show budget, is taken into consideration. However, what is debatable is the importance of the actual financial burden or the priority of these organizations. Might one suggest that some entities use the "undue burden" clause to avoid providing these services? On several occasions, I have overheard companies stating that this was not a need due to the lack of audience members with communication disabilities that attended their shows. While this might be the case, how can the participation of these communities be encouraged if organizations continue to be exclusive and not incorporate accessibility services as a default option?

If a particular aid or service would result in an undue burden, ADA requests that the entity should try to provide another effective aid or service. However, this simply does not happen on a regular basis. Moreover, ADA also states that covered entities are "not required to provide any particular aid or service in those rare circumstances where it would fundamentally alter the nature of the goods or services they provide to the public" (ADA Effective Communication). In fact, they include the performing arts as an example, explaining the consequences of altering the nature of the performance if the action needs to be slowed down to include audio description for blind people. Furthermore, comments can be found such as the one from the article *ADA Requirements for Theaters* (Icetour, 2016) that claims "that making such demands of theater/venue owners is in fact a violation of first amendment rights" (n.p). Unfortunately, this is not the first time I have encountered comments such as this or ones that state that demanding the inclusion of these services is against the artistic freedom of directors. Indeed, these statements in themselves represent one more argument supporting barriers created by societies, their attitudes, and cultures.

What is the Solution?

Since the legal platform is not able to guarantee inclusion, a potential solution could be educating future creators to include accessibility from the beginning of the process as one more area of technical design such as costume and set design. Theatre productions depend on teamwork and cross-communication among areas and designers. The success of a production relies on these areas working together to enhance the artistic concept of the director. Therefore, including accessibility as another area could not only help inclusion while breaking down cultural barriers, but also would follow the principles of universal design. The concept of universal design is one that attempts to create environments and products usable by all; and live performances should also be enjoyed by all. The main goal – following the Universal Design Theory – is that the accessibility design be developed, not only from a show's inception (such as other theatre design areas), but that it will also fall under the purview of the director (Udo & Fels, 2010, p. 219). Often companies outsource accessibility services, and these have little to no communication with the Director about the artistic spirit of the performance (Benecke, 2007, p. 3). Establishing this area of design need into the production meetings and the creative process would follow universal design principles and guarantee an inclusive production.

There are ways to engage accessibility, offering effective communication for all, without necessarily altering the program. There are conventional tools such as audio description, captioning, ASL, and designated quiet areas. Non-conventional tools –which appeal to other senses besides the visual and auditory-such as touch tours, or the inclusion of taste or smell that can be used to design the accessibility of a play. Moreover, as Udo and Fels (2009) stated, considering the theatrical medium in non-traditional ways can also help increase accessibility (for example re-thinking the way of using lights or costumes) (p. 181). These experiences can be used to develop additional perceptions, using other senses besides sight and sound which can both enhance the theatrical experience while complementing traditional sensorial reception. These implementations not only may improve the experience of the audience with disabilities, but also of those without.

The goal is to help theatre companies be accessible and, thus, increase the leisure opportunities of a greater audience. The awareness and commitment of creators to incorporate strategies for accessibility is essential. Therefore, by incorporating these initiatives into the theatre curriculums at colleges and high schools, future creators will be involved in the necessity of being inclusive. Moreover, the use of unconventional tools can generate a meaningful impact in audience members, regardless of their sensorial capacities, while enhancing the creative experience and economic sustainability.

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Author

Dr. Elena SV Flys is an Assistant Professor in Arts & Entertainment Management at Eastern Michigan University. In 2010 she started combining her professional life as an arts manager of her own company (Vistapalabra S.L) with her doctoral studies in Audience Reception and Accessibility, earning 4 Master Degrees and a Ph.D. Her dissertation was evaluated with the highest rating Cum Laude and candidate for special honors, and it was also highlighted as some of the most relevant research in developing new theatrical codes for accessibility in the "Guide to Theatre Accessibility" of the Ministry of Social Services, Health and Equality of Spain (2013). Today, she continues her work as a teacher and a researcher following her belief that the arts are crucial for the development of healthy and vibrant communities. Her research focuses on audience reception, social integration and community building. She is interested in the questions of how we reach new audiences, how we make the arts accessible for all, and how this further accessibility might encourage social integration. Her belief is that social issues, such as embracing diversity or dealing with economic and environmental crises can be addressed through the arts, fostering community development.

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