

8/30/76

To: Mr. Morgan

cc: Messrs. Smallwood  
Strickler  
Rieser  
~~Linberg~~ *Lindberg*  
Barnum  
DeWitt  
Chamberlain  
Long  
West  
Mrs. Sterling

Re: Proposed Federal Rules on Discrimination Against the Handicapped

This is in response to the points raised in your memorandum of August 23, 1976 concerning the above subject.

There are two tasks facing us in connection with the proposed Federal rules on discrimination against the handicapped: (1) evaluating the impact on the proposed rules on the College and communicating our views on the proposed rules, - either individually or through the appropriate educational associations to HEW; (2) making plans for the implementation of the final HEW rules. I believe the latter must now be considered an inevitable task because there appears no doubt in anyone's mind that regulations substantially similar to the current draft regulations (which in effect are a second public draft) will be adopted sometime in the coming months.

It seems inefficient and inadvisable for other reasons to at this time involve a large number of College officers in our efforts to at this time tackle the two areas mentioned above. From my own review of the proposed regulations, it is clear that the greatest financial and operational impact on the College under these proposed and in all likelihood the final regulations will be in the area of (1) personnel (hiring and employment ), (2) ~~buildings~~ buildings (construction and

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alteration) and (3) instruction (primarily the provision of auxiliary aides and procedures). Other areas involving some operational but considerably less drastic financial impact will be in certain student services and in admissions.

I wish to propose that we perform at this time a small working group consisting of Messrs. DeWitt, Linberg and Durant plus myself. I would attempt to assume the role of coordinating our activities in this area ~~to~~ <sup>work</sup> and to/as primary liaison with those groups not represented, namely student affairs and admissions (although the impact of the regulations on admissions could be considerable, the greatest impact is likely to be in the area of testing <sup>where</sup> ~~which~~ the likely response will be formed on a national front through the College Board Testing organization).

With the permission of all concerned, it is my proposed plan that our working group get together this week to make an initial evaluation of the potential impact of the proposed regulations on the College and thereafter to (1) attend a meeting called by HEW for the afternoon of Thursday, September 9, 1976 at Bentley College in Waltham, Massachusetts for the express purpose of receiving in evidence comments of educational institutions, (2) prepare and ~~submit~~ submit a letter from the College to HEW containing our major comments on the proposed regulations (deadline September 14) and (3) provide any necessary input to educational associations which are going to be ~~making~~ filing comments and doing lobbying with HEW on behalf of the various educational institutions.

Regarding the work being done on behalf of higher education generally on this subject in Washington, I believe that the principal effort being made on our behalf is being done by the American Council

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on Education. The ACE has been working for several weeks on a proposed form of response to HEW on the new ~~f~~proposed regulations, and will no doubt be submitting its comments and otherwise attempting ~~to~~ make its case ~~before~~ in the coming weeks. It is my ~~best~~ intention to keep our group in close communication with the ACE and its counsel Shelley Steinbach, and I believe that the ACE does provide the best avenue for having the educational community of which we are a part making its views known to HEW on this subject.

The Listening Post which you mention in your memo is not particularly well-suited to deal with this situation. The emphasis in the Listening Post in recent years has been to concentrate primarily in Federal ~~Income~~-Tax matters which have a direct impact on private higher education. The Listening Post has ~~no~~ staff and simply involves a meeting of financial officers three or four times a year. John Holt Myers acts as counsel for that group and keeps the members informed of developments and does carry out specific projects for the group in the tax area, but lacks a <sup>such</sup> he acting as a staff to deal with subjects/as these regulations which are of general interest to all of higher education .

2. I do think it is worthwhile to put Dartmouth's name behind the criticism of those parts of these regulations of real concern to Dartmouth and other institutions of higher education, and we certainly should make a specific point of raising matters of particular and possibly unique concern to Dartmouth. However, my review of the regulations and the ~~p~~roposed comments of the ACE would indicate that our situation is substantially identical to most other educational institutions on these rules, and therefore I do not think its a situation where Dartmouth should spend a considerable amount of its

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time and effort lobbying individually in opposition to the regulations or at least parts thereof. Our resources to deal with new burdens such as evaluation and compliance with new regulations such as these are not great, and though I believe we should make some efforts to make our views known, our primary concentration should be evaluating their ultimate impact on the College and taking such steps and making such plans as are necessary to bring us in substantial compliance with the ultimate regulations at minimum expense~~s~~ and inconvenience to the College community.

Although all the principal administrators of the College will ultimately become involved in some aspect of our compliance with these regulations, I do hope you share with me my view that we stick with a small working group ~~at~~ for the foreseeable future so as to minimize the administrative disruption and drain that would be caused by involving at this time every administrator whose area may in some way ~~be~~ experience the impact of the regulations.

I will be pleased to discuss this with you, and with any other recipient of this memorandum at your convenience.