A conversation with Sanchin Pavithran

Voice Over:

(Hip-Hop music plays)

Barry Whaley:

Hi everybody. On behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and the ADA National Network, I want to welcome you to this conversation, "504 at 50." I'm Barry Whaley. I'm the project director at Southeast ADA Center. "504 at 50," is a special interview series created in recognition of the 50th anniversary of the Rehabilitation Act. And in this series, Dr. Peter Blanck speaks with leaders in the Disability Rights Movement who advanced the cause of equal rights, through their tireless work. Today we welcome our guest, Dr. Sanchin Pavithran. Dr. Pavithran is the executive director of the US Access Board. Our host, as always for this series, is Dr. Peter Blanck, chairman of the Burton Blatt Institute. So Peter, I'm pleased to have both of you with us today and I will turn the microphone over to you.

Peter Blanck:

Thank you, Barry, and Dr. Pavithran, it's such a pleasure to be with you today. You've been engaged actively in the disability community for many years as a researcher, as an advocate, as a commentator, and now you have a new role, a relatively new role as executive director of the United States Access Board. Perhaps you can tell us a little bit about how you arrived at the Access Board, and your personal history as engaged with the disability rights movement.

Sanchin Pavithran:

Sure. I am a blind person. I immigrated to the US right after high school to start my college here in the US. So I've been blind most of my life. And coming to the US, I was open to possibilities that I didn't have before. So seeing the access that people

with disabilities have in education, and in employment in the different settings that I didn't realize that I could have, growing up. I'm originally from India. I grew up in Dubai, and then I came to the US. And growing up in Dubai, I wasn't aware about all the different things that someone with a disability could do, especially someone blind, what they could do. But when I came to the US, I was excited for the opportunities, but the more I learned about the possibilities, and what is possible, even though we had all these different laws in the books, I got interested in what policy changes could look like.

I met with a lot of other disability leaders, a lot of mentors who are disability leaders, and I joined an organization that's called, the National Federation of the Blind, which is a strong advocacy organization. That's where I started with the whole advocacy work. I've had many role models over the years, like Judy Heumann, Andy Imparato, Fred Schreiber, just a lot of people who's been strong voices in the disability community over the years. So that's kind of what gave me a start, becoming a disability rights advocate. When I finished college, I was more interested in computer programming, and doing that kind of work, which was what my focus was. But when I started working with all these organization and advocates, my interests changed, and I didn't want to be a programmer anymore, but I'd rather want to see what I can do to influence policies, systems change.

That's what led me into the work I do right now, getting more involved in accessibility, getting more involved in disability rights. And with all that work I got an opportunity to be appointed under the Obama Administration, where I was appointed to be the member of the US Access Board, where I became chair of the Access Board, and I also worked pretty closely with the Obama Administration on various different policies. And since then, I've taken this role as the executive director at the US Access Board. And I've been in this role for about, a little over a year and a half.

Peter Blanck:

Well that's quite a long and extensive history. In the 1990s, I was working with the National Federation of the Blind on a case called, the National Federation of the Blind v. Target Stores, which was one of the earliest cases. I was fortunate to co-counsel that with an extraordinary group of lawyers at Disability Rights advocates. I'd like you to please take us through a little bit of the history of accessibility. You could even go back as far as at the beginnings of the ADA or before. And also interestingly, and perhaps sadly, why are we still having conversations today about whether or not the ADA requires, and 504 require accessibility on the website?

Sanchin Pavithran:

When we talk about accessible, often the conversation goes to ADA, Americans with Disabilities Act, that's the law that everyone thinks where accessibility to all started. I want to take it back much earlier than that, to 1968 when the Architectural Barriers Act was passed. I think that's one of the starting points on accessibility. So ABA, which is the Architectural Barriers Act, which a lot of people are not aware about, was passed in 1968, and it was to make sure that all federal spaces are accessible. But as soon as that got passed, they realized that just having a piece of legislation was not good enough, because how do you determine what is successful? How do you determine what needs to be done, and what the criteria needs to be? So it was soon evident that we need to have some standards on what that should look like. So that's how the US Access Board came into existence to set status for the ABA.

And we've had a lot of legislations that has come since then addressing in the different areas, like the Rehab Act and different parts of the ADA, and just different areas focusing on accessibility. But I don't think accessibility is ever going to be at a place where it will be fully resolved because we're evolving over the years. A lot of things do change. Technology changes, different areas do change. So we need to have an active role. But I don't think it's a bad thing, but it's just hard when there's still a question why things need to be accessible. That's where the problems still rise.

I don't think we need to be explaining the value of accessibility. We should be talking about most solutions of innovative ways of designing products so it's inclusive and accessible. That's the problem that we still face, that sometimes we still find ourself reasoning and making a case for why things have to be excessive. Technologies are going to keep evolving and developing. We need to make sure industries and other entities who are working on... No matter what they're working on, accessible is definitely part of what they do, not just something they have to do, because they're either afraid of being sued, or somebody has told them, they need to do something differently.

Peter Blanck:

So why is there still confusion or attitudinal resistance? Or are you finding that most entities, public and private understand the concepts now?

Sanchin Pavithran:

Part of it is, I think the attitude is because there's still entities that really don't understand the value of including people with disabilities in everything that they do. We have come a long ways in the last 30-plus years since the ADA has passed, but there's still a misperception of the value for having people with disabilities as a contributing member of communities. Also, business is not really understanding the potential of valuing disabled people on what they could be, how that could resolve in their profit margin or other areas. Some sectors of the communities that we work in, has probably figured it out. Some of the tech companies have figured out. The big tech giants have figured it out, even though they're not perfect, but they've come a long ways. But some areas like automobile industries are still struggling, because a lot of conversation for example, are on autonomous vehicles.

But there's really not a good prototype out there what a final autonomous vehicle would look like for someone with a disability. So I don't have the magic answer, what would shift the dialogue right away. It's just as humans, there're still questions out there why they should invest dollars or energy in making everything very inclusive. I think the dialogue has changed, but it's not changing fast enough.

Peter Blanck:

So tell us please about then the role of the US Access Board in all of this, and the history of the Access Board, perhaps and what led to its formation, particularly in light of, we're coming on the 50th anniversary of the Rehabilitation Act of 1973 as a seminal marker of what we have we still have to accomplish.

Sanchin Pavithran:

So I indicated about the legislation that was passed in 1968, so the Architecture Barriers Act in 1968, that passed in '68 and soon realized we need the standards. So under the Rehabilitation Act of '73, the US Access Board came into existence. Our initial charge was to write the standards for the ABA, and since then, we've been given other authorities by Congress to work on different areas such as, medical diagnostic equipments, Section 508, which is the web accessibility standards. We've driven the guidelines for ADA. So we've been given charge for a lot of different things over the years. So our role is not just the ABA anymore. So we focus on ICT, transportation, the built environment. So we cover the whole spectrum of the infrastructure where we access on a daily basis, whether it's within your work environment or with your transportation, whatever we do. So that's where we are right now.

We're a regulatory agency. We write regulations, standards, and guidelines for all the different sectors that we have the authority to work on. We provide technical assistance and trainings, and also, we enforce the ABA, which is the initial charge we got, which is the Architecture Barriers Act. So those three are our big area of focus. The one misconception that a lot of people have since the US Access Board works on a lot of different standards and guidelines a lot of times, is this confusion, why doesn't the Access Board just stands for the various things that still needs standards and guidelines. The only problem is, the way our agency is set up, the only way we can initiate those rulemaking of those regulatory processes, once Congress gives us the authority-- We can't initiate self-initiate working on any regs, unless we have an authority to work on.

We can put out best practices. Best practices is just best practices. That's really not much to it other than, it's not enforceable. Again, the other piece to our work is, we write the standards and guidelines for these different areas, but the agencies that has given the authority to enforce it, they need to adopt it and enforce it. So we don't enforce all the standards we write. We write the standards, and at DOJ or transportation or HHS, whoever's in charge for enforcement, they're the ones who does the enforcing. The only enforcement authority we have, is the ABA, which is the Architectural Barriers Act, for federal services.

Peter Blanck:

So what are you working on now, and what are your aspirations for the future at the Access-

Sanchin Pavithran:

So we do have different rule makings that we are involved in, like public rights of away. We're working on self-service transaction machines. We're starting to initiate some rule making around vehicle charging stations. One of the areas... We haven't done a whole lot in the past when it comes to ICT. We've done 508, which we've done over the years. But we're trying to expand more in the digital space, and also just the frontier when it comes to what's happening technology-wise here. I gave an example earlier about autonomous vehicles. What can we as an agency, even though we don't have a direct authority on it, how we can influence the industry in making sure AVs are accessible in the future. So trying to stay on top of technology is a big focus for me, and a drive that I'm pushing the agency also towards.

Not saying that we will stop focusing on the other areas, like the built environment, and the other parts of transportation. We do built environment really well. I think

we want to step up in the future of technology what's happening, so that we're not trying to retrofit, we're not coming in, in the latter part of the game, so that developers and designers have to figure accessibility on the tail end.

Peter Blanck:

Does virtual reality fall under the areas in which you're looking at, given that virtual reality, for example is talked about a lot now with regard to mental health resilience, and with regard to personal wellbeing and so forth.

Sanchin Pavithran:

We have had some very, very minimal conversation about virtual reality. It is not because we're not interested, we just don't know that space really well. So we are still trying to figure out what's the best way we could influence virtual reality, on how can we best address accessibility in that space. So yes, there has been conversation, but not to the extent that we don't have any useful information to share in that space yet.

Peter Blanck:

So when you were growing up, obviously the world was very different technologically. What was it like as a K-12 student for you, and how do you see the experience? How do you evaluate the experience of most K-12 students today, in terms of access to the virtual world, the technological world and so forth?

Sanchin Pavithran:

I didn't grow up in the US, so my experience of schooling was very different from any student that went through K-12 around my time in the US. So my experience growing up in Dubai, all my education was done because my mother read all my textbooks to me. I didn't have any kind of accessibility, no accessible textbooks, no information was accessible. So my entire education was dependent on how my mom read all my textbooks, and any kind of curriculum associated with my K-12, to me. That was my access right there. So not the best experience growing up, because if it wasn't for my mom, there's no way I would've finished K-12. Things have changed a lot, even in Dubai and other places and including here, things have changed quite a bit.

Technology has have become more mainstream in what students with disabilities use. There's more options available for mainstream educations there. But is it perfect? No, it's not perfect, because there's still a lot of shortage when it comes to

experienced special ed teachers, especially in the blindness space, where a teacher for visually impaired, which they're often known as TBIs. There's a shortage, huge shortage of quality TBIs. So how does a blind student go through the program when there's such a shortage? There's always issue where they're not getting the quality of education that they need, because they don't have the resources, schools don't have the resources to provide. Then we still struggle with accessible instructional materials. That's still a huge barrier. Some publishers are good, better than the others. So K-12 is still struggling with some of the issues. And that doesn't end at K-12, it's the same issue that still exists in higher education as well. Accessible instructional materials. That is still the biggest challenge.

Peter Blanck:

And do you find that there are resources available in current federal funding to further the agenda for a totally-inclusive--for a fully inclusive society, technologically?

Sanchin Pavithran:

I think there's a lot more focus being put on that, especially in the higher education space. There's a lot more focus on what accessible platforms should look like and what universities and other entities providing higher education should be doing. The resource--I don't think it's a resource issue coming from the federal government. I think the bigger issue whether the university is making a priority to make it a reality. In higher education, some university have stepped up and are doing a good job in making inclusive learning experiences for all their students. And there are a lot of universities that haven't even made it the priority at all. What do they do when they procure any kind of learning management? What did they do when they get whatever instructional materials? How are they working with publishers? That's still not a priority for a lot... As a disabled student, you can't just apply to any university and expect whatever they are providing for inclusive learning is going to be the same as another university. It's hit or miss, right? Still.

And so for federal--I think the federal government is doing his share. Can they do more? I'm sure they can do a lot more. The Department of Education could do a lot more. But I think the universities should be held accountable as well, because these are not new topic that we are talking about. These have been things that we've been pushing for, for years. So the universities can't continue to use the excuse that they don't have enough resources. It's just they haven't prioritized, and they don't

seem like they have. The argument I'm hearing always is, well we don't have enough stable students to make that resource worthwhile.

Peter Blanck:

Now of course, a big issue is transition from school to employment. The employment rates of people with disabilities still are lagging compared to people without disabilities. Perhaps you could comment on that issue both from the perspective from the blind community, and more generally across disability. Are we doing, or how can we do a better job to basically go from college to careers, to go from college to meaningful work, as many people with disabilities, even who graduate college, still are not in the workforce.

Sanchin Pavithran:

This is a very interesting topic, and it's controversial also at times, because we have the rehab services, the vocational rehabilitation, which has been in existence for many years, but we still find huge unemployment among people with disabilities. So why is that not changing? Is the systems that we have in place not good enough? Is it not doing what is been set up to do? Or are we not empowering people with disabilities to get the employment that they need? So I don't think there's one set answer, I think it's also important to look at what programs we have right now in place, such as vocational rehabilitation, which is a huge portion of the community that goes to find the employment. Are they being challenged to do what they've been set up to do? Are they doing everything they're supposed to be doing? I question that often, because we've had the rehab services for a long time. Why is this number not changing?

So I'm not saying vocational rehabilitation is the only answer to better employment for people with disabilities to make a big shift. But that is a big program that should be making the difference when it comes to the amount of dollars that is going to our rehab services. Then the other piece is for also employers. Well, why is still there the stigma of hiring people with disabilities? We've been talking about employers hiring people with disabilities a common practice, but it's still... In some spaces, I think it's improved but it's still something that I feel like we're challenged with. We can't really get all employees to buy into this whole idea of including people with disabilities. Not just hiring people with disabilities, to do the typical work or kind of employment that we find most people with disabilities doing, but it's just accessibility or something.

Getting people with disabilities to be part of broader employment space of something that doesn't have to do, or anything to do with disability. So kind of challenging employees also. But then the other piece is encouraging people with disabilities to go into some tracks, that is typically not where you find people with disabilities working in or focusing on. Like, the STEM areas, and other areas that you don't find... There are people disabilities there, but not as much as we would want. So those are the few things that comes to my mind. I think we really need to take a look at existing programs, but if they're really doing what they've been charged to do, then also challenge the employers, their hiring practices, and encouraging people with disabilities to consider tracks that's not typically taken up by people with disabilities.

Peter Blanck:

Are you optimistic for the future with regard to the opportunities that present themselves, and what role do you see the Access Board continuing to play in the future?

Sanchin Pavithran:

I'm definitely optimistic. I think the disability rights community is the kind of community that's going to keep pushing. There's going to be hurdles that come up, and there might be bumps in the road, but I think the disability rights community is always going to keep pushing for change, and we need to keep working on those things. Like I said earlier, accessibility is not something that's going be completely resolved, and not ever going to get to a place where we'll never be talking about accessibility, because things keep evolving and then we need to have new ways of doing things. So maybe the conversation might change around accessibility, on how we approach accessibility, and the conversation around the importance of accessibility might change. But the work that the disability rights committee at larger are doing, I think will continue to grow stronger. Because there are great disability rights leaders, so they're... And new people coming into the space who have great leadership ideas and skills.

As far as the Access Board is concerned, as long as I'm in this role, I'm trying to grow our focus areas, getting broader into the digital space, the technology space, like I said earlier, so that we are more in the forefront of some of this conversation that's happening in the industry, so that we don't have to come in the tail end to try to retrofit, because regulatory work takes time, and we don't want regulations the only way that dictates what accessibility design should look like. We want to be in

conversation with industries, so that they're taking into consideration, what accessibility design should look like.

Peter Blanck:

So I must ask, of course, we're in the midst of a pandemic, the COVID pandemic or endemic, how has that changed the landscape in many ways for your interests, and those of the Access Board, for example, the terrific increase in telework and telecommuting, and virtual learning, and so forth?

Sanchin Pavithran:

So the pandemic has been a great learning experience, in spite of all the tragedies that has happened. We've learned a lot in the last couple of years. The way things were shifting so fast, becoming digital made very clear that digital accessible is still a huge issue, which has been given a lot more attention in the last couple of years than years before. Tech companies have stepped up like, Microsoft, Apple. Platforms like, Zoom, Teams, Google Meets, they were all not really that accessible in the past. Teams and all those other platforms, which are very similar now. They've come a long way in the last two years than they ever had in the 10 years prior to that. So how technology has improved in the last couple of years is significant, but there's still lot of barriers. One of the biggest barriers as soon as the pandemic hit was, lack of accessible information, when it came to vaccination, or when it came to COVID testing, or self-testing of COVID testing kits, all those still were huge barriers.

There's still a barrier when it comes to how do you test, introduce self-testing at home, when you're blind. There's some technology out there that's coming out, but it's still not perfect. So there is lot of lessons that we have learned that we need to work on. But I think in the disability community, we've been kind of pushing the conversation around what employment should look like, for people with disabilities. One of the biggest barriers being transportation. How do someone get to their place of employment if there's no good transportation? And also finding place to live. Because you have a disability, you tend to live in a place that you can get to your place of appointment a lot easier, which sometimes tend to be more expensive, and a lot often people have to leave their support systems behind because of transportation.

That conversation has shifted because of telework, and this whole remote working dialogue that's going on. In the past, when you talked about teleworking, it was always this thing that you'd never said, because everyone frowned about telework,

and now in two years, everybody wants telework. So even though the disability community has been pushing for telework for decades, in the last two years, the dialogue has shifted to it being one of the best things ever granted for employees. But there's also a concern with telework, and this is my personal opinion. When I look into the future, if everyone with a disability is wanting telework, for one reason or another, whatever that reason might be, it's fine. But we've been working really hard, fighting really hard over the last many decades to make sure that people with disabilities are visible, whether it's in employment space, whether it's in community.

My fear is, if we keep pushing for everyone to just telework, especially if you have a disability and not get the option to have in-person work, also, I don't want it to go down the path where employees automatically, because they don't want to deal with accessibility issues that they might have in their physical space, immediately say, "OK, this person's a disabled person, so let's just make them teleworker, so that we don't have to address the accessibility issue that might happen in physical space." That's one of my worries. The other worry is, when you're not visible, you're forgotten. So let's not forget all the work that has gone into making people with disabilities visible in all these different spaces, by just becoming an icon in your Zoom meeting. We need to be visible in all spaces, and we need to be mindful when we are pushing for telework and all these virtual options that's out there, that does not become the only way that people with disabilities function.

Peter Blanck:

Well, I want to congratulate you and thank you for your time today. It's very important that you convey the excellent work of the Access Board to our listeners, and I will give you the last comment, if you had any additional remarks that you'd like to make, or issues you think are important that the community should pay attention to, in terms of the work you're doing and others are doing.

Sanchin Pavithran:

Well, thanks for having me to be part of this podcast. So I think it's a great thing to bring some of this information forward. In closing, all I would say is, I think no matter which space you belong to, whether you work in the disability space or not, it is important to make sure people with disabilities are speaking for themself, and they're at the table voicing their thoughts and ideas and concerns. We still find others speaking for people with disabilities, which is fine. I think we need allies, but people with disabilities definitely need to be taking the lead. And I encourage

upcoming leaders who are disabled to really make themselves available in opportunities that could help change some of this dialogue.

Peter Blanck:

Well, that's outstanding. I thank you again for your time. And Barry, I turn it back to you. Great interview and very informative for our listeners. We look forward to future discussions with you.

Sanchin Pavithran:

Thank you.

Barry Whaley:

Oh, thank you, Peter. Listeners, our guest for this interview has been the executive director of the United States Access Board, Dr. Sanchin Pavithran. With over 20 years of direct involvement in the development, testing and training for assistive technology, Dr. Pavithran has given lectures and training, and accessible information technology for individuals and groups, as well as assisted in the evaluation of products related to web accessibility and design. So we thank him very much for joining us today. Listeners, as a reminder, if you liked what you heard and you want to listen to other interviews, you can find those interviews at our website. Section 504 at 50. The "Section 504 at 50" series is produced by the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and is a collaboration with the Disability and Inclusive Employment Policy, rehabilitation Research and Training Center. Again, thank you for listening and we look forward to seeing you at our next interview.

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