

20th Anniversary of the Americans with Disabilities Act

Personal Foul: Lack of Captioning in Football Stadiums

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PERSONAL FOUL: LACK OF CAPTIONING IN FOOTBALL STADIUMS

Marc Charmatz,* Lindy L. Hedges-Wright,^o and Matthew Alex Ward[†]

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I. INTRODUCTION

For one hour, two football teams slug it out on the gridiron in front of thousands of fans. Yet those sixty minutes of gridiron action are spread over three (or more) hours in which fans are treated to an extravagance featuring military flyovers, marching bands, coordinated cheers from the crowds, tributes and contests during commercial breaks, half-time performances, post-game speeches and celebrations, and other activities. As such, a football ticket is not merely a license to observe athletes compete, but rather an opportunity to experience the surrounding fanfare and pageantry. Unfortunately, the approximately thirty-six million Americans who are deaf or hard of hearing¹ are unable to fully enjoy the game day experience because the majority of professional and college football stadiums fail to provide captioning for things like public address announcements, referee calls, halftime presentations, and music.

This Article discusses the auxiliary aids and services that professional and college football teams and stadiums (collectively referred to as football teams) are required to provide for deaf and hard of hearing fans so those fans can fully experience and enjoy football games.² First, this Article discusses why and what type of captioning is needed for stadiums to effectively provide aural information to deaf and hard of hearing fans.³ Second, this Article examines Titles II⁴ and III⁵ of the Americans with Disabilities Act (“ADA”), including the current and amended Department of Justice (“DOJ”) regulations for each title. Third, this Article discusses Section 504 of the Rehabilitation Act of 1973 and its implementing regulations.⁶ Fourth, this Article discusses the advanced notice of proposed rulemaking in which the DOJ did not specifically promulgate regulations about what captioning stadiums must provide.⁷

¹ *Quick Statistics*, NAT’L INST. ON DEAFNESS & OTHER COMM’N DISORDERS, <http://www.nidcd.nih.gov/health/statistics/quick.htm> (last visited Dec. 1, 2010).

² There are several cases about access to stadiums. *See, e.g.*, *Access Now, Inc. v. S. Fla. Stadium Corp.*, 161 F. Supp. 2d 1357, 1368 (S.D. Fla. 2001) (discussing the accommodations the stadium for the Miami Dolphins was required to make for fans in wheelchairs); *Indep. Living Res. v. Or. Arena Corp.*, 1 F. Supp. 2d 1124, 1128–30 (D. Or. 1998) (discussing modifications the Rose Garden in Portland, Oregon was required to make to comply with the Americans with Disabilities Act). A full discussion of stadium accessibility is outside the scope of this Article.

³ *See infra* Part II (discussing how to caption aural content).

⁴ 42 U.S.C. §§ 12131–12165 (2006); *see also infra* Part III (discussing Title II of the ADA).

⁵ 42 U.S.C. §§ 12181–12189; *see also infra* Part IV (discussing Title III of the ADA).

⁶ 29 U.S.C. §§ 701–796 (2006 & Supp. III 2009); *see also infra* Part V (discussing Section 504 of the Rehabilitation Act).

⁷ *See infra* Part VI (discussing DOJ rulemaking relative to stadiums).

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Fifth, this Article examines auxiliary aids and services in NFL stadiums⁸ and the District Court's decision in *Feldman v. Pro Football, Inc.*, which held:

Title III of the Americans with Disabilities Act is hereby declared to require Defendants to provide deaf and hard of hearing fans equal access to the aural information broadcast over the stadium bowl public address system at FedExField, which includes music with lyrics, play information, advertisements, referee calls, safety/emergency information, and other announcements.⁹

Finally, this Article discusses auxiliary aids and services in college stadiums with a focus on the October 12, 2010, *Sabino v. The Ohio State University* ("OSU") consent decree and the auxiliary aids and services OSU now provides.¹⁰ This Article includes an appendix that describes the auxiliary aids and services professional football stadiums, college football stadiums,¹¹ other football venues, and professional baseball stadiums provide to deaf and hard of hearing fans.¹²

⁸ See *infra* Part VII (discussing *Feldman v. Pro Football, Inc.*, which addressed captioning for the deaf and hard of hearing at an NFL stadium).

⁹ 579 F. Supp. 2d 697, 710 (D. Md. 2008).

¹⁰ See *infra* Part VIII (discussing *Sabino v. The Ohio State University*, which addressed captioning for the deaf and hard of hearing at a college stadium).

¹¹ This Article's discussions about auxiliary aids and services to deaf and hard of hearing fans of college football are focused on the major football programs. This refers to those colleges who are members of the Football Bowl Subdivision conferences ("FBS;" formerly Division 1-A), six of which automatically qualify for the Bowl Championship Series. FBS conferences include the Atlantic Coast Conference ("ACC"), the Big East Conference, the Big Ten Conference, the Big Twelve Conference, the Pac-10 Conference, the Southeastern Conference ("SEC") and other prominent college football programs that are either unaffiliated with a conference or members of the non-automatic qualifying conferences (e.g., Notre Dame, Army, Navy, Boise State, BYU, Temple, TCU, and Utah). A full discussion of these conferences, including future membership changes, is in the Appendix. This Article, therefore, focuses on colleges whose stadiums seat thousands of fans and whose programs generate millions of dollars; not the college football program of a community college or the football program of a small division three school. See generally *Sports Illustrated, Conferences Net Record \$170M Haul From 2010-11 BCS*, SPORTS ILLUSTRATED (Jan. 25, 2011), <http://sportsillustrated.cnn.com/2011/football/ncaa/01/25/bcs-record-revenue.ap/index.html> (discussing how much money the major conferences earned).

¹² See *infra* Appendix (providing a chart of the auxiliary aids and services available at various sporting venues). These auxiliary aids and services were based on research conducted between October and November 2010.

II. CONVERTING AURAL INFORMATION TO TEXT

A. *The Need for Captioning*

This Article first explains the importance of captioning. As previously noted, the sixty minutes of gridiron action are spread over several hours in which fans experience not just a game but an entire production. As the District Court in *Feldman* recognized, “[teams] provide more than a football game; they also provide public address announcements, advertisements, music, and other aural information to hearing fans at [their stadiums]. Presumably [teams] provide this aural information to hearing fans for a reason.”¹³ Deaf and hard of hearing fans are entitled to enjoy this aural information, which can be most effectively accomplished through captioning.

Examining a typical football game demonstrates why captioning of aural information is needed to explain and elaborate what happens during the football plays. Sometimes it is easy to visually identify key players, such as when the running back breaks free for an eighty-yard touchdown. In other plays it can be much harder to visually identify the key player. For example, it is difficult to visually determine which defensive player gets credit for a tackle when several defenders form a pile while simultaneously tackling the running back.

During the football game, the referee makes penalty calls using hand and arm signals while simultaneously making an oral announcement. When making a call the referee uses hand signals; he then hits his microphone to orally announce his football sign language, in effect, interpreting the penalty to the crowd. This aural information is necessary to the crowd because, for example, a false start or off-sides penalty is charged against a particular player, but the referee’s hand and arm signal only identifies the infraction; the referee’s oral announcement identifies the player committing the infraction. Likewise, if there are two defenders covering a wide receiver, the visual hand and arm signal identifies a defensive pass interference penalty, but the referee will orally identify the specific defensive player who committed a penalty.¹⁴

¹³ *Feldman*, 579 F. Supp. 2d at 709; see also Dec. 20 Edition of ‘Expert Opinion’ Dissects the Game Day Experience, PENN ST. LIVE, <http://live.psu.edu/story/50338> (Dec. 14, 2010) (previewing show’s discussion of the game day experience by noting “[t]oday’s arenas and stadiums deliver ticket holders equal parts competition and rock concert with the addition of entertainment like energizing recorded music over loudspeakers and videos on jumbo screens” and that “Sports Illustrated on Campus declar[ed] Penn State the ‘Greatest Show in College Football’”).

¹⁴ Comparatively, in the context of basketball games, basketball referees typically use hand and arm signals to identify both the infraction and player committing the infraction.

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Aside from the game itself, there are several activities that occur before, during, and after the game. College football teams often recognize the graduating seniors before their final home game begins. During college football games, colleges will frequently acknowledge the success of the college's other sports teams.¹⁵ Both college and professional football games conduct various contests during commercial breaks, such as the punt-pass-and-kick competition in which contestants compete for prizes. Two recent professional football games acknowledged military personnel during commercial breaks.¹⁶ Finally, football games can start or conclude with ceremonies.¹⁷

Although deaf and hard of hearing fans can see such events, they cannot equally enjoy the football game and experience as hearing fans. Without auxiliary aids and services such as captioning, deaf and hard of hearing fans would not be able to identify key players or fully experience the events surrounding the football game.

B. Methods of Converting Aural Information for Deaf and Hard of Hearing Fans

Football teams must address several questions to successfully provide auxiliary aids and services so deaf and hard of hearing fans can equally enjoy the game day experience. First, there are questions about

¹⁵ During a television timeout during the November 27, 2010, Minnesota home game against Iowa, the Minnesota Athletics Department brought its women's volleyball team to the field to acknowledge their success in advancing to the Final Four during the 2009 season. During Penn State's annual All University Football Game, representatives of each of Penn State's campuses are acknowledged on the field between quarters.

¹⁶ During the November 21, 2010, New York Jets' home game, the crowd gave a standing ovation to Staff Sergeant Salvatore Giunta, the first living Medal of Honor recipient from the wars in Afghanistan and Iraq. Associated Press, *Medal of Honor Recipient Cheered at Jets Game*, WALL ST. J., Nov. 21, 2010, <http://online.wsj.com/article/AP0ac382a584fc4d8ab38cf173adf737c3.html>. During a commercial break of the November 21, 2010, Tennessee Titans' home game, a soldier deployed to Afghanistan returned to Tennessee to surprise his family, who were brought to the middle of the field for the reunion. Erin Quinn, *Return of Sgt. Surprises Family as 70,000 Cheer*, ARMY TIMES, Nov. 22, 2010, <http://www.armytimes.com/news/2010/11/gannett-soldier-surprises-wife-at-titans-game-112210/>.

¹⁷ This includes awarding trophies to the winning team and making speeches to accompany such award presentations. For example, following Penn State's November 6, 2010, win over Northwestern in Happy Valley, Penn State coach Joe Paterno, who just earned his 400th win, gave a celebratory post-game speech from the center of the field that was broadcast over the public address system. See Associated Press, *Joe Paterno Wins No. 400 After Penn State Rallies From 21 Down*, ESPN (Nov. 6, 2010, 3:30 PM ET), <http://scores.espn.go.com/ncf/recap?gameId=303100213> (recapping the game and the celebration of Paterno's milestone win). Similarly, prior to the start of a Baltimore Orioles baseball game, Cal Ripken, Jr. gave a speech thanking the fans shortly before his induction into the Baseball Hall of Fame.

the way to convey information. Second, there are questions about what information needs to be conveyed. Third, there are questions about where the information should be conveyed. Finally, there are questions about the costs of each way to convey information.

The most effective method to convey information is to caption aural information on the scoreboards. Captioning conveys all the information on the scoreboard, where most fans naturally look to watch a replay. Some question whether the captioning should be placed on the jumbotron or on the light-emitting diode (“LED”) ribbon boards, one of the contested issues in the *Feldman* case involving the Washington Redskins.¹⁸ The Washington Redskins now caption public address announcements on the LED ribbon boards located between the upper deck and club level seats on the 50 yard line.¹⁹ In contrast, OSU captions all announcements on the football stadium’s two scoreboards.²⁰ Open captioning is the most cost effective method of captioning in a stadium.²¹ The Washington Redskins spent \$5,000 to install the LED Captioning technology and pay approximately \$550 a game for the stenographer.²²

Other attempts to ensure that deaf and hard of hearing fans receive aural information at football games are seriously flawed. First, simply showing a summary, even on a jumbotron with captioning, is ineffective because not all aural information is provided resulting in incomplete access. This method does not allow the deaf and hard of hearing individual to receive the same benefit and experience as hearing fans.

Second, providing assisted listening devices (“ALDs”) in an attempt to ensure deaf and hard of hearing fans are provided all aural information is also ineffective.²³ The primary drawback is that only some individuals benefit from ALDs. Fans who are deaf, including the plaintiffs in the *Feldman* case, do not benefit from using ALDs.²⁴

¹⁸ *Feldman*, 579 F. Supp. 2d at 704; see *infra* Part VII (discussing the *Feldman* case).

¹⁹ Henri E. Cauvin & Steve Hendrix, *Redskins Ordered to Continue Captions*, WASH. POST, Oct. 3, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/02/AR2008100201989.html>.

²⁰ See *infra* note 129 and accompanying text (discussing the *Sabino* consent decree).

²¹ Russell Landy, *Do the Washington Redskins Hate Deaf People? ADA Claims for the Captioning of Football Stadiums*, 16 U. MIAMI BUS. L. REV. 47, 63 (2007).

²² *Feldman*, 579 F. Supp. 2d at 700 nn.3-4.

²³ When audible communications are integral to the use of the stadium, new stadiums are required to have ALDs for four percent of the total number of seats. DEP’T OF JUSTICE, DISABILITY RIGHTS SECTION, ACCESSIBLE STADIUMS, available at <http://www.ada.gov/stadium.pdf> (last visited Jan. 29, 2011); see also *Assistive Listening Systems and Devices*, NAT’L ASS’N DEAF, <http://www.nad.org/issues/technology/assistive-listening/systems-and-devices> (last visited Dec. 21, 2010) (providing a summary of ALDs).

²⁴ Opening/Response Brief of Plaintiffs-Appellees/Cross Appellants at 20-23, *Feldman v. Pro Football, Inc.*, 579 F. Supp. 2d 697 (D. Md. 2008), No. 09-1021 (4th Cir. filed Jan. 8, 2009). Similarly, a deaf plaintiff sued a movie theater to request captioning services because his

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Additionally, to use ALDs, fans must retrieve and return such devices, experiencing an additional burden that hearing fans do not have.

Third, conveying information through handheld devices also has major drawbacks. Using devices forces people to look at their handsets instead of the field or jumbotron, where the game is actually played. The small sizes of such devices may make it difficult to read the captioning. Using these devices can be problematic when fans are trying to hold their device while also balancing concession food and drinks. Also, inclement weather can make it difficult to use these devices. For example, rain may ruin the device and glare from bright light can make the device difficult to read. Further, if the device is broken, the fan has the burden of obtaining another device. Additionally, as with ALDs, fans must retrieve and return such devices.

Fourth, a separate section²⁵ created in the stadiums specifically for deaf and hard of hearing fans where captioning will be provided on televisions violates the ADA's requirement of integration.²⁶ This method

condition prevented him from benefitting from ALDs and he could only rely on textual representations. *Arizona ex rel. Goddard v. Harkins Amusement Enters., Inc.*, 548 F. Supp. 2d 723, 726 (D. Ariz. 2008), *rev'd* 603 F.3d 666 (9th Cir. 2010); Plaintiffs-Appellants' Joint Opening Brief at 5-7, *Arizona ex rel. Goddard v. Harkins Amusement Enters., Inc.*, 603 F.3d 666 (9th Cir. 2010) (No. 08-16075), 2008 WL 6761026.

²⁵ Some movie theaters provide separate sections within their theatres where captioning is available making aural information available to deaf or hard of hearing patrons. Different captioning technologies exist.

In open captioning, textual representation of the dialogue is shown on the screen and visible to all patrons. Plaintiffs-Appellants' Joint Opening Brief, *supra* note 24, at 5-6. There are two types of open captioning. In one format the text is burned onto each frame of the film. *Id.* In the second format a second projector superimposes captions onto the screen. *Id.* Obviously these formats will not work at live football games because it is not possible to caption the play-by-play calls and other announcements in advance.

In rear window captioning ("RWC") an LED text display is mounted at the rear of the auditorium and displays captions timed to match the film. *Id.* at 6. "Patrons . . . use a transparent acrylic panel mounted on a flexible arm that is inserted in the cup holder at their seats." *Id.* Thus patrons watch the film through the transparent panel and are able to view the captions through the panel as the captions appear superimposed on the film. *Id.*; Brief for the Nat'l Ass'n of the Deaf et al. as Amici Curiae Supporting Plaintiffs-Appellants at 8-9, *Arizona ex rel. Goddard*, 603 F.3d 666 (9th Cir. 2010) (No. 08-16075).

RWC will not work at stadiums for several reasons, but most importantly because this form of captioning requires the text to be pre-recorded. Landy, *supra* note 21, at 65-68. See generally Faye Kuo, Comment, *Open and Closed: Captioning Technology as a Means to Equality*, 23 J. MARSHALL J. COMPUTER & INFO. L. 159 (2004) (discussing captioning in movie theaters); *NCI's Glossary of Captioning Terms*, NAT'L CAPTIONING INST., <http://www.ncicap.org/capterms.asp> (last visited Dec. 21, 2010) (describing captioning terms); *Movies*, NAT'L CTR. FOR ACCESSIBLE MEDIA, http://ncam.wgbh.org/invent_build/movies (last visited Dec. 21, 2010) (describing technologies to make movie theaters accessible).

²⁶ See 42 U.S.C. § 12101(a)(2) (2006) (finding that segregation of individuals with disabilities is a pervasive social problem); *id.* § 12182(b)(1)(B) (requiring public accommodations to provide "[g]oods, services, facilities, privileges, advantages, and

also fails to account for the deaf and hard of hearing fans that choose to pay extra for better seats.

Captioning provides the most effective experience possible. Captioning is a cost-effective method that ensures that aural information is conveyed with little disruption. This method arguably will not cause an undue burden on college or professional entities because these entities are merely providing the information already provided to hearing fans.

III. TITLE II OF THE AMERICANS WITH DISABILITIES ACT

A. Statute

In 1990, Congress enacted the ADA.²⁷ Congress declared that the ADA's purpose is

(1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

(2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

. . . . and

(4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.²⁸

Specifically, Title II of the ADA states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."²⁹ A qualified individual with a disability is "an individual with a disability who, with or without reasonable modifications to rules, policies, or practices . . . or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or

accommodations . . . in the most integrated setting appropriate to the needs of the individual[s]").

²⁷ Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (codified as amended throughout 42 U.S.C.).

²⁸ 42 U.S.C. § 12101(b).

²⁹ *Id.* § 12132.

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the participation in programs or activities provided by a public entity.”³⁰ A public entity is defined as “any State or local government; . . . any department, agency, special purpose district, or other instrumentality of a State or . . . local government.”³¹ If the individual meets the above test, and the entity is public, then the individual is entitled to Title II protection, subject to the ADA defenses. Virtually all state college and university football programs are covered by the ADA.

To ensure compliance, public entities must provide effective auxiliary aids and services, which include “qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments.”³² Title II provides some guidance to public entities regarding their duties and the necessary methods to ensure compliance, and DOJ Regulations implementing Title II provide additional guidance.

B. Current Department of Justice Title II Regulations

The DOJ published regulations implementing Title II of the ADA on July 26, 1991.³³ Amendments to these regulations took effect on March 15, 2011.³⁴ As previously stated, Title II’s prohibition of discrimination extends to all services, programs, and activities provided or made available by state and local governments, regardless of whether those entities are receiving federal financial assistance.³⁵ The DOJ regulations state the following:

(b)(1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual,

³⁰ *Id.* § 12131(2).

³¹ *Id.* § 12131(1) (statutory numbering system omitted). The federal government is not included in the definition of a public entity. *Id.*

³² *Id.* § 12103(1)(A) (Supp. II 2008).

³³ See Nondiscrimination on the Basis of Disability in State and Local Government Services, 28 C.F.R. pt. 35 (2010) (noting the source at the end of the table of contents).

³⁴ Nondiscrimination on the Basis of Disability in State and Local Government Services, 75 Fed. Reg. 56,164 (Sept. 15, 2010) (to be codified at 28 C.F.R. pt. 35); see also *infra* Part IV.C (discussing amended versions of Title III regulations). To determine if an entity is public, it is necessary to examine the relationship between the entity and the government. Several factors give guidance including whether the entity is operated with public funds, whether the entity’s employees are considered government employees, whether the entity receives significant assistance from the government, and whether the entity is governed by an independent board selected by a private organization or a voter elected or appointed board. DEP’T OF JUSTICE, ADA TITLE II TECHNICAL ASSISTANCE MANUAL COVERING STATE AND LOCAL GOVERNMENT PROGRAMS AND SERVICES II-1.2000 (1993), available at <http://www.ada.gov/taman2.html> [hereinafter TITLE II MANUAL].

³⁵ 28 C.F.R. § 35.102.

licensing, or other arrangements, on the basis of disability –

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

....

(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;

....

(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.³⁶

To afford an equal opportunity to individuals with disabilities effectively, the public entity must make reasonable modifications to programs and facilities, which include alterations to facilities and provision of auxiliary aids and services. Title II regulations further provide that discrimination occurs if a public entity's facilities are inaccessible or unusable by individuals with disabilities.³⁷

Under the DOJ regulations, public entities have some safeguards. First, compliance does not require that all of a public entity's facilities be accessible.³⁸ For example, the Title II Technical Assistance Manual provides an illustration where a defendant cannot climb the stairs of a courthouse, there is no elevator, and the civil case is held in the courtroom on the second floor. In this case, the public entity may move the proceedings to the ground floor courtroom.³⁹ Second, a public entity

³⁶ *Id.* §§ 35.130(b)(1), (b)(1)(i)–(ii), (b)(1)(iv), (b)(2).

³⁷ *Id.* § 35.149.

³⁸ *Id.* § 35.150(a).

³⁹ TITLE II MANUAL, *supra* note 34, at II-5.1000.

need not make reasonable modifications if a fundamental alteration would occur to the nature, service, program, or activity as a result of making that service, program, or activity readily accessible.⁴⁰ Third, a public entity may not have to provide modifications if undue financial or administrative burdens would result.⁴¹ However, even if a public entity can demonstrate that providing auxiliary aids and services would cause an undue burden, the public entity must still ensure that individuals with disabilities receive the benefits or services provided.⁴²

Most importantly, the DOJ regulations require public entities to ensure that communications with individuals with disabilities are as effective as communication with non-disabled persons, which can be accomplished through auxiliary aids and services.⁴³ The DOJ regulations expand the definition of auxiliary aids to include “[q]ualified interpreters, notetakers, transcription services, written materials, . . . assistive listening devices, . . . open and closed captioning, telecommunications devices for deaf persons (TDD’s), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.”⁴⁴ Deaf and hard of hearing individuals should be given an opportunity to request a particular form of auxiliary aid, and the public entity should give primary consideration to that request.⁴⁵ A public entity can use the defenses of undue burden or fundamental alteration against a particular auxiliary aid.⁴⁶ However, determining whether an auxiliary aid is an undue burden is made on a case-by-case basis; and even if one auxiliary aid will cause an undue burden, the public entity must still provide another aid.⁴⁷

⁴⁰ 28 C.F.R. § 35.150(a)(3).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.* §§ 35.160(a), (b)(1).

⁴⁴ *Id.* § 35.104(1).

⁴⁵ *Id.* § 35.160(b)(2). In contrast, Title III regulations state that “[a] public accommodation shall furnish appropriate auxiliary aids and services” provided that the method chosen results in “effective communication.” *Id.* § 36.303(c).

⁴⁶ *Id.* § 35.164.

⁴⁷ H.R. REP. NO. 101-485, pt. 3, at 59 (1990). The provision of auxiliary aids does not require that public entities provide personal services or devices, including prescribed devices such as hearing aids. 28 C.F.R. § 35.135.

IV. TITLE III OF THE AMERICANS WITH DISABILITIES ACT

A. *Statute*

Title III of the ADA provides “[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.”⁴⁸ Title III of the ADA applies to public accommodations run by private entities and lists twelve categories of accommodations.⁴⁹ The list⁵⁰ of public accommodations includes auditoriums and places of exhibition or entertainment, which has been interpreted to include football stadiums.⁵¹

Discrimination under Title III occurs if an individual is denied the opportunity to participate in or benefit from goods, services, facilities, privileges, advantages, or accommodations of an entity because of the individual’s disability.⁵² The opportunity provided must be equal to and not separate or different from that afforded to others. An exception is permitted if a separate accommodation is needed for the opportunity to be as effective as provided to others.⁵³ However, the individual with the disability may decline the separate accommodation.⁵⁴ Discrimination also includes the failure to make reasonable modifications in policies, practices, or procedures that are necessary to provide equal accommodations—such as failure to provide auxiliary aids and services.⁵⁵ The regulations implementing Title III provide more guidance.

⁴⁸ 42 U.S.C. § 12182(a) (2006).

⁴⁹ *Id.* § 12181(7).

⁵⁰ This list encompasses lodging; establishments serving food and drink; places of exhibition or entertainment; places of public gathering such as auditoriums; sales or rental establishments such as stores; service establishments such as hair salons; stations for specified public transportation; places of public display or collections such as museums; places of recreation such as zoos; places of education; social service center establishments such as retirement homes; and places of exercise or recreation such as gymnasiums. *Id.*

⁵¹ See *Stoutenborough v. Nat’l Football League, Inc.*, 59 F.3d 580, 583 (6th Cir. 1995) (holding that National Football League games are played in places of public accommodation and therefore subject to Title III of the ADA).

⁵² 42 U.S.C. § 12182(b)(1)(A)(i).

⁵³ *Id.* § 12182(b)(1)(A)(iii). The benefits, activities, goods, and accommodations must be provided in the most integrated setting possible. *Id.* § 12182(b)(1)(B).

⁵⁴ *Id.* § 12182(b).

⁵⁵ *Id.* § 12182(b)(2)(A).

B. *Current Department of Justice Title III Regulations*

The Department of Justice regulations state that Title III “prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards established by [the regulations].”⁵⁶ The DOJ’s definition of a public accommodation mirrors the Title III statute.⁵⁷

The Title III DOJ regulations further prohibit discrimination against any individual on the basis of disability and requires that the individual receive “full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by [a] private entity.”⁵⁸ Discrimination occurs if individuals with disabilities are denied participation, receive an unequal benefit afforded to others, or are provided a separate or different good, service, facility, privilege, advantage or accommodation than non-disabled individuals.⁵⁹ A separate benefit may be a sufficient accommodation when necessary to provide an opportunity as effective as the opportunity provided to others, otherwise integration is a must.⁶⁰

To provide an equal opportunity, public accommodations must also provide auxiliary aids and services to ensure that no individual with a disability is treated differently from another individual. The definition for auxiliary aids is the same as the definition in Title II.⁶¹ An exception exists if a public accommodation can demonstrate that providing a particular auxiliary aid will fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations offered or if providing the aid would result in an undue burden.⁶² Even if a public

⁵⁶ 28 C.F.R. § 36.101 (2010).

⁵⁷ *Id.* § 36.104. The regulations provide further examples of each category. The term “facility” includes all portions of buildings, structures, sites, equipment, roads, walks, parking lots, or other real or personal property, including the site where the building, property, structure or equipment is located. *Id.* A “private entity” means an entity that is not public. *Id.*

⁵⁸ *Id.* § 36.201.

⁵⁹ *Id.* § 36.202.

⁶⁰ *Id.* However, the individual with a disability is not required to use the separate or different activity. *Id.* § 36.203.

⁶¹ *Id.* § 36.303(b)(1). The code also includes telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for the deaf (“TDD’s”), and videotext displays. *See supra* note 44 and accompanying text (describing the DOJ’s expansion of the definition of auxiliary aid).

⁶² *Id.* § 36.303(a). An undue burden occurs if significant difficulty or expense would result from providing the aid. *Id.*; *see also* Landy, *supra* note 21, at 60–62 (suggesting that captioning is not required on the scoreboard because it may fundamentally alter the nature of football games). However, captioning does not constitute an undue burden because it

accommodation satisfies the safeguard with one aid, another aid should be utilized—provided it is neither an undue burden nor one causing a fundamental alteration—because the individual with the disability should receive the goods, services, facilities, privileges, advantages or accommodations offered to the maximum extent possible.⁶³ Once an accommodation is provided, a public accommodation may not charge individuals with a disability an extra cost to recoup for alterations, modifications, or the provision of auxiliary aids.⁶⁴

C. Amended Department of Justice Regulations

On July 23, 2010, the DOJ issued regulations on Title III of the ADA.⁶⁵ The amended DOJ regulations revise a number of definitions. For example, the definition of “qualified interpreter” now includes an interpreter who interprets via video remote interpreting (“VRI”) services or an on-site appearance.⁶⁶ The amended DOJ regulations define “[a]uxiliary aids and services” to include the following:

Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials,

does not displace any information currently displayed; it simply puts into writing information already aurally conveyed to hearing fans. *Id.* Landy argues that such captioning would cost the Washington Redskins \$200,000 in lost advertising revenue if the captioning were to replace a panel used for ads, and then suggests that such a loss in funding would detrimentally affect the Washington Redskins. *Id.* at 63–64. Such a suggestion lacks merit. The Washington Redskins provide captioning on an LED board and fully use the advertising space surrounding the jumbotrons and throughout the stadium. *See also id.* at 48, 63 n.104 (discussing Washington Redskins’ profitability).

Notably, in *Feldman*, the Washington Redskins did not make a fundamental alteration argument with good reason because providing the same information that hearing people receive to the deaf and hard of hearing can never be a fundamental alteration. Providing captioning does not fundamentally alter a football game or cause an undue burden. *See supra* notes 21–22 and accompanying text (noting the costs of captioning). Captioning aural information on a jumbotron or an LED board does not fundamentally change the nature of the product.

⁶³ 28 C.F.R. § 36.303(f). A public accommodation is not required to provide personal devices and services to its patrons. *Id.* § 36.306. Such devices include wheelchairs, hearing aids, eyeglasses, or services of a personal nature. *Id.*

⁶⁴ *Id.* § 36.301(c).

⁶⁵ Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, 75 Fed. Reg. 56,236 (Sept. 15, 2010) (to be codified at 28 C.F.R. pt. 36). The effective date of the new regulations is March 15, 2011. *Id.* at 56,237.

⁶⁶ *Id.* at 56,250. The DOJ defines “[v]ideo remote interpreting (VRI) service” to mean “an interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images.” *Id.* at 56,251.

exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing.⁶⁷

The amended DOJ regulations contain a section entitled "Effective communication."⁶⁸ In the Title III ADA regulations, the DOJ recognizes that the type of auxiliary aid or services necessary for effective communication will vary in accordance with the method of communication used by the individual, the nature, length, and complexity of the communication involved, and the context in which the communication is taking place. Additionally, the amended regulations continue to recommend that public accommodations consult with individuals with disabilities whenever possible to determine what type of auxiliary aid is needed to ensure effective communication.⁶⁹ The DOJ also reaffirms earlier Title III regulations by stating that "the ultimate decision as to what measures to take rests with the public accommodation, provided that the method chosen results in effective communication."⁷⁰ The DOJ added to its earlier regulation that "[i]n

⁶⁷ *Id.* at 56,253.

⁶⁸ *Id.* (emphasis omitted).

⁶⁹ 28 C.F.R. § 36.303(c)(1)(ii).

⁷⁰ *Id.* The DOJ seemingly places an additional hurdle on deaf and hard of hearing individuals for purposes of public accommodations under Title III as compared to deaf and hard of hearing individuals for purposes of public entities under Title II, which employs the language that a public entity must give "primary consideration" to the auxiliary aids and services requests of an individual with a disability. Nondiscrimination on the Basis of Disability in State and Local Government Services, 75 Fed. Reg. 56,164, 56,223 (Sept. 15, 2010) (to be codified at 28 C.F.R. pt. 35). To further complicate matters, none of the regulations implementing Section 504 of the Rehabilitation Act contain either the "ultimate decision" language of Title III regulations or the "primary consideration" language of Title II regulations. Additionally, while all Title II public entities seemingly receive federal financial assistance and are therefore covered under Section 504, certain public accommodations may also be recipients of federal financial assistance and would have obligations to ensure communication access under both Title III and Section 504. The ADA and the Rehabilitation Act make clear that the statutes are to be interpreted consistently wherever possible. 42 U.S.C. § 12201(a) (2006). Courts regularly analyze lawsuits alleging

order to be effective, auxiliary aids and services must be provided in accessible formats [and] in a timely manner.”⁷¹

V. SECTION 504 OF THE REHABILITATION ACT OF 1973

A. Statute

Congress enacted the Rehabilitation Act in order to “ma[k]e a commitment to the handicapped, that, to the maximum extent possible they shall be fully integrated into the mainstream of life in America.”⁷² This commitment is reflected in Section 504 which states, “[n]o otherwise qualified individual with a disability . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”⁷³ In the Civil Rights Restoration Act of 1987,⁷⁴ Congress expanded the definition of “program or activity” to mean “all of the operations of [a State] department,

violations of both statutes as a single claim. *See* *Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (stating that the repetition of a “well-established term” by Congress “carries the implication that Congress intended the term to be construed in accordance with pre-existing regulatory interpretations”); *Zukle v. Regents of the Univ. of California*, 166 F.3d 1041, 1045 n.11 (9th Cir. 1999) (“There is no significant difference in analysis of the rights and obligations created by the ADA and the Rehabilitation Act.”). This dilemma may turn out to be one of only academic interest, as sport stadiums, whether as Title III public accommodations, Title II public entities, or recipients of federal financial assistance for purposes of Section 504 will need to make sure that they are accessible for deaf and hard of hearing fans.

⁷¹ Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, 75 Fed. Reg. at 56,253.

⁷² *Strathie v. Dep’t of Transp.*, 716 F.2d 227, 229 (3d Cir. 1983) (quoting S. REP. NO. 95-890, at 39 (1978)).

⁷³ 29 U.S.C. § 794 (2006). The Rehabilitation Act defines an “individual with a disability.” 29 U.S.C. § 705(20)(B) (Supp. III 2009). An individual with a disability has “(A) a physical or mental impairment that substantially limits one or more major life activities . . . ; (B) a record of such an impairment; or (C) [is] regarded as having such an impairment.” 42 U.S.C. § 12102(1) (2006 & Supp. II 2008).

The ADA Amendments Act of 2008, Pub. L. No. 110-325, 122 Stat. 3553 (2008) (codified as amended at 42 U.S.C. § 12102), expanded the definition of an individual with a disability by enlarging the definition of major life activity and negating any mitigating measures that an individual might use. *Id.* These Amendments also expanded the definition of an individual with a disability for purposes of the Rehabilitation Act. For example, under the new definition, whether an individual would be considered disabled under the ADA and the Rehabilitation Act would be considered without regard to mitigating measures, i.e., without regard to the use and wearing of a hearing aid. *Id.*; *see also infra* note 127 and accompanying text (explaining that the overwhelming majority of colleges and universities receive federal financial assistance).

⁷⁴ Pub. L. No. 100-259, 102 Stat. 28 (1988) (codified at 20 U.S.C. § 1687 (2006)).

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agency . . . or other instrumentality of a State or of a local government.”⁷⁵ The definition includes “all of the operations of . . . the entity of such State . . . government that distributes such assistance and each such department or agency (and each other State . . . government entity) to which the assistance is extended.”⁷⁶ The definition also includes “all of the operations of . . . a college, university, or other postsecondary institution, or a public system of higher education.”⁷⁷ Therefore, when a college or university, whether public or private, receives *any* federal financial assistance, the football stadium on that postsecondary education campus must be accessible.⁷⁸

B. Department of Education Regulations

Executive agencies of the federal government that provide federal financial assistance have promulgated regulations implementing Section 504.⁷⁹ The various executive agency regulations have a host of definitions. The regulations define “Federal financial assistance,”⁸⁰ an individual with a disability,⁸¹ and a “qualified” individual with a disability.⁸² The regulations list specific discriminatory actions that are

⁷⁵ 20 U.S.C. § 1687(1)(A) (2006).

⁷⁶ *Id.* § 1687(1)(B).

⁷⁷ *Id.* § 1687(2)(A).

⁷⁸ It is well recognized, at least since *Southeastern Community College v. Davis*, 442 U.S. 397, 412 (1979), that although not specifically mentioned in the plain words of the statute, Section 504 is subject to an undue burden defense and a fundamental alteration defense. Further, factors to be considered in determining whether a recipient could demonstrate an undue burden would include the overall size of the recipient’s program with respect to the number of employees, the number and types of facilities, and the size of the budget, as well as the nature and cost of the auxiliary aid needed. 34 C.F.R. § 104.12 (2010). Similarly, because auxiliary aids and services, such as captioning, merely allow a deaf or hard of hearing person to read what is being said aloud by a public address announcer, for example, it is difficult to imagine how providing auxiliary aids and services would amount to a fundamental alteration, especially in the context of a football fan’s access to aural content at a football game.

⁷⁹ *See, e.g.*, 28 C.F.R. pt. 42 (2010) (U.S. Dept. of Justice Section 504 regulations); 34 C.F.R. pt. 104 (U.S. Dept. of Education Section 504 regulations); 45 C.F.R. pt. 84 (2010) (U.S. Dept. of Health and Human Services Section 504 regulations). This Article primarily refers to the U.S. Department of Education Section 504 regulations, but the definitions remain the same in each of the federal executive agency’s Section 504 regulations.

⁸⁰ 34 C.F.R. § 104.3(h) (emphasis omitted).

⁸¹ *Id.* § 104.3(j).

⁸² *Id.* § 104.3(l) (emphasis omitted). A qualified individual with a disability “[w]ith respect to postsecondary . . . education services, [is an individual with a disability] who meets the academic and technical standards requisite to admission or participation in the recipient’s education program or activity.” *Id.* § 104.3(l)(3). A qualified individual with a disability “[w]ith respect to other services, [is an individual with a disability] who meets the essential eligibility requirements for receipt of such services.” *Id.* § 104.3(l)(4).

prohibited.⁸³ The regulations require recipients to undertake a self-evaluation.⁸⁴ The regulations also contain a notice requirement specifically applicable to “those with impaired . . . hearing” that a recipient “does not discriminate in . . . access to . . . its program[s] or activit[ies].”⁸⁵ Further, the Program Accessibility portion of the Section 504 regulations provides that “[n]o qualified handicapped person shall, because a recipient’s facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.”⁸⁶ The “Existing facilities” component of these regulations require recipients of federal financial assistance to “redesign equipment,” alter existing facilities, or undertake “other methods” that make the program or activity of the recipient’s accessible to qualified individuals with disabilities.⁸⁷

The “Postsecondary Education” portion of the Section 504 regulations provide that “[n]o qualified [individual with a disability] shall, on the basis of [disability], be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any . . . physical education, athletics, recreation, . . . or other postsecondary education” program or activity.⁸⁸ The Section 504

⁸³ For example, a recipient of federal financial assistance may not deny a qualified individual with a disability “the opportunity to participate in or benefit from the aid, benefit, or service;” may not afford a qualified individual with a disability “an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded to others;” may not provide a qualified individual with a disability “with an aid, benefit, or service that is not as effective as that provided to others;” or otherwise limit a qualified individual with a disability “in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.” *Id.* §§ 104.4(b)(1)(i)–(iii), (vii). Additionally, federal recipients are prohibited from providing “different or separate aid, benefits, or services . . . to any class” of qualified individuals with disabilities “unless such action is necessary to provide qualified [persons with disabilities] with aid, benefits, or services that are as effective as those provided to others.” *Id.* § 104.4(b)(1)(iv).

While a recipient is “not required to produce the identical result or level of achievement” for a qualified individual with a disability and a non disabled person, a recipient must afford a qualified individual with a disability “equal opportunity to obtain the same result, to gain the same benefit . . . in the most integrated setting appropriate to the person’s needs.” *Id.* § 104.4(b)(2).

⁸⁴ *Id.* § 104.6(c).

⁸⁵ *Id.* § 104.8(a).

⁸⁶ *Id.* § 104.21.

⁸⁷ *Id.* § 104.22(b). The 504 Regulations also contain provisions dealing with “New construction.” *Id.* §§ 104.23(a)–(b).

⁸⁸ *Id.* § 104.43(a). The Section 504 regulations further provide that a recipient . . . that considers participation by students in education programs or activities not operated wholly by the recipient as part of, or equivalent to, and education program or activity operated by the recipient shall assure itself that the other education program or

regulations provide that “[a] recipient to which this subpart applies shall operate its program or activity in the *most integrated* setting appropriate.”⁸⁹ This means that all sports fans, including deaf and hard of hearing fans, get to enjoy football games.

Finally, the Section 504 regulations require that a recipient “take such steps as are necessary to ensure that no [qualified student with a disability] is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination” under the educational program or activity operated by the recipient “because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.”⁹⁰ Examples of auxiliary aids are “taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments.”⁹¹ Computer assisted real time transcription (“CART”) is considered an example of an auxiliary aid or service that makes what is delivered orally by public address announcers, available to deaf and hard of hearing students.

Deaf and hard of hearing sports fans are individuals with disabilities under the Rehabilitation Act. If they have a ticket, they are “qualified” to attend football games. CART is an auxiliary aid or service for purposes of Section 504. It would be nearly impossible for a recipient of federal financial assistance to argue that providing auxiliary aids and services in this context would amount to a fundamental alteration, and a recipient of federal financial assistance faces an uphill battle in making the fact-specific argument of an undue burden. Section 504 has been in existence since 1972, and communication access at sports stadiums is long overdue.

activity, as a whole, provides an equal opportunity for the participation of qualified [individuals with disabilities].

Id. § 104.43(b). Arguably, this suggests that when a postsecondary student attends an away football game the student’s college or university has some obligation to ensure that the college or university where the game is played is also accessible to the student. That is, when a Penn State student travels to the University of Michigan to attend a game, Penn State has an obligation to assure that Michigan Stadium is accessible to the student. Of course, the University of Michigan would have its own obligations to the student.

⁸⁹ *Id.* § 104.43(d) (emphasis added).

⁹⁰ *Id.* § 104.44(d)(1) (emphasis added).

⁹¹ § 104.44(d)(2).

VI. ADVANCE NOTICE OF PROPOSED RULEMAKING

In its analysis to the proposed DOJ Title II and Title III regulations, the DOJ solicited comments on captioning at sporting venues.⁹² The DOJ “propos[ed] that sports stadiums with a capacity of 25,000 or more [shall] provide captioning . . . for safety and emergency information” on scoreboards and video monitors.⁹³ In addition, the DOJ posed four questions about the captioning of information, especially safety and emergency information announcements, provided over public address systems.⁹⁴ In promulgating the amended regulations, the DOJ

⁹² Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, 73 Fed. Reg. 34,508, 34,531–32 (proposed June 17, 2008) (to be codified at 28 C.F.R. pt. 36).

⁹³ *Id.* at 34,532. The DOJ provided the following:

Captioning at sporting venues. The Department is aware that individuals who are deaf or hard of hearing have expressed concerns that they are unaware of information that is provided over the public address systems. Therefore, in § 36.303(g), the Department is proposing that sports stadiums with a capacity of 25,000 or more provide captioning for patrons who are deaf or hard of hearing for safety and emergency information announcements made over the public address system. There are various options that could be used for providing captioning, such as on a scoreboard, on a line board, on a handheld device, or other methods.

Id. at 34,531–32.

⁹⁴ *Id.* at 34,532. The DOJ made the following inquiries regarding the various options for captioning:

Question 26: The Department believes that requiring captioning of safety and emergency information made over the public address system in stadiums seating fewer than 25,000 has the potential of creating an undue burden for smaller entities. However, the Department requests public comment about the effect of requiring captioning of emergency announcements in all stadiums, regardless of size. Would such a requirement be feasible for small stadiums?

Question 27: The Department is considering requiring captioning of safety and emergency information in sports stadiums with a capacity of 25,000 or more within a year of the effective date of the regulation. Would a larger threshold, such as sports stadiums with a capacity of 50,000 or more, be more appropriate or would a lower threshold, such as stadiums with a capacity of 15,000 or more, be more appropriate?

Question 28: If the Department adopted a requirement for captioning at sports stadiums, should there be a specific means required? That is, should it be provided through any effective means (scoreboards, line boards, handheld devices, or other means), or are there problems with some means, such as handheld devices, that should eliminate them as options?

Question 29: The Department is aware that several major stadiums that host sporting events, including National Football League

acknowledged that it received many “detailed and divergent” responses to each of the four questions and the proposed regulatory texts.⁹⁵ In response, the DOJ concluded that

[b]ecause comments submitted on the Department’s title II and title III proposals were intertwined, because of the similarity of issues involved for title II and title III entities, and in recognition of the fact that many large sports stadiums are covered by both title II and title III as joint operations of State or local governments and one or more public accommodations, the Department presents here a single consolidated review and summary of the issues raised in comments.⁹⁶

First, the DOJ asked whether requiring captioning of safety and emergency information made over the public address systems in stadiums seating fewer than 25,000 would create an undue burden for smaller entities. Then it considered whether it would be feasible for small stadiums to provide such captioning or if a larger threshold, such as stadiums with a capacity exceeding 50,000, would be appropriate.⁹⁷ The DOJ responded to the comments by noting that the consensus, revealed in comments from disability advocates, venue owners, and stadium designers and operators, disfavored using stadium size or seating capacity as the decisive factor obligating captioning for safety and emergency information broadcast over the public address system.⁹⁸

football games at Fed Ex Field in Prince Georges County, Maryland, currently provide open captioning of all public address announcements, and do not limit captioning to safety and emergency information. What would be the effect of a requirement to provide captioning for patrons who are deaf or hard of hearing for game-related information (e.g., play-by-play information), safety and emergency information, and any other relevant announcements?

Id. (emphasis omitted).

⁹⁵ Nondiscrimination on the Basis of Disability in State and Local Government Services, 75 Fed. Reg. 56,164, 56,226 (Sept. 15, 2010) (to be codified at 28 C.F.R. pt. 35).

⁹⁶ *Id.*

⁹⁷ Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, 73 Fed. Reg. at 34,531–32.

⁹⁸ Nondiscrimination on the Basis of Disability in State and Local Government Services, 75 Fed. Reg. at 56,226. For example, the DOJ cited the concerns of “[m]ost disability advocacy organizations and individuals with disabilities . . . that using size or seating capacity as a threshold for captioning safety and emergency information would undermine the ‘undue burden’ defense found in both titles II and III” of the ADA. *Id.* The DOJ also cited other commenters who

provided examples of facilities like professional hockey arenas that seat less than 25,000 fans but . . . should be able to provide real-time

Second, the DOJ “asked whether the [regulations] should address the specific means of captioning equipment, whether [captioning] should be provided through any effective means (scoreboards, line boards, handheld devices, or other means), or whether some means . . . should be eliminated as options.”⁹⁹

captioning. Other commentators suggested that some high school or college stadiums [might] hold 25,000 fans or more [but] lack resources to provide real-time captioning. Many commentators noted that real-time captioning would require [use of] trained stenographers and that most high school and college sports facilities rely upon volunteers to operate scoreboards and [public address] systems, and [that the volunteers] would not be qualified stenographers.

Id. The DOJ cited comments from the NAD “that the typical stenographer expense for a professional football game in Washington, D.C. [was] about \$550 per game.” *Id.* The DOJ also noted comments from a trade association “that the cost of a professional stenographer at a sporting event [would run] between \$500 and \$1,000 per game or event, the cost of which, [the trade association] argued, would be [an undue burden].” *Id.* Finally, other comments stated that some schools did not sell tickets to athletic events and that they would be challenged to meet captioning expenses, “in contrast to major college athletic programs and professional sports teams, which would be less likely to prevail using an ‘undue burden’ defense.” *Id.*

The DOJ further noted that “[s]ome venue owners and operators . . . argued that stadium size should not be the key consideration” for whether scoreboard captioning would be required. Instead, “equipment already installed in the stadium, including necessary electrical equipment and backup power supply, should be the determining factor for whether captioning is mandated.” *Id.* The DOJ also noted other comments from “stadium designers and title II entities . . . that the [captioning] requirement should arise when the facility ha[d] at least one elevator providing firefighter emergency operation” and that the DOJ lacked the expertise to regulate this topic. *Id.* Finally, stadium designers and Title II entities argued that there should be “flexibility in the requirements for providing captioning and that any requirement should only apply to stadiums constructed after the effective date of the regulation.” *Id.*

⁹⁹ The DOJ noted the remarks of those who had experience with handheld devices and advocates for persons with disabilities:

such devices do not provide effective communication [because the] information is often delayed in the transmission to such devices, making them hard to use when following action on the playing field or in the event of an emergency when the crowd is already reacting to aural information provided over the [public address] system well before it is received on the handheld device.

Id. However, comments from some “venue owners and operators [indicated] that handheld technology offers advantages of flexibility and portability [and] that it [might] be used successfully regardless of where in the facility the [deaf or hard of hearing fan was] located, even when not in the line of sight of a scoreboard or other captioning system.” *Id.* The DOJ noted other suggestions urging them “not to regulate in such a way as to limit innovation and use of such technology now and in the future.” *Id.* Still other commenters claimed “that the cost of providing handheld systems [was] far less than the cost of [providing] real-time captioning on scoreboards, especially in facilities that [did] not . . . have the capacity to provide real-time captions on existing equipment.” *Id.*

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Third, the DOJ “asked about providing open captioning of all public address announcements, and not limiting captioning to safety and emergency information.”¹⁰⁰ Following this commentary, the DOJ made this statement:

After carefully considering the wide range of public comments on this issue, the Department has concluded that the final rule will not provide additional requirements for effective communication or emergency information provided at sports stadiums at this time. The 1991 title II and title III regulations and statutory requirements are not in any way affected by this decision. The decision to postpone rulemaking on this complex issue is based on a number of factors, including the multiple layers of existing regulation by various agencies and levels of government, and the wide array of information, requests, and recommendations related to developing technology offered by the public. In addition, there is a huge variety of covered entities, information and communication systems, and differing characteristics among sports stadiums. The Department has concluded that further consideration and review would be prudent before it issues specific regulatory requirements.¹⁰¹

¹⁰⁰ *Id.* The DOJ cited the comments of advocates for persons with disabilities “that all information broadcast over a [public address] system should be captioned in real time at all facilities in order to provide effective communication and that a requirement only to provide emergency and safety information would not be sufficient.” *Id.* at 56,226–27. These comments also “suggested that demand for captions [would] only increase as the number of deaf and hard of hearing persons [grew] with the aging of the general population and with increasing numbers of veterans returning from war with disabilities.” *Id.* at 56,227. These comments further “noted that the captioning would benefit others as well as those individuals with communication disabilities.” *Id.* In contrast, the DOJ noted the comments from “venue owners and operators . . . that the action on the sports field is self-explanatory and does not require captioning” and other comments that the best method to deliver captioning was through “television monitors showing local TV broadcasts with captions already mandated by the FCC.” *Id.* Finally, other comments indicated “that retrofitting existing stadiums with new systems could . . . cost hundreds of thousands of dollars per scoreboard or system.” *Id.*

¹⁰¹ *Id.* Subsequent to the promulgation of the new DOJ regulations, the DOJ issued an advanced notice of proposed rulemaking (“ANPRM”) on several topics, including movie captioning and the internet as a public accommodation. Nondiscrimination on the Basis of Disability; Movie Captioning and Video Description 75 Fed. Reg. 43,467 (proposed July 26, 2010) (to be codified at 28 C.F.R. pt. 36). The ANPRM did not include stadium captioning.

The DOJ's failure to issue specific regulations and guidance as to stadium captioning, with no advance notice of proposed rulemaking on the horizon, is most disappointing because it leaves some issues unresolved. Nevertheless, some salient points may be gleaned from, and as a result of, the DOJ commentary. First, as the DOJ noted, the existing Title II and Title III regulations were not affected and the existing regulations were sufficient for the court in *Feldman v. Pro Football, Inc.* to issue declaratory relief requiring stadium captioning.¹⁰²

Second, with evidence in *Feldman* that it costs \$500 to \$550 per game for a stenographer to caption a football game and evidence from a trade association estimating that using a professional stenographer at a sporting event runs between \$500 and \$1,000 per game, it seems highly unlikely that any NFL or major college team could claim or demonstrate an undue burden.¹⁰³ Third, the DOJ's initial attempt to make a distinction between stadiums seating more than 25,000 and those seating fewer seems to have been a non-starter. The argument that Madison Square Garden, the Verizon Center, or the Staples Center, all venues that seat fewer than 25,000, could somehow claim undue burden is far-fetched. Fourth, as demonstrated in this Article's appendix, some NFL and major college teams already provide captioning at sporting events, suggesting that these venues are ahead of the curve in ensuring that their deaf and hard of hearing fans have communication access through captioning. Fifth, the DOJ decision not to provide additional requirements for effective communication will undoubtedly mean more litigation requiring courts to address the issues that DOJ failed to resolve. In short, professional sports franchises and private and state universities need to make their stadiums accessible to deaf and hard of hearing fans now.

VII. NFL STADIUMS—*FELDMAN V. PRO FOOTBALL, INC.*

Professional football stadiums are places of public accommodation under Title III of the ADA.¹⁰⁴ Additionally, all but four professional football stadiums are owned by a city, county, or special governmental entity and are thus subject to Title II of the ADA.¹⁰⁵ Both Titles mandate that football teams caption public address announcements so deaf and hard of hearing fans can equally benefit from football games.

¹⁰² *Feldman v. Pro Football, Inc.*, 579 F. Supp. 2d 697 (D.Md. 2008); Nondiscrimination on the Basis of Disability in State and Local Government Services, 75 Fed. Reg. at 56,226.

¹⁰³ See *supra* notes 21–22 and accompanying text (discussing costs).

¹⁰⁴ 42 U.S.C. § 12181(7)(C) (2006).

¹⁰⁵ Landy, *supra* note 21, at 55 n.52. The four football teams with stadiums that are privately owned are Carolina, Miami, New England, and Washington. *Id.*

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In the only case discussing stadiums' obligations to caption aural information for deaf and hard of hearing fans, the Maryland District Court in *Feldman* held that the Washington Redskins are required "to provide deaf and hard of hearing fans equal access to the aural information broadcast over the stadium bowl public address system at FedExField, which includes music with lyrics, play information, advertisements, referee calls, safety/emergency information, and other announcements."¹⁰⁶ In *Feldman*, deaf and hard of hearing ticket holders of the Washington Redskins alleged violations of Title III of the ADA because the ticket holders were not provided equal access to information and announcements at FedExField.¹⁰⁷ After the suit was filed the Washington Redskins began captioning some aural content in the bowl portion of the stadium¹⁰⁸ and concourse,¹⁰⁹ and stated its intent to continue captioning.¹¹⁰ The plaintiffs argued that the Washington Redskins could easily revert to their discriminatory ways, which included only captioning the lyrics to the Star Spangled Banner and Hail to the Washington Redskins, and failing to caption music accompanying cheerleader routines, failing to caption half of the concourse televisions that broadcast a local radio station's aural commentary, and providing insufficient LED captioning boards in a different line of sight than the jumbotrons.¹¹¹ The Washington Redskins advanced three arguments in their defense: (1) that plaintiffs lacked standing; (2) that their actions to start captioning rendered the case moot; and (3) that the ADA did not require them to provide captioning or auxiliary aids and services to ensure that aural information is effectively communicated to deaf and hard of hearing fans.¹¹² Two years after the suit was filed, the District

¹⁰⁶ *Feldman*, 579 F. Supp. 2d at 710.

¹⁰⁷ *Id.* at 699. Specifically, the plaintiffs filed suit against defendants Pro Football, Inc., a Maryland corporation doing business as the Washington Redskins, and WFI Stadium, Inc., a Delaware corporation that owns and operates FedExField. *Id.* For clarification, both defendants will collectively be referred to as "Washington Redskins."

¹⁰⁸ The Washington Redskins caption the following: (1) an emergency evacuation video that is shown prior to the game; (2) the results of each play including the "type of play, names of key players involved in the play, the number of yards gained or lost," where the ball is spotted, and the number of remaining yards; (3) the end of quarters; (4) penalties announced by the referee; (5) "[w]hen cheerleaders take the field"; (6) announcements about presentations and non-musical entertainment; (7) advertisements and public address announcements; (8) scores of other football games; (9) information about the next home game; and (10) appropriate information in the event of emergency. *Id.* at 701.

¹⁰⁹ The Washington Redskins captioned half of the televisions in the concourse level. *Id.* at 702. These televisions only show captioning of the network broadcast of the game. Captioning is not displayed on the televisions showing the in-house feed. *Id.*

¹¹⁰ *Id.* at 700.

¹¹¹ *Id.* at 703-04.

¹¹² *Id.* at 702-03.

Court issued an opinion on the parties' cross-motions for summary judgment.¹¹³

Because the Washington Redskins began providing captioning shortly after the suit was filed¹¹⁴ most of the court's holding discusses procedural issues. After determining the scope of the complaint,¹¹⁵ the court held that the plaintiffs had standing to file their complaint, because they suffered an injury in fact when the complaint was filed.¹¹⁶ The court next held the plaintiffs' claim was not moot because nothing prevented the Washington Redskins from returning to their prior practices of not providing captioning.¹¹⁷

The court then addressed the Washington Redskins' ADA argument that Title III did not require them to provide any auxiliary services to ensure equal access to the aural information at FedExField other than assisted listening devices. Stating that assistive listening devices were useless to the plaintiffs, the court found Title III "require[d] Defendants to provide 'full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations' available at FedExField."¹¹⁸ The Washington Redskins additionally asserted that all information that is integral to using the stadium can be gathered from watching the game.¹¹⁹ In response, the court noted that the Washington Redskins "provide more than a football game" and purposely provide additional aural information to all fans.¹²⁰ Recognizing that such additional information is a good, service, facility, privilege, advantage, or accommodation, the court acknowledged that without an auxiliary aid or service the deaf and hard of hearing fans would not have equal access to this information.¹²¹ Accordingly, the court declared that "the ADA requires Defendants to provide deaf and hard of hearing fans equal access to the aural information broadcast over the stadium bowl public address system."¹²² The District Court concluded by denying the plaintiffs' request for an injunction and their cross-motion for summary judgment, determining that there was a genuine dispute of material fact

¹¹³ *Id.* at 702.

¹¹⁴ *Id.* at 704.

¹¹⁵ The court held the complaint encompassed issues of line-of-sight and music captioning, but did not encompass whether the local radio broadcast should be captioned. *Id.*

¹¹⁶ *Id.* at 705-06.

¹¹⁷ *Id.* at 706. The court also held that the Washington Redskins failed to show the case was prudentially moot. *Id.* at 707.

¹¹⁸ *Id.* at 709.

¹¹⁹ *Id.* at 708.

¹²⁰ *Id.* at 709.

¹²¹ *Id.*

¹²² *Id.*

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as to whether LED ribbon board captioning is effective communication despite fans' inability to read it and watch the jumbotron simultaneously.¹²³

Both parties appealed the decision to the United States Court of Appeals for the Fourth Circuit. On March 25, 2011, the Fourth Circuit issued a 2-1 per curiam, unpublished decision upholding the district court's decision.¹²⁴ The Fourth Circuit held as follows:

[w]e agree with the district court that in the context of a professional football game at a large stadium like FedEx Field, effective communication requires defendants to provide auxiliary aids beyond assistive listening devices, which are useless to plaintiffs, to convey the: (1) game-related information and referee calls; (2) emergency and public address announcements broadcast over the public address system; and (3) the words to music and other entertainment broadcast over the public address system. Plaintiffs need access to this aural content to have full and equal access to the goods and services that defendants provide at FedEx Field.¹²⁵

Although a "particular form" of auxiliary aids and services was not required, the Fourth Circuit held that a deaf individual must have "full and equal enjoyment" while attending a football game at FedEx Field.¹²⁶

VIII. COLLEGE STADIUMS—*SABINO V. THE OHIO STATE UNIVERSITY*

Some college football stadiums are places of public accommodation under Title III and others are public entities under Title II. Additionally, almost all colleges operate under Section 504 of the Rehabilitation Act because almost all colleges receive federal financial assistance.¹²⁷ As explained above in their respective sections, Title II, Title III, and

¹²³ *Id.* at 710. Parties subsequently resolved the line-of-sight issue. Defendants maintain captioning on the LED ribbon boards. *Id.*

¹²⁴ *Feldman v. Pro Football, Inc.*, No. 09-1021, 2011 WL 1097549 (4th Cir. Mar. 25, 2011).

¹²⁵ *Id.* at *9.

¹²⁶ *Id.* at *10. Following the Fourth Circuit's decision, a Petition for Panel Rehearing and Rehearing En Banc was filed and denied. Order, *Feldman v. Pro Football, Inc.*, No. 09-1021 (4th Cir. Apr. 22, 2011).

¹²⁷ See KNIGHT COMM'N ON INTERCOLLEGIATE ATHLETICS, RESTORING THE BALANCE: DOLLARS, VALUES, AND THE FUTURE OF COLLEGE SPORTS (2010), available at http://www.knightcommission.org/images/restoringbalance/KCIA_Report_F.pdf (providing overview of athletic budgets).

Section 504 each require stadiums to ensure that deaf and hard of hearing fans have access to aural information that is provided.¹²⁸

The Sabino consent decree shows how a university can successfully implement auxiliary aids and services to ensure that deaf and hard of hearing fans can equally access collegiate athletic events. On October 12, 2010, The Ohio State University (“OSU”), the Attorney General of Ohio, and Vincent Sabino (“Sabino”) entered into a non-confidential consent decree to mutually resolve the lawsuit Sabino filed against OSU.¹²⁹ Sabino’s lawsuit alleged that OSU’s athletic department discriminated against him and other individuals who are deaf and hard of hearing through a lack of auxiliary aids and services at Ohio Stadium and Value City Arena at the Jerome Schottenstein Center, which limited Sabino’s enjoyment of and access to programs in violation of Title II of the ADA and Section 504 of the Rehabilitation Act of 1973.¹³⁰ The consent decree requires OSU to undertake several steps to make its athletic events accessible to individuals who are deaf and hard of hearing.¹³¹

The consent agreement requires OSU to provide auxiliary aids and services for football games at Ohio Stadium, men’s and women’s basketball games at the Value City Arena at the Jerome Schottenstein Center, and to update its website.¹³² During football games at Ohio Stadium, OSU will:

- caption on both the north and south scoreboards all auditory information broadcasted in Ohio Stadium, including public address announcements, music, and emergency information, before, during, and after home football games;
- activate on at least one-half of the television monitors in the concourse of Ohio Stadium the captioning of television broadcasts; and

¹²⁸ Colleges are required to provide auxiliary aids and services to deaf students. Providing captioning at football games ensures deaf and hard of hearing students can equally benefit from their non-classroom college experience. Colleges’ admissions materials demonstrate how football games are part of the college experience. For example, the virtual tour for the University of Colorado, Boulder lists eleven campus locations including Folsom Field, their football stadium. Likewise, admissions viewbooks for some undergraduate, graduate, and law schools include various references to the schools’ football programs.

¹²⁹ Consent Decree, *Sabino v. The Ohio State University*, No. 2:09-cv-544 (S.D. Ohio Oct. 12, 2010).

¹³⁰ *Id.* at 1.

¹³¹ *Id.* at 3–5.

¹³² *Id.*

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- continue to handle accessible seating requests under its existing policies.¹³³

During men and women's basketball games at the Value City Arena at The Jerome Schottenstein Center, OSU will:

- activate on at least one-half of the television monitors in the concourse area the captioning of television broadcasts; and
- process requests for interpreting services, captioning, and speech to text service, as well as requests for other auxiliary aids and services.¹³⁴

Additionally, OSU will update its websites for its Athletic Department¹³⁵ and the Value City Arena at The Jerome Schottenstein Center¹³⁶ to include:

- a guide for guests with disabilities;
- information for requesting accommodations;
- contact information for Ohio State's ADA Coordinator; and
- an complaint procedure outline for guests with disabilities.¹³⁷

OSU's current policies represent one of the most thorough, if not the most thorough, set of auxiliary aids and services to ensure deaf and hard of hearing fans receive an equal benefit of the football game.¹³⁸

IX. CONCLUSION

Professional and college football are both billion-dollar businesses that provide entertainment to thousands of fans. Providing captioning is required under Titles II¹³⁹ and III¹⁴⁰ of the ADA, Section 504 of the

¹³³ *Id.* at 3.

¹³⁴ *Id.* at 3–4.

¹³⁵ OFFICIAL WEBSITE OHIO ST. U. ATHLETICS, <http://www.ohiostatebuckeyes.com/> (last visited Dec. 6, 2010).

¹³⁶ *Value Center Arena, SCHOTTENSTEIN CTR.*, <http://www.schottensteincenter.com/> (last visited Dec. 6, 2010).

¹³⁷ Consent Decree, *supra* note 129, at 4–5.

¹³⁸ After all parties entered into the consent decree on November 10, 2010, the NAD wrote to the Big Ten Conference and its current and future members requesting that they adopt the auxiliary aids and services that OSU provides pursuant to the consent agreement to ensure that deaf and hard of hearing fans have equal access to and enjoyment of Big Ten Football. As of February 15, 2011, the NAD has yet to receive a response.

¹³⁹ *See supra* Part III (discussing Title II of the ADA).

¹⁴⁰ *See supra* Part IV (discussing Title III of the ADA).

Rehabilitation Act of 1973,¹⁴¹ and the DOJ regulations.¹⁴² Accordingly, both professional¹⁴³ and college teams should adopt the accommodations that OSU now provides.¹⁴⁴ Aside from meeting their legal obligations, captioning all aural information at football games demonstrates that professional and college football teams and stadiums are committed to equality for *all* fans.

¹⁴¹ See *supra* Part V (discussing Section 504 of the Rehabilitation Act).

¹⁴² See *supra* Part VI (discussing DOJ rulemaking relative to stadiums).

¹⁴³ See *supra* Part VII (discussing *Feldman v. Pro Football, Inc.*, which addressed aural accommodations for the deaf and hard of hearing at an NFL stadium).

¹⁴⁴ See *supra* Part VIII (discussing *Sabino v. The Ohio State University*, which addressed aural accommodations for the deaf and hard of hearing at a college stadium).

APPENDIX

This appendix lists auxiliary aids and services that teams and stadiums provide to deaf and hard of hearing fans.¹⁴⁵ Deaf and hard of hearing fans will not benefit until all teams and all stadiums provide auxiliary aids and services because fans, like the plaintiff in the Washington Redskins case, travel to away games to support the team.¹⁴⁶

This appendix is broken into four parts: the National Football League, which is subdivided by conference and then by division; college football teams, listed by conference; other venues that host college football games; and Major League Baseball (“MLB”). Although this Article analyzes football teams, MLB teams and stadiums are included because several MLB stadiums host football games and MLB stadiums can provide guidance as to the accommodations provided. Prominently, MLB websites were standardized with a link to the baseball team’s stadium. That link includes a fan guide and, for some baseball teams, a guide for fans with disabilities.¹⁴⁷ As such, teams are encouraged to include a guide for fans with disabilities and mirror the OSU websites that prominently display a link to information for disabled fans.¹⁴⁸

NFL AUXILIARY AIDS AND SERVICES BY TEAM/STADIUM

This part of the appendix lists the auxiliary aids and services the teams and stadiums of the NFL provide and the source of this information. Teams are listed by conference (NFC or AFC) and then by division. Of the thirty-two NFL teams, we were unable to find auxiliary aids and services for deaf and hard of hearing fans for eight teams (25%): Cincinnati Bengals, Jacksonville Jaguars, Minnesota Vikings, New York Giants, New York Jets, Pittsburgh Steelers, Tampa Bay Buccaneers, and Tennessee Titans. Twenty-two teams (68.75%) provide ALDs. Ten teams (31.25%) provide a form of captioning. Eight teams (25%) provide both ALDs and captioning.

There are two additional notes. First, the New York Giants and the New York Jets share a stadium: New Meadowlands Stadium. Second,

¹⁴⁵ Information was gathered during October and November 2010 by examining the websites for teams and stadiums. Although a good faith effort to review the policies, fan guides, stadium guides, and game day information for each team was made, it is possible that some teams’ auxiliary aids and services were missed.

¹⁴⁶ Opening/Response Brief of Plaintiffs-Appellees/Cross Appellants at 21, *Feldman v. Pro Football, Inc.*, 579 F. Supp. 2d 697 (D. Md. 2008), filed, No. 09-1021 (4th Cir. Jan. 8, 2009).

¹⁴⁷ See *infra* Appendix.

¹⁴⁸ See *supra* notes 133–34 and accompanying text.

four college teams play their home games in NFL stadiums: the University of Miami Hurricanes share a stadium with the Miami Dolphins; the University of Pittsburgh Panthers share a stadium with the Pittsburgh Steelers; the University of South Florida Bulls share a stadium with the Tampa Bay Buccaneers; and the Temple University Owls share a stadium with the Philadelphia Eagles.¹⁴⁹ These colleges are also discussed in their respective portion of the appendix.

National Football Conference, East

Team	Stadium	Captioning Type	ALDs provided	Source
Dallas Cowboys	Cowboys Stadium	Handheld captioning	Yes	http://stadium.dallascowboys.com/guests/guestDisabilitiesInfo.cfm
New York Giants	New Meadowlands Stadium			http://www.giants.com//new_stadium/newmeadowlandsstadiuminfo.asp
Philadelphia Eagles	Lincoln Financial Field	Handheld captioning	Yes	http://www.lincolnfinancialfield.com/guest/disabilities.asp http://www.lincolnfinancialfield.com/guest/a-z.asp
Washington Redskins	FedEx Field	Some captioning	Yes	http://www.redskins.com/gen/articles/Information_For_Disabled_Handicapped_Fans_1624.jsp

¹⁴⁹ After the Minnesota Vikings' stadium roof deflated in December 2010 following a snowstorm, the Vikings moved their remaining home games to the football stadium of the University of Minnesota Golden Gophers. This was a temporary arrangement for the remainder of the 2010–2011 football season. Associated Press, *Metrodome Unfit for Vikings-Bears*, ESPN (Dec. 15, 2010), <http://sports.espn.go.com/nfl/news/story?id=5919792>.

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National Football Conference, North

Team	Stadium	Captioning Type	ALDs provided	Source
Chicago Bears	Soldier Field	Handheld captioning	Yes	http://assets.chicagobears.com/assets/tickets/2010azguide.pdf http://assets.chicagobears.com/assets/tickets/fan_guide_gwd.pdf http://assets.chicagobears.com/assets/tickets/fan_guide_a-z.pdf http://assets.chicagobears.com/assets/tickets/AccessibleSeatingPolicy081710.pdf
Detroit Lions	Ford Field		Yes	http://prod.static.lions.clubs.nfl.com/assets/pdf/FordFieldFanGuide2010.pdf
Green Bay Packers	Lambeau Field		Yes	http://www.packers.com/tickets/guests-with-disabilities.html
Minnesota Vikings	Hubert H. Humphrey Metrodome			http://prod.static.vikings.clubs.nfl.com/assets/docs/fan-service-2010.pdf http://www.msfc.com/faq.cfm?faq=bRPWSFBJT

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National Football Conference, South

Team	Stadium	Captioning Type	ALDs provided	Source
Atlanta Falcons	Georgia Dome		Yes	http://www.gadome.com/guest/Disabilities.aspx
New Orleans Saints	Louisiana Superdome		Yes	http://www.neworleanssaints.com/tickets-and-stadium/ada-accessible-seating.html http://www.superdome.com/faq
Carolina Panthers	Bank of America Stadium		Yes	http://www.panthers.com/tickets/accessible-seating.html http://www.panthers.com/stadium/policies-and-information.html
Tampa Bay Buccaneers ¹⁵⁰	Raymond James Stadium			http://www.raymondjames.com/stadium/disability_services.htm http://www.buccaneers.com/rj-stadium/specialneeds.html

¹⁵⁰ Although we were unable to find any accommodations listed on the Tampa Bay Buccaneers website, the Outback Bowl, which is also played at Raymond James Stadium, provides ALDs. Yet because the Tampa Bay Buccaneers website does not list accommodations, we do not record the Tampa Bay Buccaneers as providing accommodations.

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National Football Conference, West

Team	Stadium	Captioning Type	ALDs provided	Source
Arizona Cardinals	University of Phoenix Stadium		Yes	http://prod.static.cardinals.clubs.nfl.com/assets/docs/disabled09.pdf http://prod.static.cardinals.clubs.nfl.com/assets/docs/2010AZGuide.pdf
Saint Louis Rams	Edward Jones Dome		Yes	http://www.stlouisrams.com/edward-jones-dome/game-day-info.html http://www.stlouisrams.com/edward-jones-dome/dome-policies.html
San Francisco 49ers	Candlestick Park		Yes	http://prod.static.49ers.clubs.nfl.com/assets/docs/niners_az_revised.pdf http://www.49ers.com/stadium/accessible-services.html
Seattle Seahawks	Qwest Field	Closed Captioning to Mobile Phones	Yes	http://prod.static.seahawks.clubs.nfl.com/assets/2009/PDF/qwest-field/2009StadiumGuide.pdf http://www.qwestfield.com/venue/stadiumGuide.aspx#disabled

American Football Conference, East

Team	Stadium	Captioning Type	ALDs provided	Source
Buffalo Bills	Ralph Wilson Stadium	Closed captioning devices	Yes	http://my.youturnpub.com/YouTurn/BillsStadiumGuide/
Miami Dolphins	Sun Life Stadium		Yes	http://www.sunlifestadium.com/content/stadiumguide.aspx
New England Patriots	Gillette Stadium	Open captioning	Yes	http://www.patriots.com/stadium/index.cfm?ac=gamedaystadiumpolicies#disability http://www.gillettstadium.com/stadium_information/index.cfm?ac=ada_information
New York Jets	New Meadowlands Stadium			http://prod.static.jets.clubs.nfl.com/assets/swf/gameday-guide/index.html

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American Football Conference, North

Team	Stadium	Captioning Type	ALDs provided	Source
Baltimore Ravens	M&T Bank Stadium	Closed captioning to personal devices		http://www.baltimoreravens.com/Gameday/Tickets/Accessible_Seating.aspx http://www.baltimoreravens.com/Gameday/Tickets/~/_media/A4E16B79DBBD44E1A9AC59D5DEFA1E99.ashx
Cleveland Browns	Cleveland Browns Stadium		Yes	http://www.clevelandbrowns.com/stadium/ada-information.html
Cincinnati Bengals	Paul Brown Stadium			http://www.bengals.com/stadium/stadium-guide.html
Pittsburgh Steelers	Heinz Field			http://www.steelers.com/tickets-and-stadium/heinz-field-stadium-info/disability-services.html http://prod.static.steelers.clubs.nfl.com/assets/docs/2010_FanGuide.pdf

American Football Conference, South

Team	Stadium	Captioning Type	ALDs provided	Source
Houston Texans	Reliant Stadium		Yes	http://www.reliantpark.com/ada http://www.houston Texans.com/gameday/stadium-info/policies-and-procedures.html
Indianapolis Colts	Lucas Oil Stadium		Yes	http://www.colts.com/sub.cfm?page=information_dynamic&id=80
Jacksonville Jaguars	EverBank Field			http://www.jaguars.com/tickets/gamedayfaqs.aspx
Tennessee Titans	LP Field			http://www.titansonline.com/stadium/disabilities-guide.html

American Football Conference, West

Team	Stadium	Captioning Type	ALDs provided	Source
Denver Broncos	Invesco Field at Mile High	Closed captioning to personal devices	Yes	http://www.invescofieldatmilehigh.com/index.php?section=stadium_info&subsection=overview
Kansas City Chiefs	Arrowhead Stadium	Closed captioning on scoreboards		http://prod.static.chiefs.clubs.nfl.com/assets/pdf/Chiefs_Fan_Guide_2010.pdf http://www.kcchiefs.com/arrowhead/special-needs.html

Oakland Raiders	Oakland-Alameda County Coliseum		Yes	http://www.raiders.com/tickets/a-z-fan-guide.html
San Diego Chargers	Qualcomm Stadium		Yes	http://www.sandiego.gov/qualcomm/pdf/accessibility.pdf http://prod.static.chargers.clubs.nfl.com/assets/docs/4384.pdf http://www.chargers.com/tickets/stadium/accessibility.html http://prod.static.chargers.clubs.nfl.com/assets/docs/pdf/2010/SDC_AtoZGuide_2010_final_090210.pdf

COLLEGE AUXILIARY AIDS AND SERVICES BY TEAM/STADIUM

This part of the appendix lists the auxiliary aids and services provided to ensure effective communication of aural information for deaf and hard of hearing fans for the football teams of the six automatic qualifying conferences (the ACC, Big East, Big Ten, Big Twelve, Pac-10, and SEC) and the premier football teams that are independent or affiliates of non-automatic qualifying conferences.

This appendix lists membership as of the 2010–2011 season. Several colleges will change their conference affiliation in the upcoming years. Additionally, as the NFL portion of the appendix notes, four college teams play their home games in NFL stadiums.

This appendix lists seventy-four of the 120 Division One FBS (formerly Division IA) teams. Of the seventy-four teams listed here, we were unable to find accommodations for deaf and hard of hearing fans for fifty-eight teams (78.37%); fourteen teams (18.91%) provide ALDs; eight teams (10.81%) provide a form of captioning; and six teams (8.1%) provide both ALDs and captioning.

Atlantic Coast Conference

College	Stadium	Captioning Type	ALDs provided	Source
Boston College	Alumni Stadium			http://bceagles.cstv.com/ot/bc-a-z-guide.html
Clemson	Memorial Stadium			http://clemsontigers.cstv.com/school-bio/fballstadiuminfo.html
Duke	Wallace Wade Stadium			http://www.goduke.com/ViewArticle.dbml?DB_OEM_ID=4200&ATCLID=1178945
Florida State	Doak Campbell Stadium			http://www.seminoles.com/sports/m-footbl/gamedayplan.html
Georgia Tech	Bobby Dodd Stadium			http://ramblinwreck.cstv.com/auto_pdf/p_hotos/s_chools/geot/sports/m-footbl/auto_pdf/2010GeorgiaTechFanGuide
Maryland	Byrd Stadium			http://www.umterps.com/sports/m-footbl/spec-rel/091003aaa.html
Miami	Sun Life Stadium		Yes	http://www.sunlifestadium.com/content/stadiumguide.aspx
UNC	Kenan Memorial Stadium			http://tarheelblue.cstv.com/auto_pdf/p_hotos/s_chools/unc/sports/m-footbl/auto_pdf/10fanguide
North Carolina State University	Carter-Finley Stadium		Yes	http://www.gopack.com/auto_pdf/p_hotos/s_chools/ncst/sports/m-footbl/auto_pdf/fan-guide
Virginia	Scott Stadium			http://www.virginiaspports.com/ViewArticle.dbml?&&DB_OEM_ID=1

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				7800&ATCLID=1146792
Virginia Tech	Lane Stadium			http://www.hokiesports.com/football/fanguide.html
Wake Forest	BB&T Field			http://wakeforestsports.cstv.com/gameday/gameday-policies.html#alcohol

Big East Conference

College	Stadium	Captioning Type	ALDs provided	Source
Cincinnati	Nippert Stadium			http://www.gobearcats.com/auto_pdf/p_hotos/schools/cinn/sports/m-footbl/auto_pdf/10_FootballFanGuide
Connecticut	Rentschler Field			http://www.uconnhuskies.com/tickets/09-fb-a-to-z.html http://www.rentschlerfield.com/ http://www.rentschlerfield.com/disabled_services.cfm
Louisville	Papa John's Cardinal Stadium			http://www.uoflports.com/genrel/090100aab.html http://www.pjcardinalstadium.com/index.php/stadium-info/policies-and-procedures
Pittsburgh	Heinz Field			http://grfx.cstv.com/photos/schools/pitt/genrel/auto_pdf/HFPoliciesProcedures.pdf http://prod.staticsteelers.clubs.nfl.com/assets/docs/2010_FanGuide.pdf

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Rutgers	Rutgers Stadium			http://www.scarletknights.com/tickets/policy.asp
South Florida ¹⁵¹	Raymond James Stadium			http://www.raymondjames.com/stadium/index.htm http://www.raymondjames.com/stadium/disability_services.htm
Syracuse	Carrier Dome	Some interpreter services	Yes	http://suathletics.syr.edu/sports/2009/2/3/GEN_0203095918.aspx?
West Virginia	Mountaineer Field			http://www.msnsportsnet.com/page.cfm?section=7920

Big Ten Conference

College	Stadium	Captioning Type	ALDs provided	Source
Illinois	Memorial Stadium			http://www.athletics.illinois.edu/facilities/fanguides/FB_FanGuide_2010.pdf
Indiana	Memorial Stadium			http://iuhoosiers.cstv.com/facilities/ind-facilities-memorial-fanguide.html
Iowa	Kinnick Stadium			http://www.hawkeyesports.com/gameday/gameday-m-footbl.html

¹⁵¹ Although we were unable to find any accommodations listed on the South Florida Bulls website, the Outback Bowl, which is also played at Raymond James Stadium, provides ALDs. Yet because the Tampa Bay Buccaneers website does not list accommodations, we do not record the Tampa Bay Buccaneers as providing accommodations.

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Michigan	Michigan Stadium	Closed Captioning	Yes	http://www.mgloblue.com/sports/m-footbl/spec-rel/101409aaa.html http://www.mgloblue.com/genrel/060509aaa.html
Michigan State	Spartan Stadium			http://www.msuspartans.com/facilities/spartan-stadium.html
Minnesota	TCF Bank Stadium	Captioning	Yes	http://stadium.gophersports.com/docs/gameday_guide_2010.pdf
Northwestern	Ryan Field			http://nusports.cstv.com/tickets/gameday-info.html http://nusports.cstv.com/facilities/ryan-field.html
Ohio State	Ohio Stadium	Captioning	Yes	http://www.ohiostatebuckeyes.com/ViewArticle.dbml?DB_OEM_ID=17300&ATCLID=1209382
Penn State	Beaver Stadium			http://www.gopsusports.com/tickets/ada-information.html http://www.gopsusports.com/auto_pdf/p_hotos/s_schools/psu/sports/m-footbl/auto_pdf/2010-stadium-guide
Purdue	Ross-Ade Stadium			http://www.purduesports.com/facilities/ross-ade-stadium.html

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Wisconsin	Camp Randall Stadium		Yes	http://www.uwbaldgers.com/facilities/camp-randall-accessibility-guide.html
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Big Twelve Conference

College	Stadium	Captioning Type	ALDs provided	Source
Baylor	Floyd Casey Stadium			http://www.baylorbears.com/auto_pdf/photos/schools/bay/sports/m-footbl/auto_pdf/08-fanguide
Colorado	Folsom Field			https://admin.xosn.com/ViewArticle.dbml?SPSID=4269&SPID=274&DB_OEM_ID=600&ATCLID=24436
Iowa State	Jack Trice Stadium			http://www.cyclones.com/ViewArticle.dbml?&DB_OEM_ID=10700&ATCLID=508900
Kansas	Memorial Stadium			http://www.kuathletics.com/auto_pdf/photos/schools/kan/sports/m-footbl/auto_pdf/FB_Fan_Guide_2010
Kansas State	Bill Snyder Family Football Stadium			http://www.kstatesports.com/tickets/game-day-policies.html

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Missouri	Faurot Field	Closed Captioning	Yes	http://www.mutigers.com/gameday/ada.html http://www.mutigers.com/auto_pdf/photos/schools/miss/sports/m-footbl/auto_pdf/10-fac-fan-guide-faurot http://www.mutigers.com/facilities/fan-guide-faurot.html
Nebraska	Memorial Stadium			http://www.huskers.com/ViewArticle.dbml?SPSID=3047&SPID=41&DB_OEM_ID=100&ATCLID=2657
Oklahoma	Gaylord Family Oklahoma Memorial Stadium			http://www.soonersports.com/facilities/accessibility.html http://www.soonersports.com/facilities/memorial-stadium.html
Oklahoma State	Boone Pickens Stadium		Yes	http://www.okstate.com/facilities/boone-pickens-ada.html http://www.okstate.com/facilities/boone-pickens-azguide.html
Texas	Darrell K Royal-Texas Memorial Stadium	Closed Captioning		http://www.texassports.com/ot/football-atoz.html
Texas A&M	Kyle Field			http://www.aggieathletics.com/school-bio/fan-guide-atoz.html http://www.aggieathletics.com/school-bio/gameday-guide.html
Texas Tech	Jones AT&T Stadium			http://www.texastech.com/gameday/football-gameday-central-2010.html

Pac-10 Conference

College	Stadium	Captioning Type	ALDs provided	Source
Arizona	Arizona Stadium			http://www.arizonawildcats.com/sports/m-footbl/ariz-m-footbl-body.html
Arizona State ¹⁵²	Sun Devil Stadium	Open Captioning		http://thesundevils.cstv.com/links/asu-ada3.html http://thesundevils.cstv.com/genrel/092303aaa.html
University of California, Berkeley	California Memorial Stadium			http://www.calbears.com/ot/memorial_stadium_ada_information2.html http://www.calbears.com/ot/2010_fb_general_info.html
Oregon	Autzen Stadium		Yes	http://www.goducks.com/ViewArticle.dbml?DB_OEM_ID=500&ATCLID=384587
Oregon State	Reser Stadium			http://www.osubearers.com/sports/m-footbl/spec-rel/09-m-footbl-gameday-info.html
Stanford	Stanford Stadium		Yes	http://www.gostanford.com/facilities/stan-stadium.html#top
UCLA	Rose Bowl	Captioning	Yes	http://www.rosebowlstadium.com/pdfs/ACCESS-GUIDE-RBG.pdf http://www.rosebowlstadium.com/RoseBowl_accessibility.php

¹⁵² Although we were unable to find any accommodations listed on the Arizona State Sun Devils website, the Insight Bowl, which is also played at Sun Devil Stadium, provides ALDs. Yet because the Arizona State Sun Devils website does not list accommodations, we do not record the Arizona State Sun Devils as providing ALDs.

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USC			Yes	http://grfx.cstv.com/photos/schools/usc/sports/m-footbl/auto_pdf/09-usc-mfootbl-gameday-guide.pdf
Washington	Husky Stadium			http://www.gohuskies.com/auto_pdf/photos/schools/wash/sports/m-footbl/auto_pdf/fb-gameday-guide0901
Washington State	Martin Stadium			http://www.wsucougars.com/ot/wastatoz-footbl.html

Southeastern Conference

College	Stadium	Captioning Type	ALDs provided	Source
Alabama	Bryant-Denny Stadium			http://www.rolltide.com/auto_pdf/p_hotos/schools/alab/sports/tickets/auto_pdf/2010-bds-policies http://www.rolltide.com/auto_pdf/p_hotos/schools/alab/sports/m-footbl/auto_pdf/2010-mfb-fan-guide

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Arkansas	Razorback Stadium (primary) War Memorial Stadium (secondary)			http://www.arkansasrazorbacks.com/ViewArticle.dbml?SPSID=30726&SPID=2419&DB_LANG=C&DB_OEM_ID=6100&ATCLID=1515064 https://admin.xosn.com/ViewArticle.dbml?SPSID=30726&SPID=2419&DB_OEM_ID=6100&ATCLID=1569278 http://www.arkansasrazorbacks.com/pdf8/709327.pdf?ATCLID=1515064&SPSID=30726&SPID=2419&DB_LANG=C&DB_OEM_ID=6100 http://www.wmstadium.com/stadium-info/a-to-z-guide
Auburn	Jordan-Hare Stadium			http://www.auburn.edu/communications_marketing/gameday/guestservices.html http://auburntigers.cstv.com/auto_pdf/p_hotos/schools/aub/sports/m-footbl/auto_pdf/fan-guide-2010

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Florida	Ben Hill Griffin Stadium			http://www.gatorzone.com/facilities/?venue=swamp&page=home&sport=football http://www.gatorzone.com/gameday/?sport=football
Georgia	Sanford Stadium			http://www.georgiadogs.com/facilities/sanford-stadium-policies.html http://gameday.uga.edu/index.php?/faq/
Kentucky	Commonwealth Stadium			http://fbgameday.ukathletics.com/commonwealth.html
Louisiana State University	Tiger Stadium			http://www.lsusports.net/fls/5200/assets/docs/fb/pdf/10fanguide.pdf http://www.lsusports.net/ViewArticle.dbml?SPSID=27815&SPID=2164&DB_LANG=C&DB_OEM_ID=5200&ATCLID=177151

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Mississippi State	Davis Wade Stadium			http://www.mstateathletics.com/ViewArticle.dbml?DB_OEM_ID=16800&ATCLID=204968730 http://www.mstateathletics.com/files/16800/pdf/fb_fanguide_2010.pdf http://www.mstateathletics.com/ViewArticle.dbml?DB_OEM_ID=16800&ATCLID=925432
University of Mississippi	Vaught-Hemingway Stadium			http://www.olemisssports.com/sports/umaaf/spec-rel/umaaf-gameday-info.html
South Carolina	Williams-Brice Stadium			http://grfx.cstv.com/photos/schools/scar/sports/m-footbl/auto_pdf/10-fb-fan-guide.pdf http://gamecocksonline.cstv.com/ot/game-day-information.html
Vanderbilt	Vanderbilt Stadium			http://vucommodores.cstv.com/facilities/vand-stadium-policies.html

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Tennessee	Neyland Stadium			http://www.utsports.com/sports/m-footbl/spec-rel/2010-gameday-ticket.html#guidelines http://www.utsports.com/sports/m-footbl/spec-rel/2010-fan-guide.pdf
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Independent College Football Teams & Football Teams in Non-Automatic Qualifying Conferences

Team	Stadium	Captioning Type	ALDs provided	Source
Air Force	Falcon Stadium			http://grfx.cstv.com/photos/schools/afa/general/auto_pdf/FanGuide.pdf
Army	Michie Stadium			http://goarmysports.com/fls/11100//Football%202010/Army_GuestServicesGuide10_update.pdf?&ATCLID=204983356&SPSID=607331&SPID=4587&DB_LANG=C&DB_OEM_ID=11100 http://www.goarmysports.com/ViewArticle.dbml?SPSID=607331&SPID=4587&DB_OEM_ID=11100&ATCLID=204979865
Boise State	Bronco Stadium			http://www.broncosports.com//pdf8/713924.pdf?DB_OEM_ID=9900
BYU	LaVell Edwards Stadium			http://www.byucougars.com

Navy	Navy-Marine Corps Memorial Stadium			http://www.navysports.com/auto_pdf/p_hotos/s_schools/navy/sports/m-footbl/auto_pdf/fan-guide2010 http://www.navysports.com/facilities/m-mcm-stadium-fanguide.html
Notre Dame	Notre Dame Stadium			http://www.und.com/tickets/ada-accessibility.html http://www.und.com/facilities/notre-dame-stadium.html
Temple	Lincoln Financial Field	Handheld captioning	Yes	http://www.lincolnfinaacialfield.com/guest/disabilities.asp http://www.lincolnfinaacialfield.com/guest/a-z.asp
TCU	Amon Carter Stadium			http://gofrogs.cstv.com/sports/m-footbl/tcu-fan-guide.html
Utah	Rice-Eccles Stadium			http://www.stadium.utah.edu/guest_info/stadium/az.html

AUXILIARY AIDS AND SERVICES IN OTHER VENUES HOSTING COLLEGE
FOOTBALL GAMES

The college football season includes several games that are played outside of college stadiums. These games include kick-off classics, games played in neutral stadiums, conference championship games, and bowl games to conclude the season. The variety of venues listed show that even if a team or stadium provides captioning, deaf and hard of hearing fans could not equally enjoy the college football season because the fan might not have access to auxiliary aids and services when the team travels. Accordingly, all venues listed in the appendix should caption public address announcements. Some of these games are hosted in professional football and baseball stadiums and auxiliary aids and services for those venues are discussed in their respective portions of the appendix. The 2010–2011 college football season is used as a model.

There are two pre-season games: the Chick-fil-A College Kickoff and the Cowboys Classic. Both games are played in NFL stadiums. The Chick-fil-A College Kickoff is played in the Georgia Dome, the stadium

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of the NFL's Atlanta Falcons.¹⁵³ The Cowboys Classic is played in Cowboys Stadium in Arlington, Texas where the NFL's Dallas Cowboys play.

The college football season includes games that are held annually in neutral sites. For example, "The World's Largest Outdoor Cocktail Party" between the University of Florida and the University of Georgia occurs in Everbank Field, the stadium of the NFL's Jacksonville Jaguars. The "Border-War" between the University of Missouri and the University of Kansas occurs in Arrowhead Stadium, home of the NFL's Kansas City Chiefs. The annual "Red-River Shootout" between the University of Oklahoma and the University of Texas is played at the Cotton Bowl Stadium. The Army-Navy game rotates between the home stadiums of the Philadelphia Eagles, New York Giants, and Baltimore Ravens.

Additionally, the 2010-2011 season included four other games played in neutral sites: Penn State played Indiana University in the Redskins' FedEx Field; Navy hosted Maryland in the stadium of the Baltimore Ravens; Northwestern University hosted the University of Illinois in Wrigley Field, home of the Chicago Cubs; and Notre Dame played Army in Yankee Stadium.

Several conferences have conference championship games.¹⁵⁴ In 2010, the Atlantic Coast Conference played its championship game in Bank of America Stadium¹⁵⁵ and the Southeastern Conference Championship Game played in the Atlanta Falcons' Georgia Dome. In 2011 the Big Ten Conference will play its first championship game in Lucas Oil Stadium (home of the NFL's Indianapolis Colts) and the Pac-12 Conference will host its first championship game in a yet to be determined location.

The 2010-2011 season had thirty-five bowl games.¹⁵⁶ They appear below in alphabetical order with their auxiliary aids and services noted.

¹⁵³ CHICK-FIL-A KICKOFF GAME, <http://www.cfack.com/> (last visited Nov. 15, 2010).

¹⁵⁴ Additionally, two of the non-automatic qualifying conferences host championship games: Conference USA and the Mid-American Conference.

¹⁵⁵ Previous ACC Championship games were played in the Tampa Bay Buccaneers' Raymond James Stadium and the Jacksonville Jaguars' EverBank Field.

¹⁵⁶ NCAA FOOTBALL, 2010-11 POSTSEASON FOOTBALL HANDBOOK (2010), available at http://fs.ncaa.org/Docs/champ_handbooks/football/2010/10_ps_football.pdf.

Bowl games partner with conferences and these partnerships require each college to purchase tickets to the bowl game that invites the college. Brent Schrottenboer, *Costly Kick in the Teeth to Bowl Teams*, SAN DIEGO UNION-TRIB., Dec. 17, 2009, <http://www.signonsandiego.com/news/2009/dec/17/tickets-guarantees-price-play/>.

Bowl games are played in places of public accommodation (Title III) and many bowl games are played in stadiums run by state or local governments and therefore subject to Title II.

Bowl Game	Stadium	Captioning Type	ALDs provided	Source
Independence Bowl	Independence Stadium			http://independencebowl.org/content/fan-guide
Allstate Sugar Bowl	Louisiana Superdome		Yes	http://www.neworleanssaints.com/tickets-and-stadium/ada-accessible-seating.html http://www.superdome.com/faq
AT&T Cotton Bowl Classic	Cowboys Stadium	Handheld captioning	Yes	http://stadium.dallascowboys.com/guests/guestDisabilitiesInfo.cfm http://www.attcottonbowl.com/fan-guide/stadium
Liberty Bowl	Liberty Bowl Memorial Stadium			http://www.libertybowl.org/
BBVA Compass Bowl	Legion Field			http://www.bbvacompassbowl.com/stadium.php
Beef 'O' Brady's Bowl St. Petersburg	Tropicana Field		Yes	http://tampabay.rays.mlb.com/tb/ballpark/information/index.jsp?content=ballpark_guide
Bell Helicopter Armed Forces Bowl	Gerald J. Ford Stadium			http://smumustangs.cstv.com/auto_pdf/p_hotos/schools/smu/genrel/auto_pdf/GameDay_Guide2010

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Bridgepoint Education Holiday Bowl	Qualcomm Stadium		Yes	http://www.sandiego.gov/qualcomm/pdf/accessibility.pdf http://prod.statistic.chargers.clubs.nfl.com/assets/docs/4384.pdf http://www.chargers.com/tickets/stadium/accessibility.html http://prod.statistic.chargers.clubs.nfl.com/assets/docs/pdf/2010/SDC_AtoZGuide_2010_final_090210.pdf
Capital One Bowl (formerly Citrus Bowl)	Citrus Bowl		Yes	http://www.orlandovenues.net/other_info_files/disabled.php http://www.fcports.com/Tickets.aspx
Champs Sports Bowl	Citrus Bowl		Yes	http://www.orlandovenues.net/other_info_files/disabled.php http://www.fcports.com/Tickets.aspx
Chick-fil-A Bowl (formerly Peach Bowl)	Georgia Dome		Yes	http://www.gadome.com/guest/Disabilities.aspx
Discover Orange Bowl	Sun Life Stadium		Yes	http://www.sunlifestadium.com/content/stadiumguide.aspx
Franklin American Mortgage Music City Bowl	LP Field			http://www.titansonline.com/stadium/disabilities-guide.html

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Gator Bowl	EverBank Field			http://www.jaguars.com/tickets/gamedayfaq.aspx
GoDaddy.com Bowl	Ladd Peebles Stadium			http://www.laddpeeblesstadium.com/
Hyundai Sun Bowl	Sun Bowl Stadium			http://www.sunbowl.org/fans-guide/fan-guides/2009-fan-guide
Insight Bowl	Sun Devil Stadium	Open Captioning	Yes	http://www.fiestabowl.org/images/uploads/IBGame_Day_Guide.pdf http://thesundevils.cstv.com/links/asu-ada3.html
Kraft Fight Hunger Bowl	AT&T Park		Yes	http://sanfrancisco.giants.mlb.com/sf/ballpark/information/index.jsp?content=AZguide#disabled
Little Caesars Pizza Bowl	Ford Field		Yes	http://prod.statelions.clubs.nfl.com/assets/pdf/FordFieldFanGuide2010.pdf
MAACO Bowl Las Vegas	Sam Boyd Stadium			http://www.lvbowl.com/
Meineke Car Care Bowl	Bank of America Stadium		Yes	http://www.panthers.com/tickets/accessibile-seating.html http://www.panthers.com/stadium/policies-and-information.html

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Military Bowl	RFK Stadium			http://www.militarybowl.org/rfk-stadium/stadium-information/
New Era Pinstripe Bowl	Yankee Stadium	Open Captioning	Yes	http://newyork.yankees.mlb.com/nyy/ballpark/accessibility.jsp http://newyork.yankees.mlb.com/nyy/ballpark/guide.jsp
New Mexico Bowl	University Stadium			http://www.golobos.com/facilities/nm-university-stadium.html http://www.nwmexicobowl.com/index.php/ticket-stadium-info/stadium_policies
Outback Bowl	Raymond James Stadium		Yes	http://www.outbackbowl.com/fans/guide.html
Rose Bowl Game presented by VIZIO	Rose Bowl	Captioning	Yes	http://www.tournamentofroses.com/rosebowlgame/gamedisabilities.asp http://www.rosebowlstadium.com/RoseBowl_accessibility.php http://www.rosebowlstadium.com/pdfs/ACCESS-GUIDE-RBG.pdf

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R+L Carriers New Orleans Bowl	Louisiana Superdome		Yes	http://www.neworleansaints.com/tickets-and-stadium/ada-accessible-seating.html http://www.superdome.com/faq http://www.neworleansbowl.org/superdome/facts/
San Diego County Credit Union Poinsettia Bowl	Qualcomm Stadium		Yes	http://www.sandiego.gov/qualcomm/pdf/accessibility.pdf http://prod.static.chargers.clubs.nfl.com/assets/docs/4384.pdf http://www.chargers.com/tickets/stadium/accessibility.html http://prod.static.chargers.clubs.nfl.com/assets/docs/pdf/2010/SDC_AtoZGuide_2010_final_090210.pdf http://www.poinsettibowl.com/visitor-info/qualcomm-stadium.html
Sheraton Hawaii Bowl	Aloha Stadium		Yes	http://alohastadium.hawaii.gov/services/accommodations-1/
Texas Bowl	Reliant Stadium	Provides sign language interpreter	Yes	http://www.reliantpark.com/ada

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TicketCity Bowl	Cotton Bowl			http://www.cottonbowlstadium.com/
Tostitos BCS National Championship Game	University of Phoenix Stadium		Yes	http://prod.static.cardinals.clubs.nfl.com/assets/docs/disabled09.pdf http://prod.static.cardinals.clubs.nfl.com/assets/docs/2010AZGuide.pdf
Tostitos Fiesta Bowl	University of Phoenix Stadium		Yes	http://prod.static.cardinals.clubs.nfl.com/assets/docs/disabled09.pdf http://prod.static.cardinals.clubs.nfl.com/assets/docs/2010AZGuide.pdf
uDrove Humanitarian Bowl	Bronco Stadium (Boise State)			http://www.humanitarianbowl.org/
Valero Alamo Bowl	Alamodome			http://www.alamodome.com/ http://www.alamobowl.com/main/index.php

MLB AUXILIARY AIDS AND SERVICES BY TEAM/STADIUM

MLB teams are listed by league (American League or National League) and then by division. Of the thirty MLB teams, information could not be obtained to find auxiliary aids and services for deaf and hard of hearing fans for twelve (40%) teams. Eighteen (60.66%) teams provide ALDs. Five (16.67%) teams provide a form of captioning. Two (6.66%) teams provide both ALDs and captioning: the New York Yankees and Pittsburgh Pirates.

American League East

Team	Stadium	Captioning Type	ALDs provided	Source
Baltimore Orioles	Oriole Park at Camden Yards		Yes	http://baltimore.orioles.mlb.com/bal/ballpark/information/index.jsp?content=guide http://baltimore.orioles.mlb.com/bal/ballpark/information/index.jsp?content=accessibility
Boston Red Sox	Fenway Park	Special Seating	Yes	http://boston.redsox.mlb.com/bos/ballpark/information/index.jsp?content=accessibility http://boston.redsox.mlb.com/bos/ballpark/information/index.jsp?content=guide
New York Yankees	Yankee Stadium	Open Captioning	Yes	http://newyork.yankees.mlb.com/nyy/ballpark/accessibility.jsp http://newyork.yankees.mlb.com/nyy/ballpark/guide.jsp
Tampa Bay Rays	Tropicana Field		Yes	http://tampabay.rays.mlb.com/tb/ballpark/information/index.jsp?content=ballpark_guide
Toronto Blue Jays	Rogers Centre			http://toronto.bluejays.mlb.com/tor/ballpark/reference/index.jsp?content=a_to_z_guide

American League Central

Team	Stadium	Captioning Type	ALDs provided	Source
Chicago White Sox	U.S. Cellular Field	Personal headset radios	Yes	http://chicago.whitesox.mlb.com/cws/help/services.jsp http://chicago.whitesox.mlb.com/cws/ballpark/cws_ballpark_guide_dir.jsp

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Cleveland Indians	Progressive Field			http://cleveland.indians.mlb.com/cle/ballpark/guide.jsp
Detroit Tigers	Comerica Park			http://detroit.tigers.mlb.com/det/ballpark/information/index.jsp?content=guide http://detroit.tigers.mlb.com/det/ballpark/information/index.jsp?content=disabled
Kansas City Royals	Kauffman Stadium			http://kansascity.royals.mlb.com/kc/ballpark/guide.jsp
Minnesota Twins	Target Field		Yes	http://minnesota.twins.mlb.com/min/ballpark/information/index.jsp?content=access http://minnesota.twins.mlb.com/min/ballpark/information/index.jsp?content=guide

American League West

Team	Stadium	Captioning Type	ALDs provided	Source
Los Angeles Angels of Anaheim	Angel Stadium of Anaheim			http://losangeles.angels.mlb.com/ana/ballpark/guide.jsp
Oakland Athletics	Oakland-Alameda County Coliseum		Yes	http://oakland.athletics.mlb.com/oak/ballpark/information/index.jsp?content=disabled http://oakland.athletics.mlb.com/oak/ballpark/information/index.jsp?content=guide
Seattle Mariners	Safeco Field		Yes	http://seattle.mariners.mlb.com/sea/ballpark/information/index.jsp?content=ada_info http://seattle.mariners.mlb.com/sea/ballpark/information/index.jsp?content=guide

Texas Rangers	Rangers Ballpark in Arlington			http://texas.rangers.mlb.com/tex/ballpark/tex_ballpark_guide.jsp
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National League East

Team	Stadium	Captioning Type	ALDs provided	Source
Atlanta Braves	Turner Field		Yes	http://atlanta.braves.mlb.com/atl/ballpark/disabled.jsp http://atlanta.braves.mlb.com/atl/ballpark/ballparkguide.jsp
Florida Marlins	Sun Life Stadium			http://florida.marlins.mlb.com/fla/ballpark/information/index.jsp?content=guide
New York Mets	Citi Field			http://newyork.mets.mlb.com/nym/ballpark/information/index.jsp?content=guide
Philadelphia Phillies	Citizens Bank Park	Closed Captioning		http://newyork.mets.mlb.com/nym/ballpark/information/index.jsp?content=guide
Washington Nationals	Nationals Park			http://washington.nationals.mlb.com/was/ballpark/ada_information.jsp http://washington.nationals.mlb.com/was/ballpark/a-z_guide.jsp

National League Central

Team	Stadium	Captioning Type	ALDs provided	Source
Chicago Cubs	Wrigley Field		Yes	http://chicago.cubs.mlb.com/chc/ballpark/guide.jsp
Cincinnati Reds	Great American Ball Park		Yes	http://cincinnati.reds.mlb.com/cin/ballpark/information/index.jsp?content=guide

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Houston Astros	Minute Maid Park	Captioning Board (PA and other in-game information)	Yes	http://houston.astros.mlb.com/hou/ballpark/information/index.jsp?content=guide
Milwaukee Brewers	Miller Park			http://milwaukee.brewers.mlb.com/mil/ballpark/information/index.jsp?content=guide
Pittsburgh Pirates	PNC Park	Open captioning scoreboard	Yes	http://pittsburgh.pirates.mlb.com/pit/ballpark/information/index.jsp?content=ballpark_guide
Saint Louis Cardinals	Busch Stadium			http://stlouis.cardinals.mlb.com/stl/ballpark/information/index.jsp?content=accessible http://stlouis.cardinals.mlb.com/stl/ballpark/information/index.jsp?content=guide

National League West

Team	Stadium	Captioning Type	ALDs provided	Source
Arizona Diamondbacks	Chase Field		Yes	http://arizona.diamondbacks.mlb.com/ari/ballpark/information/index.jsp?content=ada_info http://arizona.diamondbacks.mlb.com/ari/ballpark/information/index.jsp?content=guide
Colorado Rockies	Coors Field		Yes	http://colorado.rockies.mlb.com/col/ballpark/ballpark_guide.jsp

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Los Angeles Dodgers	Dodger Stadium		Yes	http://losangeles.dodgers.mlb.com/la/ballpark/information/index.jsp?content=guide
San Diego Padres	Petco Park			http://sandiego.padres.mlb.com/sd/ballpark/information/index.jsp?content=guide
San Francisco Giants	AT&T Park		Yes	http://sanfrancisco.giants.mlb.com/sf/ballpark/information/index.jsp?content=AZguide