

**The Mobilization and Diffusion of Rights:  
Organizational Responses to Accessibility Laws at the Community Level**

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*Abstract.* Until recently, political scientists and sociologists interested in law and social change have tended to work on parallel paths. Political scientists have stressed the formal mobilization of rights, while sociologists have stressed the diffusion of organizational practices. In this paper, we present a set of hypotheses about law and social change that incorporates both mobilization and diffusion. We test these hypotheses by measuring the response of organizations to accommodation provisions of the Americans with Disabilities Act and related state and federal laws. Based on inspection data from 179 facilities in a single community, we find that both mobilization and diffusion contribute to organizational response. Further, our findings suggest that the two processes interact in ways that can only be understood when they are studied in tandem.

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### Introduction

At least since *Brown v. Board of Education*, political scientists have been fascinated by the use of law and courts to create social change. Pioneering research by Clement Vose, Jack Peltason and many others sought to document how groups, often unable to prevail in legislatures, attempted to use the legal system to promote social change (Vose 1957, 1961; Peltason 1961). In the 1960s and 1970s, as the Warren and Burger courts embarked on a formal “rights revolution,” implementation studies of judicial rulings flourished for a while (see Becker 1969; Muir 1973; Kluger 1975: 748-

778). Political scientists in the 1980s and 90s examined the array of tactics by which activists mobilized rights claims, analyzing campaigns on behalf of women for pay equity (McCann 1994), prisoners for more humane conditions (Feeley & Rubin 1998), lesbians and gays for equal rights (Goldberg-Hiller 2002; Brigham 1996), people with disabilities for accessible facilities and nondiscrimination in employment (Olson 1986), students with disabilities for accommodations (Melnick 1994), students from low-income communities for adequately financed schools (Reed 2004) and animal rights advocates for respectful treatment (Silverstein 1996).

These studies provide rich descriptions of how and when rights matter, with some disagreement about what constitutes “success” (compare McCann 1996 with Rosenberg 1996). They tend to find that, given the American system of federalism and checks and balances, litigation and judicial decisions are unlikely to affect significant change unilaterally, especially when there is political resistance to court orders at the local level, market incentives for avoidance, an absence of support from other political actors, or lack of credible sanctions for rule violations (Rosenberg 1991).

Yet even where they fail or only partially succeed, rights-based campaigns can have a catalytic effect, reshaping the political landscape by redefining underlying issues (e.g., McCann 1994) or creating the threat of unfunded judicial mandates (e.g., Melnick 1994). These changes can create opportunities for political mobilization and coalition building, which can be parlayed into progressive action as well as counter-mobilization efforts (Rosenberg 1991; Goldberg-Hiller 2002; see also Krieger 2003). Thus the political science literature envisages rights as a potential and highly contingent political resource, one that can only be effective when activated by skillful policy entrepreneurs

and sustained by stable support structures (Scheingold 1974; see also McCann 1999; Epp 1998).

From the perspective of institutionalist sociology, however, the political science emphasis on mobilization misses a lot of the work that law does. Even without broad mobilization, this research suggests, law can shift habits, cognitive categories, and organizational routines. Indeed, sociolegal research suggests that claiming and disputing may be most common where law is least effective. Thus if we are to evaluate the impact of a particular law or decision, we must look far beyond the mobilizing efforts of interest groups and the rulings of judges, indeed far outside the courtrooms, to the organizations and actors at the “ground level” who translate legal commands into new social practices.

Institutionalist sociologists—and a few political scientists—trace these processes in studies of the diffusion of law within and across organizations (e.g., Tyler et al 2007; Gunningham et al 2003; Epp 2001; Halliday 2000; Edelman & Suchman 1997; Edelman 1990, 1992; Edelman, Abraham & Erlanger 1992; see generally DiMaggio & Powell 1983, 1991). In their research, law emerges not merely as a threat, but also as a source of instruction, a toolkit for responding appropriately to social demands—for racial and gender equality, a fair workplace, consumer protections, environmental standards and other claims to social justice. Because legal commands are often ambiguous, organizations must either forge their own set of practices or imitate the practices of others (Edelman 1990, 1992; Suchman & Edelman 1996). Institutional sociologists have documented both of these processes, even showing how judges endorse organizational practices in their decisions, thus providing court-tested templates for lagging organizations (Edelman 1997).

Of course, both mobilization and diffusion matter. Yet the literatures that analyze these forces are rarely combined.<sup>1</sup> Our goal is to develop a unified theory of social change through law, one that encompasses processes of mobilization and diffusion. This is an enormous task, and we have sought to tackle it incrementally. A pilot study examined how diverse organizations in a single community, “Shady Grove,” responded to federal and state legislation designed to make public places more accessible to people with disabilities.<sup>2</sup> Based on interviews and some limited observations, we found that both the political scientists and sociologists were onto something. Law seemed to stimulate change in nearly all of the organizations we studied, even in the absence of a formal complaint, but as the political science literature would suggest, the changes seemed most extensive where law had been formally mobilized. Moreover, consistent with institutional sociology, the most highly networked organizations seemed the most responsive despite a common understanding of the law’s formal requirements.

Our initial study, like any pilot project, was limited. It focused on a few organizations in one town. In addition, like much research on organizational response to law, it was largely based on self-reports, though we did conduct some informal site inspections. To more systematically study organizational response to law, we realized that we needed to combine case studies with more direct and precise measures of what organizations have done, a prerequisite for a large-scale, cross-community study of response to law.

In this paper we advance our research agenda several steps. We first sketch our theory of law and social change in general terms, and develop several hypotheses that pertain to this round of data collection. We then describe our case selection, data, and

methodology for measuring response to law, an index of wheelchair accessibility. With this background in place, we report our findings. We end with some caveats and thoughts for future research.

### **An Integrated Theory of Mobilization and Diffusion of Rights**

Our theory can be simply stated: responsiveness to social change law is a function of how the law is mobilized and how it is diffused. Mobilization is the process by which individuals and groups press claims based on the law. Diffusion is the process by which ideas about law spread within and across organizations. These processes, moreover, not only have independent effects but also may interact and create synergies when combined.

As noted in the outset, this theory is rooted in both political science and sociology. The political science literature emphasizes mobilization, which includes lobbying, litigating, and making formal complaints to state and federal agencies. Law can be mobilized either by individuals or interest groups, but there is strong evidence that organized mobilization is more effective (Galanter 1974; Epp 1998; Kritzer & Silbey 2004). Indeed, the presence or absence of organized groups that have the *capacity* to mobilize the law may have effects even in the absence of a mobilizing campaign.

Formal mobilization—an agency complaint or lawsuit—primarily affects the targeted organization. All things being equal, we expect organizations that have faced formal mobilization to be more responsive than those that have not. However, we recognize that this is not a foregone conclusion. Some argue that formal mobilization of the law can backfire and produce a kind of bunker mentality, which results in a grudging attitude towards the law. This can produce minimal, mechanistic and even counterproductive responses (see Horowitz 1977; Bardach & Kagan 1982; Melnick 1983;

Schuck 1986; Rabkin 1989; Sandler & Schoenbrod 2003; Derthick 2005; see generally Kagan 2001).

We also posit that formal mobilization likely has spillover effects. Potential defendants who learn about the mobilization may fear that their turn is coming and so may be stimulated to respond to the law—an idea that resonates with the vast literature on deterrence, though this literature is somewhat problematic for our purposes because it focuses on individual rather than organizational behavior (see Barnes & Burke 2006). Indeed, in our initial round of research, we found that organized groups that mobilize the law often choose cases precisely for their potential to create spillover effects.

Spillover effects from formal mobilization are difficult to model, but we start with two fairly simple hypotheses. First we expect that mobilization does not merely affect the targeted organization, but other organizations in the community. Organizations in communities with high levels of mobilization will be more responsive than organizations in communities where there is less mobilization. Second, mobilization effects are most likely to spill over to organizations that are linked in some way to the target. The simplest example would be businesses in a chain or in an ownership group.

Our conceptualizations of the mechanisms of diffusion stem from institutionalist sociology. DiMaggio and Powell (1983 & 1991) found that organizations in the same field tended to adopt similar practices and structures. They described three mechanisms of isomorphism. *Coercive* isomorphism occurs when organizations respond to direct demands or pressure from outside actors. *Normative* isomorphism occurs when organizations draw on large cultural or value orientations, often taken from professional

bodies or associations, as a model for activity. Finally, *mimetic* isomorphism occurs when organizations duplicate—or mimic—the behavior of others within their sector.

Although institutionalism emphasizes convergence among organizations, it also can be used to explain differences, and we draw on those strands in the theory. First, institutionalism suggests that some organizations are more exposed to coercive pressure because of their connections to the state, either because they are state-run, or because they have contracts with, take money from, or perform services for the government. Second, institutionalism suggests that organizations that are more highly networked are more exposed to both the normative and mimetic forms of diffusion. Leaders in these organizations are more likely to have contacts with business and professional associations that diffuse normative messages about new social change laws. They are also more exposed to examples of how other organizations in their network have responded to a social change law, which facilitates their own response.

Institutionalism points to a third factor—size—but because research in this tradition tends to focus on large organizations, issues of scale have not been emphasized. In our pilot study, we studied both large and small organizations, and found that the larger organizations created an internal capacity to implement law, while smaller organizations relied on outside consultants. This seemed to affect how the organizations responded to the law. The larger organizations were much more willing to go “beyond the book,” responding in ways that, on a strict reading, the law did not require. The smaller organizations had a more minimal response—or no response at all. Because of their greater internal capacity, we would expect larger organizations to be more susceptible to the processes of diffusion described by institutional sociologists.

We also found that mobilization and diffusion seemed to have an additive effect on organizational responses to the law or “rights practices.” The large, well-networked organization in our study that had faced a formal complaint, a university that had been the target of a mobilization by students with disabilities, seemed to have a more comprehensive style of response than the other organizations in the study. Its self-reported rights practices were more proactive, meaning that managers within the organization sought to anticipate problems as opposed to being reactive and addressing issues as they arose. In addition, the university was more cooperative than other organizations: Its managers sought to work with claimants to find solutions to access problems instead of merely doing what it considered to be the minimum under the law. The combination of proactive and cooperative practices, we hypothesized, should produce greater accessibility. In the pilot study, however, we lacked well-developed measures of accessibility to test this claim.

Thus the findings of our pilot study, and more generally the political science and sociological literatures, suggest that organizational responsiveness to law should vary with: (1) the degree to which law is mobilized within the community; (2) the degree to which the law is mobilized against the organization; (3) the degree to which organizations are connected to the state through contracts, grants, and permits; (4) the degree to which the organization is networked; and (5) the size of the organization.

In this study, we hold constant the level of community mobilization (1), and focus on variables 2-5. Several hypotheses follow:

**The Mobilization Hypothesis:** *Ceteris paribus*, those organizations that have faced formal complaints will be more responsive to the law than those that have not.

**The Networking Hypothesis:** Ceteris paribus, highly networked organizations, such as business chains, will be more responsive to the law than less networked organizations in the same field.

**Exposure Hypothesis:** Ceteris paribus, organizations that are more exposed to public scrutiny through their connections to the state (through contracts, grants, and permits) will be more responsive than organizations that are less exposed.

**The Size Hypothesis.** Ceteris paribus, larger organizations will be more responsive than smaller organizations.

**The Additive Effect Hypothesis:** Ceteris paribus, larger organizations that have faced a complaint and are well-networked should be the most responsive to the law.

### **Case Selection**

As in our initial paper, we limit ourselves to organizational responses to the Americans with Disabilities Act (ADA) and related state accessibility laws in Shady Grove, a prosperous, liberal-leaning community in a region that has many disability activist groups, in a state with strong access laws that in some respect go beyond the requirements of the ADA. We picked this town precisely because it seemed like the kind of place in which there would be a lot of response to disability law, so that we could observe the processes of diffusion and mobilization in action. It turns out, however, that formal mobilization of the law in Shady Grove is limited, as only two organizations in the town have ever faced a formal accessibility complaint. We include one of these organizations, Shady Grove University (the “University”), in our study, and compare its response to another large organization that had not faced a complaint, the city

government of Shady Grove (the “City”). This gives us some leverage to begin to explore the effects of mobilization on organizations.

To vary size in our sample, we added restaurants to the University and City sites. Restaurants face complex challenges in making their facilities accessible. Moreover, restaurants vary in the degree to which they are linked to other organizations, another key variable for our study. Some restaurants are part of large national chains, some are part of local chains, some have a few locations, and many are independent—differences that institutionalist sociology suggests affect their response to legal command (Dobbin & Sutton 1998). Finally, restaurants are numerous and easy to inspect, making them a convenient target.

As in our pilot study, we focus on the response of organizations to disability access legislation. If you want to figure out what organizations actually do when faced with a law, as opposed to what they *say* they do, accessibility regulations offer one enormous advantage: Unlike with many social change laws—environmental, employment and worker safety laws, for example—the organization’s efforts to ensure access, or the lack of such efforts, are publicly visible. Accessibility provisions generally only apply in areas open to the public, so in studying organizational response to them we could inspect facilities ourselves rather than rely on the cooperation of the organizations.

Studying access laws in Shady Grove has other advantages. Despite the formal differences in access laws governing public and private entities, we found that managers of facilities in Shady Grove across organizational categories understood access laws as mandating “reasonable accommodation” of people with disabilities. When pressed, they had little appreciation of the nuances of the law, including potential defenses. This

common understanding of the law facilitates comparisons of responses across facilities that are subject to different formal requirements.

At the same time, the managers' simplified understanding of the law does not eliminate the challenge of formulating a response to ambiguous legal mandates. Instead, all of these organizations faced the puzzle of how to implement "reasonable accommodation" and further, how to maintain an accessible facility, as even a well-designed facility can become inaccessible if the organization does not make access a priority. A misplaced trashcan, bench or box can negate thousands of dollars in access improvements. For all these reasons, and perhaps because formal enforcement of access laws has been spotty, we found significant variation in the accessibility of facilities despite a shared understanding of the law's mandates. That is extraordinarily frustrating for people with disabilities, but useful for researchers.

### **The Data**

To assess our hypotheses, we collected original data on 179 facilities. We chose inspection sites from lists of facilities. For the City and the University, we used lists of facilities created by the organizations themselves. For the City, we inspected all public facilities listed on its web page, including neighborhood parks, libraries, pools, community centers, children's museums, and theatres. For the University, we used STATA to generate 30 percent random sample of all sites listed on a comprehensive map of facilities. The University sites were also diverse, including park areas, historic sites, classrooms, dining areas, office buildings, parking structures, and various medical facilities. We excluded areas not open to the public, as these are not typically regulated by access laws.

For the restaurants we developed our own sampling frame from entries from Yahoo Yellow Pages (an online yellow pages), AreaConnect (an online compilation of four print yellow pages), and Restaurantica (an online restaurant guide that is created by customers). This process yielded a list of over 250 area restaurants. Using STATA, we then generated 40 percent random sample. If a facility was closed, or determined not to be suitable for the study because it was not a public place, it was deleted. Table 1 summarizes the distribution of sites in each category of mobilization/diffusion in our final sample.

[Insert Table 1 here]

### **Measuring the Dependent Variable: Accessibility**

The careful reader may notice that we have not used the word “compliance.” That is because we think the notion of compliance is generally problematic for social change laws that affect organizations, and particularly problematic for access laws. Social change law, like all law, is notoriously indeterminate, filled with ambiguities. Regulations based on the ADA can be quite concrete and specific—toilet rims should be 17-19 inches from the ground—but the law itself has defenses and standards that are general and vague. The ADA, for example, requires managers of facilities that are open to the public to make changes when they are “readily achievable,” a term whose parameters are not easily pinned down. As Robert A. Kagan (2001) has shown, an important aspect of life in adversarial legal societies is intense conflict over the meaning of legal texts. In disability law such conflict is rampant. It would be arbitrary and pointless to develop our own interpretation of the meanings of state and federal access laws and impose them on the data. Moreover, even if we could non-controversially

define “compliance,” we would not want to stop there, for one goal of social change law is to change consciousness and stimulate organizational leaders to go “beyond compliance” (Gunningham et al. 2003).

Thus our dependent variable is not compliance, but instead accessibility, the social change goal that inspired the federal and state laws we are studying. Accessibility is a complex concept. Because there are many kinds of disability, there are many kinds of accessibility. A leading consultant told us that an inspection checklist his firm uses to spot access problems contains 1,000 items related to federal law with 500 more for the state’s access law. To make our study more tractable, we decided to limit ourselves to wheelchair accessibility. That said, making facilities wheelchair accessible involves hundreds of bits of seeming minutiae, such as the design of drinking fountains, the shape of door handles, and the placement of bathroom mirrors.

Accordingly, we sought to identify a few key matters that could be measured relatively easily and unobtrusively, would appear in diverse settings, and would tend to be relatively inexpensive to address and thus likely to be “readily achievable.” We started with a document on the U.S. Department of Justice website (<http://www.usdoj.gov>), entitled “Checklist for Readily Achievable Barrier Removal,” which was developed by the Adaptive Environments Center, Inc. and Barrier Free Environments, Inc.

This checklist was useful, but it provided only a starting point because it is simply an interpretation of what the ADA requires of facilities built before the law came into effect. Given that our dependent variable is accessibility, we needed to understand what an ideally accessible facility—one in which walkers and wheelchair users would be

equally mobile—would look like. This ideal of equal accessibility clearly goes beyond the requirements of state and federal law, even for new facilities. On the other end of the spectrum, we needed to understand what elements of a facility can make it completely inaccessible. To learn what was ideal, and what was most problematic, we turned to the best experts on wheelchair accessibility, wheelchair users. We conducted focus groups and surveys of a half-dozen wheelchair users at two sites, the Berkeley Center for Independent Living and the Boston Center for Independent Living. We asked the wheelchair users to rate the significance of various features and then conducted an open-ended discussion with the participants.

We found again that accessibility is not a simple concept. The wheelchair users we surveyed varied widely in their impairments, and this affected their views on what was ideal and what was most important. In some cases, features that make a facility more accessible to people with one type of impairment may make the facility less accessible to people with another type. We tried to find areas of agreement or at least areas where there was a broad majority, but we cannot pretend that any index of accessibility will be accurate for all wheelchair users, much less all people with disabilities.

Based on the Justice Department's checklist, the focus groups, and several rounds of field testing, we developed an inspection checklist that includes 51 items relating to outside access, parking, rest rooms, drinking fountains, elevators and lifts, and service counters. (A copy of the inspection checklist is available from the authors upon request.) Each measure was scaled on a -2 to 2 scale, with -2 indicating complete inaccessibility and 2 indicating complete accessibility. We also recorded spare comments about each facility. All inspections were conducted by the authors, sometimes together, usually

separately, in a four-month period in early 2007. We had extensive discussions about coding decisions in this initial stage.

Reliability is a central concern in this type of research. To be at all useful, coding must reflect actual variation in the cases as opposed to the idiosyncrasies of the coders. To test reliability, we took a 20 percent random sample of sites inspected by one of the authors. The other author then returned to the site and independently re-inspected it at a later date.<sup>3</sup> An analysis of inter-coder agreement using Kappa suggests that had the cases been coded randomly (but with the probabilities equal to the overall proportion of cases), we would have expected agreement in about 65.75 percent of the cases. In fact, there was agreement in 94.98% of the cases, which is significantly above that which would be expected by chance ( $p > .00005$ ).<sup>4</sup>

Over the course of our inspections, we realized that the large number of parameters for different aspects of each facility (outside access, entrance, bathroom, parking, drinking fountain, and counters) could be combined into a single score for each aspect. We developed a much simpler coding scheme for these six aspects, and using our original sheets, recoded the scores using this new coding scheme. In the new coding, four aspects of the facility—general access, entrance, bathroom and parking—are coded from -3 to 3, with -3 representing complete inaccessibility, 3 representing complete equality with those on foot, and 0 representing conditions that could be said to roughly fall in line with the standards indicated in the Department of Justice checklist. Drinking fountains, a much less important feature, are coded from -1 to 1, and counters, a small but, according to our wheelchair using respondents, important aspect, were rated on a

scale of -2 to 2. (A copy of the coding rules and a coding sheet for the composite coding based on our initial inspection sheets are available from the authors upon request.)

To create an overall facility accessibility score, we added the individual aspect scores, and then added this number to the maximum positive score, divided by the range of possible scores for each facility, and multiplied by 100. For example, a facility that had all six features, giving it a maximum positive score of 15, and scored a 0 on each feature would receive a score of 50:  $[(15 + 0)/30] * 100$ . If the facility scored -1 across the board, it would receive a score of 30:  $\{[15 + (-6)]/30\} * 100$ . The resulting index of accessibility is a scale from 0-100.

This round of re-coding raised potential concerns about reliability. So, as before, we took a 20 percent random sample of cases by one author and the other author independently coded them. Again, the Kappa tests suggests that our coding was reliable, as we agreed in 93.55% of the cases, which was significantly greater than if we had coded the cases randomly according to the underlying distributions in the sample ( $p > .00005$ ).

The result is a distribution of composite accessibility scores with a range of 0 to 100, a mean of 56.39, a median of 58.33, a standard deviation of 22.57, skewness of -.19, and kurtosis of 2.35. A simple test for normalness suggests that the distribution of composite accessibility scores is normal in skewness ( $pr(skewness) = .30$ ) but nonnormal in kurtosis ( $pr(kurtosis) = .02$ ).

### **Operationalization**

Based on our hypotheses about mobilization, networking, exposure and size, we divide our data into six clusters:

**1. Unrenovated independent (or “non-chain”) restaurants: the “null group.”** These restaurants, the “null group,” have not been sued or obtained building permits for major renovations since the passage of the ADA. Because they (1) have not faced a formal complaint, (2) are the least networked of the organizations in our study, (3) are the least exposed to public scrutiny, and (4) are small, our hypotheses suggest they should be the least accessible.

**2. Renovated independent (or “non-chain”) restaurants.** This group is just like the null group except that it has substantially renovated its facilities and applied for building permits. This exposes the group to more public scrutiny and triggers tighter accessibility rules. According to the exposure hypothesis, we would expect this group to be more accessible than the null group.

**3. Regional chain or multiple-location restaurants.** Like the null group, these restaurants have not been sued, but unlike that group, they are networked together with other restaurants, either because they are under the same management or because they are part of a regional franchise. The networking hypothesis predicts that this group of facilities should be more accessible than the null group.<sup>5</sup>

**4. National chain restaurants.** This group is even more highly networked than regional chains or multiple location groups, so, according to the networking hypothesis, we should expect it to be more accessible than the null group and its regional and local counterparts.

**5. The facilities at Shady Grove University.** According to the additive effect hypothesis, the University facilities should be the most accessible in the study. It is large and well-networked, and has faced the type of rights-based campaign described by political scientists, which included student protests as well as the filing of a formal

complaint. The University has also encountered the law through various regulatory processes, such as the building permit process and the filing for federal grants. The University responded to all these pressures by creating specialized offices dedicated to disability access issues. The offices are highly professional, featuring specialized staff and detailed formal procedures, and well funded. Moreover, we found in our initial study that the staff in this office had internalized the “social model” of the disability, which sees disability as largely created by prejudicial attitudes and structural discrimination, including architectural barriers. For these reasons, we would expect the University facilities to be the most accessible in the study.

**6. The facilities of the City of Shady Grove.** The City should provide a useful contrast to the University. Like the University, it is highly networked, exposed and large, with a designated staff for disability issues. Unlike the University, however, the City has never faced a mobilization campaign. Thus according to our mobilization hypothesis, the City should be less responsive than the University. Indeed, in our initial study, we found that compared to the University, the City staff reported a similar understanding of the law but a much less systematic style of implementation. The staff member in charge, a building manager with other duties, described an ad hoc approach to individual complaints. He was generally sympathetic to people with disabilities but had not fully internalized the social model. Under these circumstances, we expect the City’s facilities to be less accessible than the University’s facilities, but better than the null group, because of the City’s relative size, exposure to the law as a public entity, and the degree to which it is networked with other organizations.

## Findings

Beginning with the summary statistics reported in Table 2, the University facilities had the highest mean score (76.11) as expected and its mean was much higher than the null group (48.01). Further, national chain restaurants had a higher mean score than the null group (64.96 versus 48.01), with regional restaurants and non-chain restaurants with post-ADA permits falling in between the national chains and null group (57.55 and 52.75, respectively).

[Insert Table 2 here]

At first blush, the City seemed to defy expectations. Despite its organizational capacity, its mean score was the lowest, underperforming the null group (44.79 versus 48.01). The city scores, however, were skewed vis-à-vis the other groups by the fact that more than half of its sites were parks or outdoor recreation areas (36 of 51), which present particularly difficult access issues. When we excluded parks from the analysis, the numbers fell into line with our expectations. The average score for city buildings was 53.17, much lower than that of University facilities (76.11) but higher than the null group (48.01).

Table 2 also reports some within category variation of means for the University sites. We were concerned that the University includes several medical facilities that are likely to be particularly conscious of disability issues, but excluding them did not on its face greatly change the University's mean score. In addition, some University facilities were arranged in such a way that making them more accessible was clearly not readily achievable and would require major structural changes to the buildings. For example, it had several old-style libraries with stacks that were navigated by narrow stairways, and

one two-story building without an elevator. However, excluding facilities in which improvements were “clearly not readily achievable” did not significantly affect the overall results.

To test the significance of the differences of accessibility among the groups, we employed OLS regression using a series of dummy variables for types of organization where the null group was the omitted category. We also included several controls. First, we were concerned that some measure of a restaurant’s resources be considered. The requirements of the ADA include a defense of “undue hardship,” which can turn in part on the organization’s resources. But more importantly, we thought that resources would affect a manager’s assessment of what was reasonably expected of his or her facility. For a fancy bistro whose average check was more than \$100, a modification costing \$500 might loom much smaller than for a family-owned taco stand whose typical bill was \$5. Of course the best measure of restaurant resources would be annual gross revenues, but lacking that, as a very rough proxy for resources, we included the median price of the most common type of item (pizzas, pasta entrees, coffee) on the menu. Second, we added a control for facilities in which improvements were “clearly not readily achievable,” meaning the only options for improving access involved major structural renovations, such as installing an elevator. Third, a handful of the restaurants in the sample were operated in a mall on University property. Because we did not have access to the facilities’ leases or a clear understanding of the degree of University involvement in the running of the mall, we controlled for facilities in the University mall.

Finally, we excluded City parks from this portion of the analysis because these facilities presented very different accessibility issues than the null group, which consisted

of buildings and not outdoor facilities. As a result, the total n for our regression analysis is 143, not 179. We ran the regression in a number of different ways, using different specifications, transformations of the dependent variable, nested models, and with all the observations, including those for the City parks. The results did not substantively change. (See Appendix A for a table of correlations of the independent variables.)

Table 3 reports the results. Consistent with the additive effect hypothesis, the University facilities were significantly more accessible than the null group by nearly 30 points on a 100-point scale. The magnitude of this effect was greater than any other cluster in the sample. This result was statistically significant beyond the .0005 level. The results for the restaurants were consistent with the networking hypothesis. National franchise restaurants scored nearly 15 points more than the null group, a result that achieved statistical significance beyond the .01 level. Regional restaurants were also more accessible, but the effect was smaller and the result was statistically significant only to the .10 level. The coefficient for City buildings and non-chain restaurants that had obtained a permit were positive, as expected, but did not achieve statistical significance. None of the control variables were statistically significant beyond the .10 level.

[Insert Table 3 here]

Taken together, this preliminary analysis suggests mobilization and diffusion do matter and should be studied together. Consistent with the additive effect hypothesis, the large, networked organization that faced a formal complaint, the University, outperformed all other organizational/ mobilization profiles in comparison to the null group, including national restaurant chains and the City. Secondly, consistent with the networking hypotheses, the responses of the restaurants—none of which had faced a

formal complaint—varied with the degree to which the organizations were networked. The national chains were the most responsive; the stand alone non-chain restaurants were the least responsive; and the regional restaurants fell somewhere in between. (It would be intriguing to test variance *within* a chain, but in Shady Grove no chain has more than 10 locations, making this a topic for future research.)

Our specific test of the exposure hypothesis, however, was not confirmed: There was no significant difference between independent restaurants that had received a permit for remodeling and those that had not. This was surprising. Major remodeling triggers tougher accessibility requirements under both state and federal law. Moreover, while the permitting process was described to us as non-confrontational, it does involve the submission of plans to the City building department, which is supposed to enforce state building codes that include accessibility provisions. In our interviews for the pilot project on Shady Grove, the permitting process emerged as one of the primary ways in which smaller organizations are exposed to accessibility rules. It seemed reasonable to expect a significant effect from permitting.

The results may result from measurement error. To code for remodeling, we used a City database that included a brief description of City permits for all facility renovations since 1992, the year the relevant accessibility regulations for the ADA took effect. The tougher accessibility rules only kick in for significant remodeling, so we used the permit descriptions to exclude minor renovations. It is possible that the database is inaccurate, or that the coding process may be too crude to accurately gauge the extent of remodeling.

Leaving those possibilities aside, the results suggest that the permitting process, despite reams of codes and regulations, provides a relatively weak mechanism for diffusion. Accessibility regulations are only partially folded into building codes, and may be indifferently enforced by City regulators. Within the restaurant industry there may not be an industry standard of best practices that consulting architects and builders can easily access. This suggests that more aggressive mobilization is needed to spur smaller, more isolated organizations to respond to accessibility laws. It also underscores the need to have a support structure for rights that not only can mobilize against large organizational targets with deep pockets, but also can muster claims against smaller organizations that may not be subject to as many mobilization and diffusion spillover effects.

Our regression analysis centers on comparisons between the overall performances of the null group versus other organizational/mobilization profiles. We also took a closer look at the University and City scores to probe the mobilization hypothesis. Both are large, have designated disability staff, are highly exposed to the law, operate a wide range of facilities, and key personnel share a common understanding of the law's requirements. Unlike the City, however, the University has faced formal mobilization and rights-based protests. In our first paper, we associated this difference with the University's much more proactive "rights practices," and posited that this style should lead to a more accessible and consistent set of facilities.

Recall that the University's overall mean score is much higher than the City's overall mean score (76.11 versus 44.37) and city buildings mean score (76.11 versus 53.17). This difference sharpens when we exclude facilities whose improvements are clearly not readily achievable, as the University's mean score climbs to 79.20.

To test the whether these differences are significant, we performed an analysis of variance of the accessibility scores of various subtypes of University and City facilities. (See Table 4.) Consistent with our theory, we can reject the null hypothesis that the mean scores are equal.<sup>6</sup> In addition, the Scheffé multiple-comparison test in Table 5 suggests that differences are significant between all subtypes of facilities across categories. So, the mean scores of City buildings and parks significantly differ from both types of University facilities, suggesting that the result is not driven by the relatively low score of the City's parks.

[Insert Tables 4 and 5]

These findings comport with a central tenet of the political science literature: formal mobilization makes a difference. It may also provide comfort to those who rely on organizational self-reports to probe the effect of rights, as the results here line up with the interview data in our pilot study. We find that organizations that self-report more comprehensive rights practices are in fact more responsive to legal commands (see also Tyler & Blader 2005; Bommer et al. 1995).

The difference in means tells a pretty good story, but it obscures several useful points. Numbers imperfectly communicate the nature of organizational responses or what we have called the “texture” of rights practices. The University, for example, was unique in this study because it often went well beyond what any fair-minded observer would consider the obligation of the law. Most of the facility entrances, and even some bathrooms, had electric doors, a feature we rarely saw in the rest of Shady Grove. Moreover, there were very few instances at the University of the kind of thoughtless obstacles—boxes, trashcans, shelves—that blocked the path of wheelchair users in many

other facilities in the City and which understandably infuriated wheelchair users in our focus groups.

In addition, while the University had the highest mean score, its response was not the most consistent. The standard deviation of the University facilities' score was 16.33 while the standard deviation of scores within the null group was 15.51. This is surprising from the perspective of the institutional literature, which suggests that the University's size, exposure to a range of networks and state contacts, and centralized staff dedicated to access issues should produce more uniform responses. The simplest explanation stems from the University's distinct approach to fixing its facilities. Rather than bringing each facility up to a particular standard, the University chooses particular facilities each year for renovation. In fact, one of the lowest-scoring facilities in the University sample was scheduled for upgrading soon after our inspection. This is likely more cost-efficient and less disruptive than an across-the-board approach, but results in a wider variance than one might expect as some older buildings awaiting renovation lag far behind the newly updated facilities, many of which seemed state of the art.

The chain and regional restaurants also surprisingly failed to produce significantly more consistent results than the null group. The standard deviations ranged from 17.15 to 19.03 versus the null group's 15.51, with the national chain franchisees performing the worst. As alluded to earlier, the simplest explanation is that no industry standard exists for addressing accessibility issues for restaurants, a finding that dovetails with our interviews with leading design consultants, who argued that the professional norms of "best practices" were imperfectly understood and poorly diffused at the local level.

At a minimum, these patterns of variation underscore the need to detail how organizations implement their responses to law, a point that ethnographic studies of law and organizational practice make abundantly clear (e.g., Halliday 2000). The broader lesson, we believe, is that the forces of diffusion identified in the institutionalist literature are significantly mediated at the local level, even within single organizations. Coming to grips with these local filtering mechanisms within and across organizations is a crucial topic for future research, one that might force us to move beyond the classic institutionalist categories of isomorphic pressures and create new categories of diffusion that integrate how these general forces are contested, re-directed, and re-shaped as they reach into the corners of daily life and organizational practices (see also Epp 2007).

### **Caveats and Limitations**

We believe our preliminary findings highlight some of the virtues of combining elements of mobilization and diffusion into a single study of law and social change. Obviously, much work remains and it is important to note potential limits of our study.

For starters, the data are cross-sectional and so any claims of causal relations must be tentative. In addition, our research design has a number of inherent limitations. Most importantly, in some respects this is a large-n study, but we were looking only at organizations within a single community. Moreover, we did not choose this community because it is representative—Shady Grove is far from average. Only a cross-community, cross-organization design can sort out the extent to which the patterns in these data are unique to Shady Grove.

Lawyers might contend that our study fails to take into account important differences in provisions governing our categories of facilities. The City and University

are governed by Section 504 and title II of the ADA, which merely requires them to provide equal programs and services, not necessarily to make each facility accessible. Restaurants are governed by Title III and analogous state provisions that focus on accessible facilities. From the perspective of “law on the books,” then, we cannot compare the large and small organizations in this study, which are governed by different legal regimes.

As noted above, however, our study views the law as a general stimulus for organizational action that must be shaped from the bottom up, not as a set of specific, top down mandates. From this perspective, University and City managers did not make fine legal distinctions in describing their understanding of accessibility law. Instead, they merely indicated that the law required them to make “reasonable accommodation” of people with disabilities and had no understanding of the details of the underlying laws, including possible defenses. In our interviews, small business owners in Shady Grove expressed the identical understanding. However, even if some restaurant owners had a more precise understanding of the law, it is not clear how the formal standard of “readily achievable” under Title III and its state counterparts meaningfully differs from the managers’ understanding of “reasonable accommodation” from the vantage of our bottom up conception of the law—both are inherently vague and must be given meaning through daily organizational practices.

Another potential concern stems from the nature of accessibility rules. We picked accessibility rules for this study in part because their implementation is so transparent. Unfortunately that feature also may limit the generalizability of our findings. All things being equal, because potential violations of accessibility laws are so readily observed,

organizations might be particularly sensitive to its commands and act differently when confronted with laws whose implementation is much harder to measure. Of course, the fact that we found widely varying accessibility scores, and some extraordinarily low scores, to some extent mitigates this concern.

Finally, we have limited variation and data at the organizational level. Using the current data, we can make several interesting comparisons, such the City versus the University, the chained versus unchained restaurants, and permitted versus non-permitted unchained restaurants. These cases were chosen precisely because they gave us some leverage on the most important hypotheses to emerge from our synthesis of the political science and sociological literatures, but they hardly exhaust the relevant possibilities. Moreover the data do not allow us to tease out the relative importance of mobilization and diffusion processes across a broad range of organizational types, fully explore the way these processes interact, or observe the specific mechanisms of mobilization and diffusion that are in play. These issues will have to await our more comprehensive, multi-method study.

### **Conclusions**

Until recently, political scientist, sociologists and others who study the legal system have largely been content to focus on particular processes and variables in examining social change through law. Our project's ambition—or, less charitably, conceit—is to tear down the separation between the disciplines, and in so doing create a more sophisticated portrait of how law engenders, and fails to engender, social change. This paper sought to contribute to this project by sketching our broader theory of law and social change, developing a valid, reliable methodology for assessing the response of

organizations to accessibility laws, and offering a preliminary test of some of our theory's core hypotheses. For the most part, the results were encouraging, though they underscore how much there is to do. The next step is to collect a larger set of data on organizations in different types of communities. Combined with further case studies, this will allow us to better isolate the processes of diffusion and mobilization, how they interact, and how community level variables such as socio-economic status and political regime fit into the picture.

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### Endnotes

<sup>1</sup> Charles Epp's 2001 APSA paper and ongoing research on local governments provides a welcome and important exception to this rule and this paper seeks to complement his approach: where Epp seeks to examine the response of similar organizations across a wide range of settings (and thus roughly controls for organizational dynamics), this paper examines the response of diverse organizations within the same community setting.

<sup>2</sup> "Shady Grove" and all the names of organizations within Shady Grove are pseudonyms to protect confidentiality.

<sup>3</sup> This process had the added benefit of assessing whether rights practices significantly changed over time in our sample. They did not.

<sup>4</sup> On a technical note, because we coded on a scale from -2 to 2, we weighted the observations to account for the degree of disagreement. Thus, perfect agreement on an item would be weighted as 1. Total disagreement (2 versus -2) would be weight as 0. Partial disagreement, such as 1 versus 2, would be weighted as .8, suggesting 4/5ths agreement. Differences of more than one point on our scale were very rare. For more on this issue, see STATA Reference Manual, Version 7.0, Volume 2, page 151. It should be added that we ran the Kappa test without weighing the results, so that *any* disagreement would be coded as 0 or total disagreement, and the results still indicated that the levels of inter-coder was still significantly greater than would be expected by chance.

<sup>5</sup> In addition, the franchised restaurants may be under contract with their chain to maintain some standard of accessibility. We observed this contractual mechanism for

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some motels in Shady Grove but do not yet know if it operates with franchised restaurants.

<sup>6</sup> The low Bartlett's probability casts doubt on the assumption of equal variance in ANOVA, so we ran a Kruskal-Wallis test, which relaxes this assumption (and ANOVA's normality assumption). This comparison was again significant at the .008 level, suggesting that the differences in the raw means among the facilities are not due to random variation.

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**Table 1. Distribution of Facilities in Sample**

<b>Type</b>	<b>Number</b>
University	36
City	51
National Chain Restaurants	21
Regional Restaurants	20
Permitted Non-Chain Restaurants	27
The Null Group (Non-permitted Non-Chain Restaurants)	24
TOTAL	179

**Table 2. Mean Composite Accessibility Scores (0 to 100):  
Comparisons Across and Within Organizational Categories**

<b>Category</b>	<b>N</b>	<b>Mean</b>
University	36	76.11
University (without “cnra”) <sup>1</sup>	31	79.20
University Non-medical	27	75.21
University Medical	9	78.79
City	51	44.37
City Buildings	15	53.17
City Parks	36	40.70
Chains <sup>2</sup>	21	64.96
Regional	20	55.56
Permitted Non-chains	27	52.75
Null Group	24	48.01
All	179	56.39

<sup>1</sup> Where cnra = facilities in which improving access was clearly not readily achievable

<sup>2</sup> Where chain restaurants = 50+ locations; regional restaurants = 2 to 50 locations; non-chain restaurants= only one know location

**Table 3. OLS Regression Results (n=143)**

<b>Variable</b>	<b>Measure</b>	<b>Expected Effect</b>	<b>Coefficient (Standard Error)</b>
University Facility	Yes, No (0,1)	+	<b>29.35</b> <b>(5.58)****</b>
City Building	Yes, No (0,1)	+	5.73 (6.49)
National Chain Restaurant	Yes, No (0,1)	+	<b>14.44</b> <b>(5.35)***</b>
Regional Restaurant	Yes, No (0,1)	+	<b>8.69</b> <b>(5.17)*</b>
Permitted Non-Chain Restaurant	Yes, No (0,1)	+	4.01 (4.80)
Median Menu Price	Cost of Median Menu Item	+	.03 (.31)
Improvement Clearly Not Readily Achievable	Yes, No (0,1)	-	-9.44 (6.37)
University Mall Restaurant	Yes, No (0,1)	+	9.12 (6.64)
Constant	---	---	<b>48.06</b> <b>(4.80) ****</b>

F(8, 134) = 7.22

Prob > F = 0.00005

R-squared = .30

Adjusted R-squared = .26

Root MSE = 17.02

\* p < .10

\*\* p < .05

\*\*\* p < .01

\*\*\*\* p < .0005

**Table 4. Analysis of Variance among University and City Facilities (n=87)**

<b>Source</b>	<b>SS</b>	<b>Df</b>	<b>MS</b>	<b>F</b>	<b>Prob &gt; F</b>
<b>Between Groups</b>	22988.39	3	7662.80	17.54	0.00005
<b>Within Groups</b>	36268.88	83	436.97		
<b>Total</b>	59257.27	86	689.04		

Bartlett's test for equal variance:  $\chi^2(3) = 11.74$  Prob> $\chi^2 = .008$

**Table 5. Scheffé Multiple-Comparison Test of Composite Accessibility Scores by University and City Facility Subtypes (n=87)**

<b>Row Mean – Col Mean</b>	<b>City Buildings</b>	<b>City Parks</b>	<b>University Non-Medical Facilities</b>
<b>City Parks</b>	-12.46 (.30)	---	---
<b>University Non-Medical Facilities</b>	<b>22.04</b> <b>(.017)</b>	<b>34.51</b> <b>(.0005)</b>	---
<b>University Medical Facilities</b>	<b>26.63</b> <b>(.04)</b>	<b>38.09</b> <b>(.0005)</b>	3.58 (.98)

**Appendix A**  
**Table of Correlations of Independent Variables**

	<b>University</b>	<b>City Building</b>	<b>National Chains</b>	<b>Regional</b>	<b>Permitted Non Chains</b>	<b>Null Group</b>	<b>CNRA</b>	<b>Menu price</b>	<b>University Mall</b>
<b>University</b>	1.00	---	---	---	---	---	---	---	---
<b>City Building</b>	-.15	1.00	---	---	---	---	---	---	---
<b>National Chains</b>	-.18	-.11	1.00	---	---	---	---	---	---
<b>Regional</b>	-.18	-.11	-.13	1.00	---	---	---	---	---
<b>Permitted Non Chains</b>	-.21	-.13	-.15	-.15	1.00	---	---	---	---
<b>Null Group</b>	-.20	-.12	-.14	-.14	-.17	1.00	---	---	---
<b>CNRA</b>	.16	.01	-.09	-.09	-.04	-.03	1.00	---	---
<b>Menu price</b>	-.40	-.24	.20	.29	.35	.32	-.15	1.00	---
<b>University Mall Location</b>	-.11	-.07	.34	.01	.06	-.09	-.06	.10	1.00