

Screened Without Reasons

Section 504, meaningful access, and the closed editorial screen at SSRN and Elsevier.

I submitted this paper to SSRN. It argues that SSRN's own submission screen shuts disabled scholars out, in violation of federal disability law.

KEYWORDS

Section 504

Rehabilitation Act

Meaningful access

Reasonable accommodation

Disparate impact

Alexander v. Choate

Payan v. LACCD

Federal financial assistance

Civil Rights Restoration Act

Preprint repository

A REJECTION WITH NO REASON

Failed to meet requirements, or fell outside scope.

That is the whole explanation. Two possibilities joined by an "or", a link to the FAQ, and a line that it is not a judgment on the merits. The decision is final. There is no appeal.

SSRN · SUBMISSION STATUS

Your submission was rejected because it did not meet our requirements, or fell outside our scope. This is not a judgment on the merits. Please review our submission guidelines.

THE SAME NOTICE, A HEAVIER BURDEN

A reason you have to reconstruct

For many authors a terse rejection is a minor irritation. For an author with a disability that affects working memory, attention, or executive function, an unstated reason becomes a task: reverse-engineer a rule that was never named, with no feedback and no one to ask. The barrier is not the standard. It is the silence around it.

Coverage

Does federal disability law even reach a private repository?

It does, and the path runs through a single federal grant.

THE RULE, IN ONE SENTENCE

No one may be shut out of a federally funded program because of a disability.

Section 504 of the Rehabilitation Act of 1973 binds any program or activity that receives federal financial assistance. What it requires is meaningful access, and where access is blocked, a reasonable accommodation.

WHO THE STATUTE BINDS

Recipient, not merely beneficiary

Procurement

The government buys a product or service at arm's length. The seller is not a recipient, and Section 504 does not attach.

Assistance

The government funds a program to advance a public purpose. That funding makes the grantee a recipient, and Section 504 applies.

| The line is dispositive. A direct federal research grant is assistance, not a purchase.

\$230k

THE FACT THAT DECIDES IT

A direct federal grant to the company that runs SSRN.

A National Science Foundation EAGER award of \$230,292 to Elsevier Inc., classified as federal financial assistance. The recipient is named on the award; no corporate climbing required.

HOW FAR THE COVERAGE REACHES

Fund the corporation, cover its operations

When federal assistance is extended to a corporation as a whole, Section 504 reaches all of its operations, not only the funded desk. Congress wrote that rule into the statute after the Supreme Court once read coverage too narrowly. SSRN is one of Elsevier's operations.

The Claim

What meaningful access actually requires.



| A screen that gives no reason and hears no appeal does not provide it.

THE STANDARD EVERY CIRCUIT ACCEPTS

Meaningful access, not just an open door

The Supreme Court holds that a federally funded program must give disabled people meaningful access to what it offers, and that a benefit cannot be defined so narrowly that the access becomes hollow. Reasonable accommodations may be required to assure it. This holding is not contested; it governs in every circuit.

ONE STATUTE, THREE WAYS TO WIN

Three theories of liability

1

Disparate treatment RARELY ADMITTED

Excluding an author because of a disability. Direct, and almost never stated out loud.

2

Disparate impact CONTESTED

A neutral rule that falls hardest on disabled authors as a class. Alive in the Ninth Circuit, dead in the Sixth.

3

Failure to accommodate THE FLOOR

Refusing a simple fix an individual needs. This one survives even the narrowest reading of the statute.

THE HONEST COMPLICATION

One theory is contested. The claim does not need it.

Whether Section 504 reaches disparate impact through a private suit divides the courts. The Ninth Circuit says yes; the Sixth says no. This paper is written from the Seventh Circuit, where the question is open. So the argument leads with meaningful access and rests its floor on failure to accommodate, both of which hold regardless of how the split is resolved.

THE STANDARD, APPLIED

No reason, no appeal, no meaningful access

Run the test. A screen that states no reason and hears no appeal gives a disabled author nothing to work with and no way to be heard. The fix, a reason on request and a path to ask again, is a modest accommodation, not a fundamental alteration of what SSRN does. The statute asks for exactly that.

The Defenses

Every objection the recipient will raise.



Each has an answer the statute already supplies.

FIVE OBJECTIONS, FIVE ANSWERS

The defenses do not hold

"Editorial discretion."	Discretion is not immunity from civil rights law. The duty attaches to how the discretion is used.
"Too much volume."	Volume explains the screen. It does not excuse the absence of any reason or any appeal.
"It is automated."	If the screen is automated, the automation is the method of administration the regulations govern.
"504 skips impact."	The claim does not rely on disparate impact. Meaningful access and accommodation carry it.
"Not a physical place."	Section 504 follows the federal money, not a street address.

2

DAYS

THE RECIPIENT'S OWN WORDS

It already promises what the screen refuses.

Elsevier's accessibility statement invites any user who needs an accommodation to write in and commits to respond within two days. The submission screen, run by the same company, answers no one and explains nothing.

WHAT TO ACTUALLY DO

Two changes, neither expensive

A reason on request

When an author asks why, give the actual ground. Offered as an accommodation, not promised in every case.

One channel to ask again

A single, usable path to reconsideration. Not a full appellate process, just a door.

| Neither changes SSRN's standards. Both restore meaningful access.

WHAT THIS COMES DOWN TO

The cure is not to post everything.

It is to give a reason when an author asks, and to hear the author who asks.

A recipient of federal funds cannot host the field's scholarship on access while running a screen the same body of law condemns.

Travis Gilly, Screened Without Reasons: Section 504, Meaningful Access, and the Closed Editorial Screen at SSRN and Elsevier (working draft, June 2026).

CASES

Alexander v. Choate, 469 U.S. 287 (1985).

Payan v. Los Angeles Cmty. Coll. Dist., 11 F.4th 729 (9th Cir. 2021).

John Doe v. BlueCross BlueShield of Tenn., Inc., 926 F.3d 235 (6th Cir. 2019).

U.S. Dep't of Transp. v. Paralyzed Veterans of Am., 477 U.S. 597 (1986).

United States v. Univ. Hospital, 575 F. Supp. 607 (E.D.N.Y. 1983).

Cook v. Budget Rent-A-Car Corp., 502 F. Supp. 494 (S.D.N.Y. 1980).

STATUTES, RULES & STANDARDS

Rehabilitation Act of 1973, 29 U.S.C. § 794(a), (b).

29 U.S.C. § 705(9)(B).

42 U.S.C. § 12102(2).

Civil Rights Restoration Act of 1987.

28 C.F.R. § 41.51(b)(3).

45 C.F.R. § 84.68(b)(3).

RECORDS & SOURCES

NSF Award No. 2431145 (EAGER), recipient Elsevier Inc.; USASpending Award ASST_NON_2431145_049.

Elsevier, Accessibility, elsevier.com/about/accessibility (last visited June 2026).

SSRN, What are SSRN's Submission Guidelines?, SSRN Support Center (last visited June 2026).