

## May 28, 2021

# Checking Our Invitation to the Party

I've been wondering a lot, lately, about the place of disability in the "diversity-equity-inclusion" movement. Today's offering is the first in a two-part discussion on the subject, but the discussion must begin with resurfacing something I wrote several years ago. It sets the stage for a conversation (next week) about how disability is perceived by those outside our community. Let's begin with this...

### April 20, 2018

#### Where Is the Moral Outrage?

I have been having the same discussion with a colleague for years now as to whether or not 504 and the ADA are really civil rights legislation. I keep assuring him that is exactly what the laws were meant to be – nothing more and nothing less. They are not about affirmative action, nor are they an extension of the special education legislation. The laws are about equal opportunity for people with disabilities. He keeps reminding me that every other civil rights statute demands that people in the protected class are not treated any differently than anyone else. The ADA and 504 **require** that members of the protected class (people with disabilities) be treated differently. Neither of us questions either the appropriateness or the legitimacy of the laws – only the nature of the protection granted.

In 1991, immediately after the passage of the ADA, the Easter Seal Society produced a video of interviews with adults with disabilities talking about their life experiences. The title of the film was "Nobody's Burning Wheelchairs." The title was taken from a quote by one of those interviewed, who spoke about that fact that people do not actively HATE people with disabilities, in the way that they HATE people, different from themselves, in other diverse groups. His point was that "nobody is burning wheelchairs on our lawn. Discrimination against people with disabilities is largely discrimination by neglect. They forget we are there, so they forget to do what is needed for us to be part of the world around us." There is no question that such behavior is discriminatory, but the impetus for that discrimination appears very different – as is the result, it seems.

The news, today, is full of people who are now being held accountable for behavior that ranges from criminal, to distasteful, to inappropriate, to embarrassing. During a 72-hour period, stories in *Inside Higher Education* included reports of a full professor in charge of a piano program being relieved of duty because of gender bias (in his interaction with students and in the granting of scholarships), a Dean who was forced out of her position because of a Facebook posting from a Halloween party to which she showed up in black face, a trustee who was ousted from the college's Board because of inappropriate comments about students filing reports of sexual assault, and a national sorority that expelled several students who posted a video to Facebook of their singing a rap song that included a racial epithet. When was the last time you heard of a college President being censured for referring to a student as being "a victim of cerebral palsy" or

“confined to a wheelchair?” *Where is the moral outrage?*

As I was writing this piece, there was a breaking news story about a sports announcer who, in the heat of the game, watched a player make an absolutely incredible play, against all odds and said, “Did you see that? He’s out of his cotton-pickin’ mind!” The player was black, and the headline read, “Announcer Makes Racist Remark about Player.” When was the last time you saw headline news, castigating someone for using the phrase, “blind as a bat?” *Where is the moral outrage?*

I once visited a campus to which I was invited for a full day of inservice training with faculty and staff. The first stop of the day was breakfast with the newly appointed Provost (with the top Deans at the school in attendance). Her opening line to me was, “You don’t have to tell ME about Section 504 and the ADA. I understand what the laws say and what I have to do. That doesn’t mean I have to like it!” How do you suppose her remark would have been greeted if she had said, “I know that we aren’t legally allowed to discriminate on the basis of race or ethnicity, and I’ll see to it that it doesn’t happen here. But don’t ask me to agree with it!” *Where is the moral outrage?*

I was once involved in a court case in which the President of the college said, *under oath*, that providing an accessible washroom in every building on campus was just too expensive when there were only a few students in wheelchairs. The students in chairs could just go to another building if they needed to. The lawyers admitted, up front, that they had a problem and they were going to pay for it. But no one suggested that the President be censured (muzzled, yes – censured, no). *Where is the moral outrage?*

Recently, there was a thread on the listserv from a newcomer who was seeking guidance as to how to respond to a faculty member who said he had too many students in his class who have Letters of Accommodation (LOAs) and that it was unfair to put that many disabled kids all on one professor, requiring extra time and attention from him. He wanted a TA for the class who would handle “those students” so he could get on with the business of teaching. How do you suppose that same kind of remark would have been received (or punished!) if the prof had said that there were too many females in his class. He didn’t want to be bothered having to worry about saying something that might offend their delicate sensibilities, so they should get ‘em out of his class? *Where is the moral outrage?*

Just this week, there was a report of a college President who was in hot water with the students and his Board because he went to an awards banquet for the college’s athletes and didn’t walk out when one of the award winners got ahold of the mic and made some offensive remarks about the girls he had screwed around with during his time at the college and the ones he wished he had screwed around with. This poor hapless administrator got in trouble for LISTENING to offensive language/speech. Yet, a few months ago, we were all angry with the OpEd article in the *Chronicle* titled, “Why I Dread the Accommodations Talk” – but no one *else* was angry enough to warrant headlines. *Where is the moral outrage?*

There was a time when we could muster up that kind of public outcry. In 1982, long before the ADA, there was a state university in the south that had a disability services office on the second floor of a building with no elevator. Instead, there was a doorbell installed at the bottom of the staircase with a sign that read, "Ring bell for service." This was early on... before there were many students with nonvisible disabilities... so having a disability services office that couldn't be reached by a lot of the students it was meant to serve was pretty ludicrous. To make that point, the students with disabilities called in the press and staged a picture of a paraplegic student, with his wheelchair sitting at the bottom of the staircase as the student crawled up the stairs under the writing (on the wall) that showed "Disability Services" with an arrow pointing up to the second floor. The picture appeared on the front page of the *Lifestyles* section of a major metropolitan newspaper in their Sunday edition. Within 48 hours, the university had relocated the office to an accessible location and pledged the money to hire additional staffing for the office.

Then there was the Community College Dean who decided that she wanted her own parking space, close to the door of her office. So she ordered the maintenance crew to alter the disability parking sign outside her office door so that it read "Reserved \_\_\_ Parking" with the access symbol covered over with duct tape so it couldn't be seen. The students took a picture of the Dean's car (with license plate showing), parked in the space under that sign and it appeared in yet-another major metropolitan newspaper. The Dean "resigned" within 48 hours.

Maybe we are victims of our own success. We have spent the last 40 years trying to convince the higher education community that students with disabilities are more LIKE other students than they are different. Maybe we sold the idea so well that the higher education community believes it and doesn't see students with disabilities as a separate population, worthy of special consideration, concern, or protection. That would almost be comforting, but I don't believe it is true.

Maybe it is because people can no longer see the difference in the way they used to. Even today, it is hard for the general public to ignore someone in a wheelchair at the bottom of the stairs, but the majority of students with disabilities on college campuses today do not have visible disabilities. They don't look any different than the other students on campus. WE understand that being severely dyslexic might be a far greater barrier to academic pursuits than being in a wheelchair, but the general public doesn't understand that. That could explain some of the indifference we see on campus. Perhaps this is a case of "out of sight, out of mind," and people who don't understand the impact of disability also don't understand the implications of their indifference.

Maybe it is because of economics. That's why the higher education community has balked before. When 504 first went into effect, colleges and universities faced potentially huge outlays of money to make campuses architecturally accessible. There were many who fought it for as long as they could, in various ways. But it has been 40 years, and most campuses understand what architectural accessibility means. While

they may still drag their feet about creating real access with door openers here, or an elevator in this building, or ramps over there, or snow removal regimens that keep accessible pathways open, they are no longer likely to argue the logic of making their facilities accessible. But their classrooms? That's something else.

When college administrators found out they were going to have to pay for sign language interpreters (after VR stopped paying, in the mid-90's) there was, and still is, a lot of resistance to the cost of interpreter services. It is not uncommon to see administrators either arguing the appropriateness of providing interpreters for a given activity, when what they really mean is "it is too expensive" (see *Argenyi v Creighton!*). It is harder to argue the need for Braille for a blind student, but I have seen administrators try to pass the hot potato (the bill for Brailing an expensive textbook) from one department to another. Even those examples, however, are few and far between on most campuses. They don't explain why faculty, administrators and, in some cases, students can say offensive things about students with disabilities without being called out for it.

As I was trying to think of explanations for why it is that the higher education community doesn't seem in a hurry to champion our cause/issues in the way that they do others, I found this quote, from Matt Reed, in an article about diversity issues on campus. He is discussing ideas that have been shown to be useful and successful in helping to increase diversity on campus and support students from nontraditional populations, but have not been widely embraced by others:

*The common denominators to these interventions -- and the list is far from exhaustive -- are that most of them aren't usually thought of as diversity initiatives, and every single one of them generates some opposition on campus among people who would have to change some element of what they do all day. It's not enough to add diversity and stir. If we're serious about improving outcomes, we have to be willing to challenge some of our most basic operating assumptions.*

"...every single one of them generates some opposition on campus among people who would have to change some element of what they do all day." Is that the answer, then? Has my colleague been right all this time? Is it possible that the difference between our issues and those of other marginalized populations is that people with disabilities need others to change their ACTIONS, not just their attitudes, and there is underlying resistance (maybe even resentment?) that spills over into their response to disability issues? Is that why they don't get so upset when presented with evidence of discrimination against students with disabilities?

In 1998, John Hockenberry was the keynote speaker at the AHEAD conference. Here is an excerpt of something I wrote after hearing his presentation.

*Hockenberry talked about the history of civil rights movements in general, and of the disability rights movement (with its Section 504 and ADA mandates) in particular. He drew parallels between the fight for equal rights for persons with disabilities and the*

*similar battles fought by minorities and women in this country. And he noted that the civil rights protection offered to those groups that have preceded us brought them a long way -- and then stopped. Everything you read about the Glass Ceiling in corporate America, all the backlash we hear about Affirmative Action programming, and the distressing reports of limited availability of affordable health care and education to these "protected" populations bring us back to the same conclusion. The concept of civil rights -- of equal access -- is a philosophical goal, NOT a strategy for achieving equity. We need a better strategy.*

That was written 20 years ago. It appears that not much has changed. We STILL need a better strategy. We need to find a way to generate some moral outrage, as that seems to bring about change these days. Any ideas?

Janie

*Help stamp out selective moral outrage.*

*Satire is moral outrage transformed into comic art.*

*Make... It... Stop!!!*

## **June 4, 2021**

### **AID – A New Strategy?**

I received more comments than usual after last week's reprise of my post that asked, *Where is the Moral Outrage?* It will be interesting to see how this week's post is received. I think a lot of folks thought I presented that piece in preparation for a rant ... um... discussion of how best to integrate issues of disability more fully into the fabric of the social justice movement that seems to be dominating public discourse. But that isn't my theme for the day. Instead, I saw last week's post as a way of highlighting the fact that disability isn't part of the social justice movement. We might want it to be – but it isn't.

*Wait... did she just say that disability is not part of the social justice movement?*  
Yeah. That's what I said.

I researched several websites for a definition of social justice. I found lots of "variations on the theme," but this definition seemed straightforward (and representative of the others):

*Social justice refers to a political and philosophical theory that focuses on the concept of fairness in relations between individuals in society and equal access to wealth, opportunities, and social privileges.*

Certainly, those are goals we aspire to for people with disabilities. The question is whether those goals will be achieved in the same way for people with disabilities as they will for other populations seeking social justice. I don't think so. And I don't think most social justice advocates outside the disability community think so, either.

Try Googling "social justice" or "social justice movement" and look for a list of those who are the focus of social justice efforts. Do you see people with disabilities on that list? Not often, if at all. (I found one site where we made the they-also-ran category – "based on race, class, gender, place, **and other factors.**") It is clear, in those discussions of social justice, that the emphasis is on the distribution of wealth which brings with it opportunities and social privileges. WE know that people with disabilities often face significant inequalities in economic distribution, from the percentage of people with disabilities who are unemployed, to the cost of health care, to the availability of educational opportunities. But it doesn't seem as though others see the impact of disability bringing us into the sphere of vulnerable populations to be championed by the social justice movement. (Hmmm... now that I think about it, I don't remember widely publicized studies that show the economic impact of disability; most of those studies seem to be done, and circulated, within the disability community. Perhaps one of the reasons others don't recognize the problem is because we haven't told them about it!)

Many years ago, at a meeting of TRIO personnel, I heard a wonderful speaker make an incredibly insightful declaration. She was addressing a crowd of postsecondary staffers who were primarily members of minority populations. She asked, "How many of you believe in equal opportunity?" Everyone in the room raised their hand. "I knew you would say that. And I know you do, in fact, believe that. You all believe in equal opportunity. The problem is, you don't believe everyone is equal." Until the rest of the world sees and understands the impact of disability, they won't see us as full partners in the fight against inequality.

[An article in Wednesday's *Inside Higher Ed* made a case for why virtual office hours should remain in place, even after the pandemic. The tag line for the story read, "There are compelling reasons related to accessibility and equity to continue them..." Since I knew what my theme was for today, I was eager to check out how this author tied accessibility and equity together. He didn't. I'd forgotten that the word "accessible" doesn't mean the same thing to others as it does within the disability community. He DID speak about how virtual office hours would be good for disabled students, though:

***Students with a disability.*** Every student should receive the accommodations and accessibility arrangements they require in order to succeed academically and personally at your institution. Students are not always willing to make those disclosures, however, in part due to the perceived effect on their relationship with a faculty member or instructor. Offering only in-person office hours can deny access to many of these students, whether their disabilities are mobility related, psychological or from the lingering fatigue of a COVID-19 infection. Offering virtual office hours allows these students to access faculty one on one and build relationships crucial to learning and academic success while still being empowered as to where, when and to whom they

*disclose their disability.*

In other words, if students with disabilities are embarrassed about their disability, virtual office hours give them an easier chance to hide from that embarrassment. (I don't make this stuff up, people!) This guy sees people with disabilities. He just has no friggin' idea what we are all about.]

The title of last week's post was *Checking Our Invitation to the Party*. The question is, how do we get invited at all? Last week, I kept asking, "*where is the moral outrage?*" I think the answer is that there is no moral outrage expressed when inappropriate statements are made, or actions are taken, or views are expressed about people with disabilities because the general public doesn't see disability as a moral/ethical issue. I am not sure they see us at all.

When you hear that an upcoming online webinar is accessible, what do you take that to mean? I am guessing you assume that means that the meeting platform works with assistive technology and that captioning or interpreters will be provided as needed. When everyone else hears that an upcoming online webinar is accessible, what do you think that means to them?

I looked up that word "accessible" in the dictionary.

\* *Webster's Dictionary* has five definitions of "accessible" – and it isn't until you get to #5 that they use the term in the context of disability.

\* [Dictionary.com](http://www.dictionary.com) has only three definitions of the word – OUR definition is their #3

\* The *Oxford Dictionary* definition of "accessible" doesn't include any reference to disability.

I ended last week's post with a quote from many years ago –

*The concept of civil rights -- of equal access -- is a philosophical goal, NOT a strategy for achieving equity. We need a better strategy.*

Perhaps the same is true of social justice theory for us – it is a philosophical goal, NOT a strategy for achieving equity. We need a better strategy.

In surfing for information, I found an interesting website for a group that fights against "social inequality" for an indigenous Ecuadorian tribe (<http://www.pachamama.org>). I was intrigued with their definition of social inequality:

*Social inequality is the condition of unequal access to the benefits of belonging to any society. In a purely equal society, every citizen is equally able to contribute to the overall wellbeing of that society, and they are equally able to benefit from their membership within that society.*

I wonder if "social inequality" isn't a better description of what we are fighting against for people with disabilities than "social justice" describes what we are fighting for. But, first, we have to make others understand that there is a fight to be had! To do THAT, we have to admit to ourselves that our issues are different. Not less. Not negligible or less

urgent. Just different.

Until the general public understands what the issues are for the disability community I don't think we'll see much moral outrage. People acknowledge that holding a meeting in an inaccessible location, thus excluding someone in a wheelchair, is *wrong*. But that isn't the same as being incensed about it. And the fact that the same meeting didn't provide a sign language interpreter, so deaf people couldn't and didn't have access never even crosses their mind. We have to find better ways to get our issues in front of the public in a way that makes them care. A way that acknowledges the impact of disability.

What if we adopted a new strategy/focus for our efforts – **AID** – **A**cknowledging the **I**mpact of **D**isability. Isn't that what we want?

Are you with me? I am considering having bumper stickers made to advertise my new movement. Want to put in an order? GRIN

Janie

*A lot of problems in the world would disappear if we talked TO each other instead of ABOUT each other.*

*Think of the consequences if you do nothing.*

*Justice will not be served until those who are unaffected are as outraged as those who are. (Benjamin Franklin)*