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Disability Foundations:
An Introduction to Disability Rights, History, & Culture

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Learning Objectives:

- Define disability through legal, social, and cultural lenses.
- Contextualize disability within an intersectional framework.
- Define disability types and common barriers to access.
- Review accommodations types & the interactive process.
- Identify disability bias.
- Develop strategies for fostering meaningful participation and inclusion.

Common Federal Accessibility Laws

- Title II of the Americans with Disabilities Act
- Section 504 of the Rehabilitation Act
- Fair Employment and Housing Act
- California Fair Employment and Housing Act and other CA State laws

Obligation to not discriminate

- Programs and Services must be made accessible to everyone.

Communications with People with Disabilities (PWD) must be "as effective as" communications with others.

- 2 Strategies: Accommodations & Universal Design.

It is the Right Thing to Do!

- Consistent with our institutional and personal commitment to diversity, equity, inclusion.
- Access is a value that benefits everyone.
  - When we design for disability inclusion, we all benefit.
- Human variation includes disability & human variation drives innovation.
- Justice is Disability Justice, we are all connected.

Disability As Diversity

- 1 in 4 U.S. adults has a disability. (CDC)
- Disability is the largest intersectional group that anyone can join at any time.
- Over our lifespan, we will all experience some change in disability status, either temporary or permanent.

Legal Definition

- Physical or mental impairment that substantially limits one or more major life activities.

*check your state definition, i.e. in CA for employment and housing (FEHA), it is a physical or mental impairment that "limits".

- Record of physical or mental impairment that …or
- Are regarded as having such an impairment.

"Regarded as" relates to discrimination; not basis for reasonable accommodations.

Disability

Disability can be permanent or temporary, chronic or episodic, apparent or non-apparent.

Some disabilities are situational.

Accommodations

A public entity shall make **reasonable modifications** in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. (ADA Title II 28 CFR 35.130(b)(7)(i); applies except for employment)

Accommodations (cont'd)

- Reasonable modifications/accommodations can apply to students, employees, patients and visitors under various laws.
- Determined on an individual, case-by-case basis.
- May be supported by appropriate medical documentation or direct observation of disability.
- Does not compromise academic standards or fundamentally alter a program or service.

Reasonableness

- Effective
  - Allows an otherwise qualified PWD to perform essential requirement(s).
  - Addresses the ***individual*** needs of the PWD.
  - Allows PWD "meaningful" access and participation. (ADA, Rehabilitation Act, Section 504)
- Appropriate
  - Does not fundamentally alter essential requirement(s).
- Does not pose an undue burden/hardship for the institution.*

What Accommodations Are

- **modifications** to the environment/programs to provide equal and meaningful access.
- **remedial**; they mitigate lack of access.
- Generally **requires disclosure** to request unless universal access is provided.
- **benefit all** people in the community, i.e., captions on videos.

Examples of Accommodations School, Clerkships, or Work

This list is non-exhaustive:

- Extended time, distraction reduced environment.
- Notetakers.
- Text in alternate formats, audio books.
- Sign Language Interpreting and Real-Time Captioning.
- Adaptive equipment or software.
- Alternative work-station or schedule.

Interactive Process

- Notice of Disability
  - Disability Status, Diagnosis (non-employment), or Functional Limitation (employment).
- Causality
  - Need for adjustment or aid ***because*** of disability.
- Reasonableness
  - Rational review of the program and requirements.
  - Whether the proposed accommodation allows an otherwise qualified PWD to perform essential requirement(s).
  - Whether proposed accommodation would result in waiver or lowering of essential requirements or fundamentally alters the nature of the program.

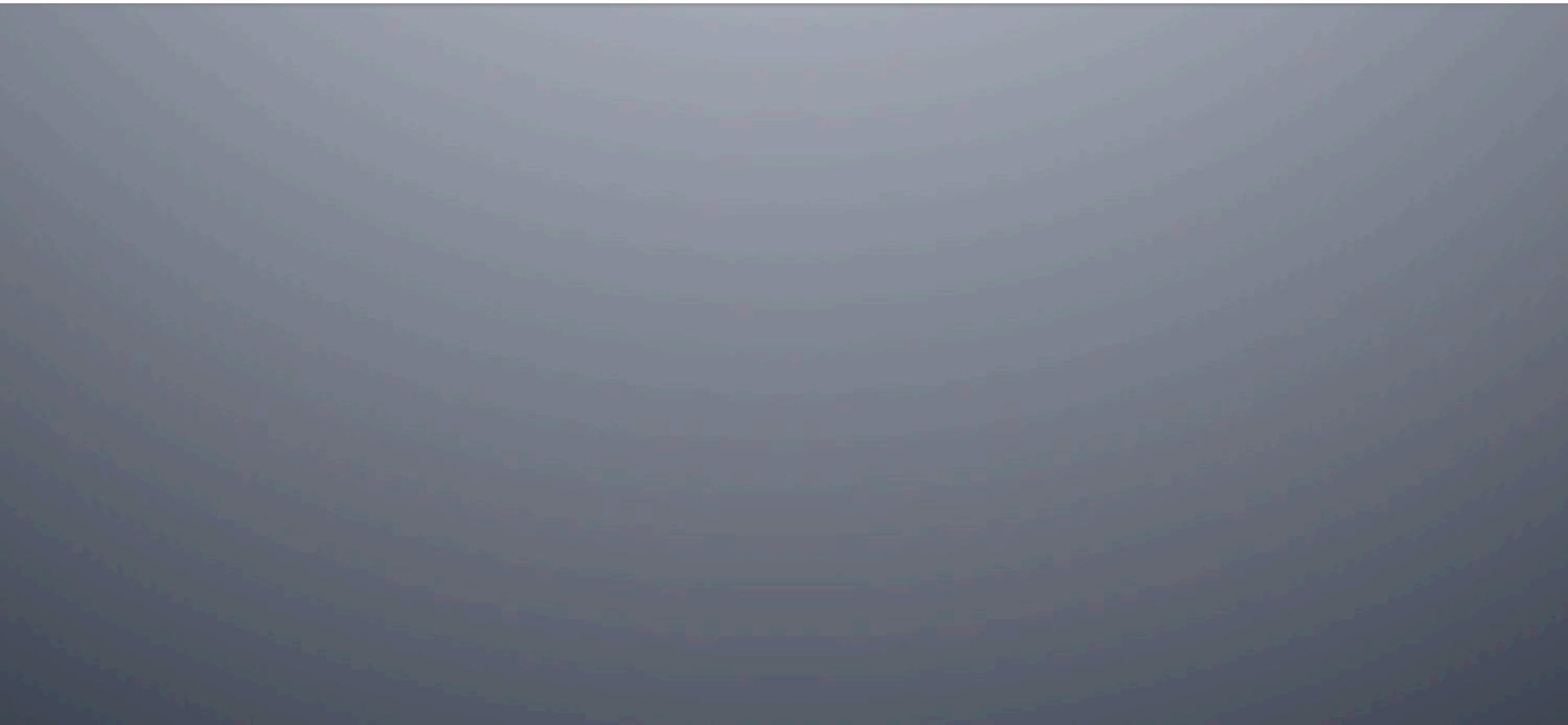
Disclosure of Disability

- PWD decides when/if/what to disclose
  - Disability status (e.g., chronic illness, back issues, etc.).
  - Medical Diagnosis (e.g., asthma, Lyme Disease, ADHD, etc.)
  - Functional Limitation (e.g., cannot lift more than 10lbs, breaks every 30 minutes, lower distraction environment, etc.).
  - Apparent Disability (e.g., wheelchair, mobility device, guide dog, etc.).
- Disclosure conversations and further documentation ***must*** be kept confidential.
- Many reasons PWD do not disclose (e.g., stigma).

Additional Accommodation Resources

- **Health Patient Relations and/or Clinical Team** will assist patients and their companions with accommodations. Non-exhaustive examples:
  - Auxiliary aids and services (e.g., ASL and CART, large print, Braille)
  - Extra time for appointments
  - Service animals
  - Materiel Services items (e.g., assistive listening devices, communication board)
  - **Employees** with disabilities should contact Disability Management Services.
  - **Students** with disabilities should contact Student Disability Services.

Disability & Identity



Disability Rights Movement

The Disability Rights Movement introduced the concept of disability as a social construct based on existing barriers.

Disability Rights History at a Glance

- **Early 20th Century:** "The Ugly Laws"
- **1940's:** World War II
- **1950's-1960's:** Civil Rights Movement
- **1972:** Birth of the Independent Living Movement
- **1973:** The Rehabilitation Act of 1973
- **1980's:** ADAPT Activism, Capitol Crawl
- **1990:** Passage of the Americans with Disabilities Act
- **2005:** Disability Justice Movement is coined
- **2008:** Americans with Disabilities Amendment Act

"Nothing About Us, Without Us"

Section 504 Sit-In, 1977

Capital Crawl, 1990

Signing of the ADA, 1990

ADAPT Activism, 1980's

Disability Justice

- Disability Justice is a framework coined in 2005 by Sins Invalid that is rooted in intersectionality.
- Centers the leadership of disabled people, particularly those marginalized by race, gender, sexuality, and class.
- 10 Principles of Disability Justice

Stereotype & Bias

ster*e*o*type

(N) A widely held, fixed, oversimplified image or idea of a particular type of person or thing.

bi*as

(N) Prejudice or tendency in favor or against one thing, person or group compared with another, usually considered to be unfair.

Disability Biases

Negative:

Disabled people are:

- Tragic, pitiful
- Scary
- Angry
- Worthless, incapable
- Lazy, undeserving of opportunities

Positive:

Disabled people are:

- Inspiring
- Deserving of preferential treatment, help, or "special" attention

Language

- **Person-first language:** "Person with a disability," "Person who has Anxiety."
- **Identity-first language:** "Disabled person," "Autistic / Deaf person."
- **Language evolves:** Ask for preferences, like pronouns.
- **Avoid jargon and stigmatizing language:** "differently-abled," "special needs," "handicapped" (Often seen as offensive).
- **Disability is not a "bad word:"** #SayTheWord.
- **Avoid negative language:** "sufferer," "victim," "confined to a wheelchair."

"Disability" Language

- **Euphemisms**
  - disABILITY
  - Special needs
  - Differently-abled
  - The disabled, the blind, the deaf
  - Physically challenged
  - Handicapable
- **Disability Experience**
  - Insane, Crazy
  - Lame
  - Spaz
  - Freak
  - Turn a blind eye/ listen with deaf ears

Defining Ableism

- "A system of assigning value to people's bodies and minds based on societally constructed ideas of normalcy, productivity, desirability, intelligence, excellence, and fitness. These constructed ideas are deeply rooted in eugenics, anti-Blackness, misogyny, colonialism, imperialism, and capitalism. […] **You do not have to be disabled to experience ableism.**"
- Talila "TL" Lewis. A Working Definition of Ableism, 2022

What Can Ableism Look Like?

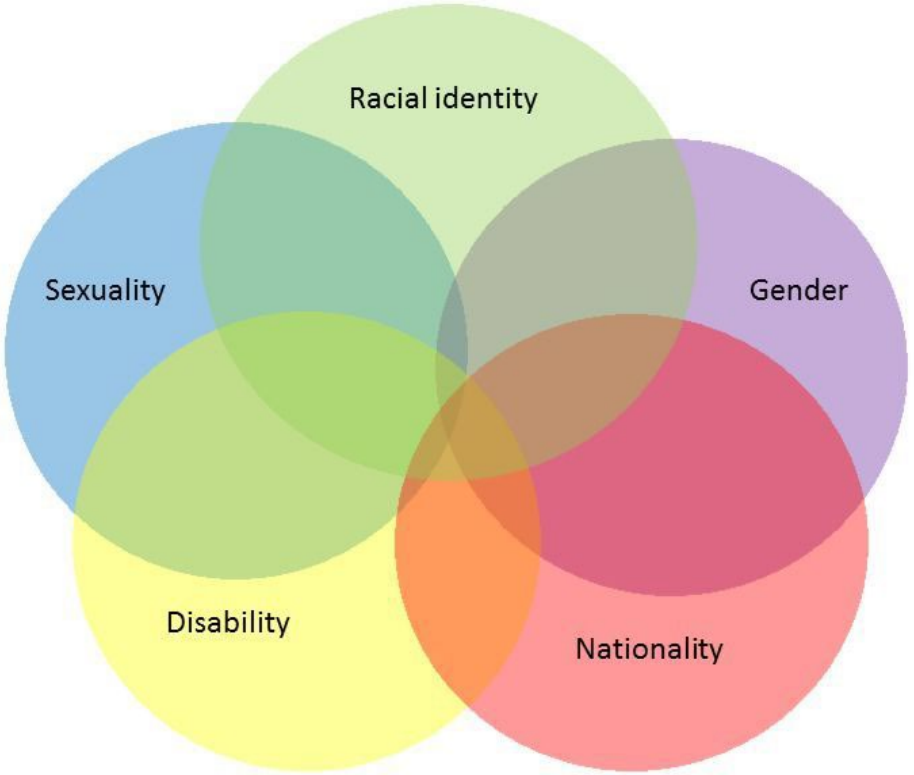
- Lack of compliance with disability rights laws.
- Segregating adults and children with disabilities.
- Failing to incorporate accessibility into building design plans.
- Building inaccessible websites.
- Using disability as a joke or punchline.
- Refusing to provide reasonable accommodations.
- Not inviting people with disabilities to the table (e.g., recruitment, admissions, policy, etc.).
- Framing disability as either tragic or inspirational, or needing to be "fixed".

Anti-Sanism

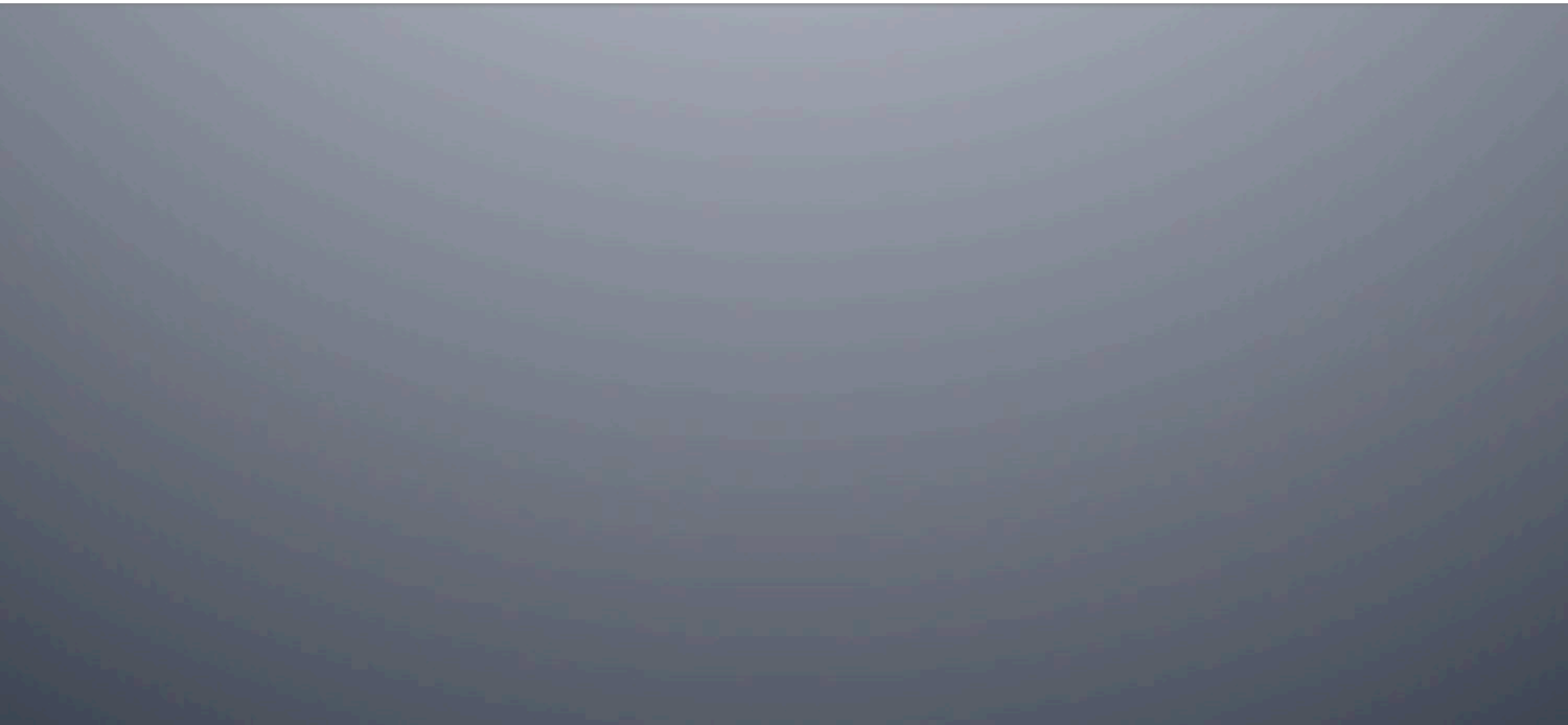
- Sanism is the prejudice against people with mental illness or cognitive differences.
  - Stems from societal belief in a "normal" way for minds to function.
  - Long history of violence in care.
  - Criminalization of mental health.
  - Focus on “fixing it”.
  - Leads to negative stereotypes/tropes.

Disability and Intersectionality

- Complexity in Identity and Context
- Compound impact
- Wholeness



Inclusion



Universal Design

- The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

UD Principles

The Center for Universal Design (CUD) at North Carolina State University, a group of architects, product designers, engineers, and environmental design researchers established seven principles of UD to provide guidance in the design of products and environments.

- *Equitable use*.
- *Flexibility in use*.
- *Simple and intuitive*.
- *Perceptible information*.
- *Tolerance for error*.
- *Low physical effort*.
- *Size and space for approach and use*.

Inclusive Design

Standard Design:

- Aimed at the "normal" user.
- If there's a problem, it's on the individual.
- Accommodations (retroactive, separate, consumable).

Inclusive Design:

- Aimed at everyone.
- If there's a problem, it is on the designer.
- No need for accommodations (proactive, inclusive, sustainable).

Social Model: Inclusion

- Professionally, advocate for:
  - Identify and minimize barriers.
  - Universal design.
  - Cultural programming.
  - Disabled people + all people, can fully access and participate in community.

General Disability Etiquette Tips

- Assume competence.
- Speak directly to the person, rather than to a companion, family member, or interpreter.
- Never touch or move someone's wheelchair or mobility device.
- Check on preferences for language referring to disability.
- Treat adults as adults.

D/deaf and Hard of Hearing Disability Etiquette Tips

- Minimize background noise.
- Speak directly to the person, not the interpreter.
- Use clear masks if possible.
- Before you start to speak, get the attention of the person you are addressing. Visual (wave) can be used.
- Recognize that some D/deaf people identify culturally with being Deaf.

Blind and Low Vision Disability Etiquette Tips

- Identify yourself when you approach a person. Explain when you are leaving the environment.
- Face the person and speak directly to them.
- Use regular tone of voice.
- When offering directions, be specific. For example, use clock cues if the person is accustomed to using this approach: "The door is at 10 o'clock."
- Ensure digital and print materials are accessible.

Develop Accommodation Protocol

- Designate contact for accommodation requests.
  - Develop competency engaging in interactive process.
- Approved UCSF access statement:

UCSF welcomes all participants to our events. If you need a reasonable accommodation to participate in this event because of a disability, please contact [event contact name] at [event contact email] as soon as possible.

  - Include in meeting invites, event marketing, registration pages etc.
- Identify campus disability resources.
- Develop template for referral after disclosure.
  - To designated contact in-office & to campus resources.

Inclusive Design:

- Physical spaces
  - materials accessible from seated/standing positions.
  - materials available in alternative format.
  - aisles are wide and clear of obstructions.
  - writing/work surface available for wheelchair users.
  - discourage use of scented products (personal, cleaning, etc.).
  - do not come to work sick.
  - forms accessible with screen-reader.
- Front Line Services
  - Staff are prepared for disclosures & accommodation requests.
  - Staff are familiar with Video Relay Service.

Inclusive Design: Technology

- All web/electronic content should be accessible and meet UC IMT 1300 requirements.
  - Graphics have "alt" text.
  - Navigation is possible without using a mouse.
  - Videos are captioned and use audio description.
  - Link text is descriptive.
  - Uncluttered, consistent page layout.
  - PDFs are "tagged" or HTML options available.
  - All software/hardware purchases are ADA Title II compliant.
  - Applications & systems (i.e. research databases, etc.).

Inclusive Design: Response

- Assess office readiness to:
  - Respond to requests for accommodations.
  - provide accessible services.
  - Respond to questions and concerns.
- Outreach communications:
  - Simple language.
  - Clear next step.
  - An access statement.

Interactive Process in Your Department

Employees should:

- Identify essential requirements of the processes that may occur in your office.

Referral to an accessibility office needed?

Handling in-office accommodations.

- Review services/practices on campus .
- Develop competency with interactive process.
- Consult the “experts” if support is needed.

Nothing About Us, Without Us

- Involve people with disabilities in the planning of strategies and policies that affect their lives.
- Disabled people are experts of their own lives.

Key Takeaways

- Awareness of disability as a core part of your community.
- UCSF resources for improving access, inclusion, and belonging.
- Disability is a culture and identity.
- Disability is not a "bad word."
- **As UCSF employees, we all have a responsibility for ensuring access and inclusion.**

UCSF Accessibility Contacts

UCSF Patient Relations
Phone: (415) 353-1936
Email: patient.relations@ucsf.edu
Website: Patient Relations

Students
Student Disability Services (SDS)
Phone: 415-476-6595
Website: Student Disability Services

Faculty and Staff
Disability Management Services Phone: (415) 476-2621
Email: disability@ucsf.edu
Website: Disability Management Services

Discrimination, Harassment and Retaliation Resources

For questions about:

- Discrimination
- Harassment
- Retaliation

Contact the Office for the Prevention of Harassment and Discrimination (OPHD)
Email: ophd@ucsf.edu
Phone: (415) 502-3400
Website: OPHD

Discussion Q & A

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