

**STUDENTS WITH DISABILITIES: POST-SECONDARY
VOICES AND UNIVERSAL DESIGN FOR LEARNING**

by

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ABSTRACT

Human rights legislation has supported the provision of disability support services for twenty years within the public post-secondary system in British Columbia. However, most institutions and their students with disabilities have faced the challenge of disparate views regarding access to learning. The purposes of this study are rooted in a discourse of equality and social justice: how can the educational community maximize academic access for students with disabilities so that they can benefit from the opportunities that higher education affords other members of society?

Universal design for learning is purported to enhance access for *all* students with diverse learning needs. Within this framework, teaching is designed to meet the needs of students' learning differences by providing multiple means of acquiring information, engaging learner interest, and demonstrating knowledge. The findings of this study contribute to an emerging body of scholarly literature on the effectiveness and implementation of curricula-based access. The purposes of the project were to better understand how social experiences among students and faculty, situational constraints, and organizational demands impact practices related to teaching and learning, as well as whether educational leaders can respond to concerns about access, given the structures they are situated within.

Students with disabilities and faculty in an urban post-secondary institution were interviewed to determine how they are positioned within the organizational culture related to academic access. The principles and practices of universal design for learning were utilized as a framework for analysis. An exploration of case law that flows from the *BC Human Rights Code* (1996), and the policy and practices that have evolved from it, were also central to the inquiry.

The study's findings reveal that both students and faculty are unfamiliar with the legal framework, but value the practices associated with universal design for learning. However, developing new interpretations of academic access for students with disabilities will be a challenge. Social structural changes are required to create space for providing access for students through instruction. Ongoing dialogue within the educational community, professional development opportunities, and attention paid to academic access policies are the touchstones by which educational leaders would transform disability access.

DEDICATION

For my husband, Marc Gawthrop, who provided steadfast support, encouragement, and patience for this project, and my parents, Emily and Len Coomber, who taught me the determination to finish what you start, to act with integrity, and be the best you can be in all situations.

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CHAPTER 1

UNDERSTANDING DISABILITY: EMBRACING DIFFERENCES

1.1 Introduction

Yet, at a deeper level, and independent of population figures, disability is not at all a distinguishing feature of a group of individuals . . . it is rather an essential feature of the human condition. (Bickenbach 2001, 580)

My motivation for undertaking this study grew from a belief that the educational community has a professional and social obligation to address possible barriers in access to learning that students with disabilities encounter in public post-secondary education in British Columbia (BC). More than twenty years experience in the fields of counselling, teaching and disability services leads me to suspect that a lack of dialogue, informed by our values and beliefs, has resulted in a devaluation of the differences that constitute the character of students with disabilities. Disparate views on accommodation processes in higher education, reported in scholarly research (e.g., Beilke & Yssel 1999; Bento 1996; Bourke et al. 2000; Leyser et al. 1998; Long et al. 1999; Low 1996; Maudaus et al. 2003a; McEldowney Jensen et al. 2004; Rice-Mason 2001; Vogel et al. 1999), parallel those found among my colleagues and students in my professional practice. Some students with disabilities face challenges in

accessing the accommodations that they feel are required for academic access. The formulation of my thesis topic and research design was the result of continually evolving interpretations of this social problem.

My interest in these issues grew into an intellectual curiosity regarding the efficacy of universal design for learning (UDL) as a model of access for students with disabilities.¹ I was particularly curious about how students with disabilities and faculty experience access through curricula design and the factors that influence their perceptions. Within this framework, teaching is customized to meet the needs of students' learning differences by providing multiple means of acquiring information, engaging learner interest and motivation, as well as demonstrating knowledge. Proponents of this approach maintain that it could reduce the possible stigma associated with the provision of individual accommodations, and provide a greater sense of equity and fairness for all students (Bowe 2000; Higbee 2001; Johnson & Fox 2003; Embry et al. 2005; Scott et al. 2003a, 2003b; Silver 2003; Strauss & Kroeger 2003).

The first section of this chapter presents the research purposes, objectives and significance of the project, as well as how these evolved. In the second section, the contextual factors that impinge on academic access for students with

¹ For the purposes of this thesis, the term "universal design for learning" or "UDL" will be used to reflect the principles and practices of curricula-based accommodations as a means of providing academic access for post-secondary students with disabilities.

disabilities are developed to situate the practices associated with UDL within post-secondary settings in Canada and the United States (US), and as a component in the iterative process of formulating the study's research questions. The research questions that emerged from this analysis, and the study's scope and limitations, are reviewed in the final section of the chapter. Throughout this project I have made my values, beliefs, and professional practices explicit, and describe how they are intimately connected to the social context of disability issues and higher education. When I began this project, I was beginning a journey that cleared the lens through which I viewed the lives of students with disabilities. What counts as authority? What had I taken for granted? What was not true in the schema in which I had grounded my practice in the past?

Reflecting on current academic access practices led to an unexpected realization about the lens through which I viewed my professional practice. My initial thinking about academic access for students with disabilities was partly entrenched in the "truths" of the dominant legal order and a medical model of disability, and that had not been challenged for some time. As I began to heighten my awareness of the practices that impinge on access to learning, the social nature of creativity deeply resonated with me. This led me to wonder how members of the educational community create discrimination based on disability, and what impact the social construction of disability has on access to learning. Gergen (1999) points to the range of outlooks within dialogues on the social construction of reality. Within his view, the primary emphasis is on "discourse [as] the vehicle through which self and world are articulated, and the way in which such

discourse functions within social relationships” (60). In this study, Gergen’s view is complemented by a view of sociological constructivism where the emphasis is on the way “understandings of self and worlds are influenced by the power that social structures (such as schools, science and government) exert over people” (60).

1.2 Purposes, Objectives and Significance

*Questions of ideology are best examined within the context
of articulating the purpose of scholarship.
(Goodman 1998, 53)*

This section of the chapter is a reflection of my current theories, frames of reference and world views and how they have shaped this study. The primary purposes of this project are to contribute to research knowledge, and improve my professional practice through a better understanding of the underpinnings of practices that provide academic access for students with disabilities. The aim is to explore how inclusive and non-inclusive practices are linked to social constructions of disability in public post-secondary culture.² How are students with disabilities and faculty positioned within these practices? What is the complexion of human agency related to academic access for students with disabilities and faculty? Exploring instructors’ approaches to course design,

² Geertz (1973) defines culture as “the fabric of meaning in terms of which human beings interpret their experience and guide their action” (145).

teaching and evaluation, as well as the impact of the *Canadian Charter of Rights and Freedoms* (1982) and the legislation, institutions, policies, and practices that enshrine it are central to the inquiry. Through this critical analysis, possibilities for promoting access to learning for students with disabilities through universal design for learning will become clear.

My professional purpose was rooted in a discourse of equality and social justice: how can the educational community maximize access to learning for students with disabilities so that they can benefit from the opportunities and advantages that public post-secondary education affords other members of society? The principles and concepts of UDL challenge us to re-think the practice of providing disability access within a learning community that embraces differences. However, educators need to consider the rights of *all* students and at the same time ensure that the integrity of academic standards remains intact. Can educational leaders respond to the issues and concerns about access to learning within the structures wherein they are situated? What forms of governance, policy development, resource allocation, and educational practices could reflect a barrier-free pedagogy within the web of power, politics, and bureaucratic ethos pervasive in public institutions – Weber’s evocative metaphor of an iron cage (Barnes et al. 1999, 36-37; Turner 2001, 255)?

Harrison (2004) maintains that “teacher-centered education is rooted in centuries of tradition: lecture, note-taking, a mid-term and a final” where faculty are trained as content experts. Students with disabilities often require support services in

order to access curricula designed and delivered in this manner. In contrast, learner-centered teaching focuses on choices, active learning that encourages reflection, integration and critical thinking, interactivity, frequent feedback and varied approaches to instruction and evaluation. While the delivery of content remains a central aspect of higher education, the strategies associated with collaborative learner-centered education provide students with experiences in “collaborative behavior, positive interdependence, and individual *and* group accountability *and* responsibility” (LeJeune 2003, emphasis in the original). This framework evokes the principles of UDL. Scholars associated with the Ivy Access Initiative at Brown University describe this alternate paradigm of access as

instructional materials and activities that allow learning goals to be achieved by individuals with wide differences in their abilities to see, hear, speak, move, read, write . . . attend, organize, engage, and remember. . . [It] acknowledges differences among students and uses them to strengthen the learning process. (Brown University 2002)³

An important objective of the research was to give voice to the lived experiences of students with disabilities and faculty. The study investigates how students and instructors establish and sustain the meaning of disability and access to higher education. In other words, as Kelly (2001) purports, “personal experience becomes social experience in relationships with other people” (396). How do social experiences or relationships with other people regarding disability relate to community, human agency, and action? I was also seeking an understanding of

³ The Ivy Access Initiative is a joint venture between educators at Brown University, Columbia University, Dartmouth College, Harvard University, and Stanford University.

the situational constraints and organizational demands that emerge through human interaction. Specifically, I explored the interface of disability constructs with the realities of a new and complex world.

A market driven agenda has taken on accelerated levels of power in the post-secondary system, fuelling the continued growth of science, instrumental reason, and autonomy in a way that supports economic benefits for individuals (Barnes et al. 1999, 36-37; Turner 2001, 255). These influences led me to ask what effects these factors have on the provision of academic access. Drawing on the work of scholars in educational administration and other fields who are committed to a valuational approach to leadership (e.g., Bates 1989; Beck & Foster 1999; Burns 1978; Foster 1989; Forester 1999; Franklin 1999; Garofalo & Geuras 1999; Gutmann & Thompson 1996; Harris 2003; Samier 2002), an essential theme in my thesis is how the bureaucratization of educational life and the current political and economic agendas in BC can work in oppressive ways against community members.

McGuire et al. (2003) caution that researchers should remain cognizant of a “bandwagon” effect whereby new models of access become popular before having passed a rigorous validation process (17). Although the conceptual framework of universal design for learning appears well developed, there is currently a paucity of empirical evidence regarding the efficacy of this model (Embry et al. 2005; McGuire & Scott 2002; McGuire et al. 2003; Romereim-Holmes & Schade 2003; Scott et al. 2003; Silver et al. 1998; Silver 2003). The

findings of this study contribute to an emerging body of scholarly literature on the effectiveness and implementation of UDL as a potential educational access model. Exploring the thinking of participants about approaches to teaching, learning, and evaluation was particularly relevant in light of changing delivery modes and the impact on access to learning for students with disabilities.

While much has been written about the legal model of access to learning, very little attention has been paid to how participation in an educational community creates meaning regarding disability and academic access. Discovering how participants internalize their experiences of inclusive and non-inclusive practices within the educational community could lead to a better understanding of factors that buttress access to learning and student success. Little is understood about the ways students with disabilities and faculty socially construct disability, experience educational practices within the cultural landscape, or about their experiences as agents of change (Kalivoda & Totty 2003; Scott et al. 2003a; Silver et al. 1998). The inquiry also begins to fill a gap in research knowledge regarding the impacts of the biological and socio-cultural models of disability through better understanding participants' experiences of educational access, and the impact on their self-concepts, sense of community, and agency. Finally, the study is designed to make a unique contribution to research knowledge regarding the systemic supports and barriers students with disabilities and faculty experience in acquiring and providing academic access to post-secondary education. Identifying the complexities of leadership that address dimensions of

change that support an enhanced model of disability access may assist educational leaders in the difficult process of social and cultural transformation.

1.3 Contextual Relationships

Critical inquiry focuses on contradictions as a starting point for the process of ideology critique. (Lather 1986, 278)

It is critical that a research design reflect clarity of thought. Maxwell (1996) explains that “the conceptual context of your study - the system of concepts, assumptions, expectations, beliefs and theories that supports and informs your research - is a key part of your design” (Maxwell 1996, 25). A contextual framework explains, either graphically or in narrative form, the concepts to be studied – the key factors, constructs or variables – and the presumed relationships between them (Miles & Huberman 1994, 18). When I began to explore my research interests, it quickly became apparent that I held unexamined prejudices that required a deep dialogue with the scholarly literature I was reviewing. My goal was to explore underlying processes and meanings in a manner that would not merely reinforce preconceived notions. The bracketing process remained a challenge throughout the project.⁴ Part of the challenge lay in separating productive prejudices that enabled understanding of access practices. Were my biases legitimate based on a review of scholarly literature

⁴ The term “bracketing” is used here in its classic Gadamerian sense where a suspension of the antecedents of understanding is required in order to allow the text to ask its own questions (Anderson et al. 1986, 74-76; Bowie 2003, 253).

and critical self-reflection? This process was invaluable in developing the contextual relationships that framed the study, research questions, and methods, as well as for the evaluation of threats to trustworthiness. In this section of the chapter, I explore the contextual factors that impact academic access for students with disabilities including: constructions of disability; social justice and equality; access to learning; the cultural landscape in public higher education, and leadership practices.

1.3.1 Legal and Political Landscape

Smith (2000) comments on how the foundation of human rights legislation in Canada upholds the courts' interpretations, which reflect socially constructed case law that is constantly evolving:

In the case of the constitutional equality guarantees, the Canadian courts have broken new ground and have taken a substantive . . . approach to equality. This substantive approach . . . means the question is not whether similarly situated people are treated similarly, but whether historically disadvantaged groups face a lack of equality in their political, social, or economic position. (22)

The *Canadian Charter of Rights and Freedoms* (1982) and provincial human rights legislation in BC reflect the values of equality of opportunity and social justice that define Canadian culture. Sussel (1994) notes that Section 15.1 reflects the constitution's substantive equality guarantees, and is widely viewed as being the central feature, having application to a broad range of social policy issues (58-60):

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (Government of Canada 1982)

The *BC Human Rights Code* (1996) evolved in response to the principles of the *Canadian Charter of Rights and Freedoms* (1982), over-riding institutional collective agreements, or any other law, statute or contract that has an impact on the human rights of British Columbians (Price 2003). Section 8.1 of the *BC Human Rights Code* (1996) has set a high standard for the extent to which public schools have a duty to accommodate students with disabilities:

A person must not, without a bona fide and reasonable justification, a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or b) discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public because of race, color, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex or sexual orientation of that person or class of persons. (Government of British Columbia 1996)

This Canadian view of social justice and equality is summarized in a landmark decision by Mr. Justice McIntyre when he comments on the nature of discrimination:

A distinction whether intentional or not but based on grounds relating to the personal characteristics of an individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group but not imposed upon others, or which withholds or limits access to opportunities, benefits and advantages available to other members of society. Distinctions based on personal characteristics attributed to an individual solely on the basis of association with a group will rarely escape the charge of discrimination, while those based on an individual's merits

and capacities will rarely be so classed. (*Andrews v. British Columbia (Law Society)* (1989) 1 S.C.R 143)

Christensen and Dorn (1997) argue that reform initiatives related to providing access to learning for students with disabilities have generally been unsuccessful due to differing interpretations of equality at the level of practice. These scholars speak to educating children with disabilities in the US but the issues that they raise also apply to students who attend post-secondary institutions in Canada. According to Christensen and Dorn (1997), legal notions of social justice through compensatory equality conflict with views on these matters within the education system:

Federal law . . . views people with disabilities as entitled, as individuals, to additional resources . . . This is in direct conflict with meritocratic assumptions of schooling, which would normally assert that these [students] have not earned success and should not receive the accompanying rewards. (182)

Similarly, communitarian-based reforms that seek to promote a sense of belonging within the educational community have also been largely unsuccessful with regard to enhancing access to learning for students with disabilities. Attempts to change attitudes often meet with resistance (Christensen & Dorn 1997, 189; Kahne 1996, 46). In BC, despite efforts to educate faculty regarding human rights law and access to education, experience in the field has often reflected conflict with regard to the accommodation process. For example, there can be considerable tension between service coordinators and faculty related to the perceived impact of academic accommodations on the integrity of curricula.

Reflecting Christensen and Dorn's meritocratic view of educational practice, some instructors believe that accommodations provide an unfair advantage to students with disabilities (1997). Practices that faculty believe negatively impact academic freedom, intellectual property and workload are also frequently cited as reasons for reticence regarding the provision of disability support (Price 2003, 2004).

The effort to enshrine more inclusive practices at public post-secondary institutions mirrors the broader social objective of including Canadians with disabilities in mainstream society (CPRN 2002, 12-14). But while excellence has always been a goal of BC educators, the roadmap for achieving that goal has seen many changes over the past decade. During this period, a lively discourse about a range of access issues has arisen among students, faculty, disability service coordinators, administrators, agency partners and Ministry staff. As a result, most public post-secondary institutions and their students with disabilities have had to face the challenge of disparate views regarding disability access.

Observing the distress on students' faces as they learn how "severely disabled" they must be in order to gain access to learning through the courts, I often wondered how high a personal cost they must pay to acquire access. Students' reactions in court and their stories in counselling suggest that a rights-based approach may lead to adverse outcomes rather than emphasizing inclusion and mutual respect. Some students relate that participation in legal activities heightened negative feelings of difference from their non-disabled peers.

Scholarly literature (e.g., Asch 2000; Bickenbach 2001; Gill 2001; Habermas 1998; McCarthy 2003) and experience in the field of disability studies has led me to suspect that students with disabilities are not just concerned with a “level playing field”; they are also demanding equal respect for the condition of life because of which they have experienced discrimination.

The protections afforded by human rights legislation are meaningless if educational practices result in situations where students with disabilities continue to face barriers to becoming equally valued and respected members of their higher education communities. Christensen and Dorn (1997) note that “school systems in the United States have been able to comply with federal government regulations without recognizing or changing their own role in the academic and social difficulties of students” (186). Poskanzer (2002) points to the human and economic costs when students challenge the provision of access to learning through the judicial system: “Discrimination litigation is very costly to individuals and institutions . . . Colleges and universities are inclined to fight such cases tooth and nail . . . The time and energy expended on such disputes are incalculable” (176). Reflection on these criticisms suggests that the provisions of the *Canadian Charter of Rights and Freedoms* (1982) and the *BC Human Rights Code* (1996) may provide a false clarity, thus raising the question of whether they have some practical limitations in today’s educational landscape.

While acknowledging that communitarian approaches to equality may not well serve students with disabilities, Christensen and Dorn (1997) assert that

educators need to reorient their philosophy away from procedural individual justice toward a relational definition of social justice: “Special education reform today requires a different basis in a relational definition of the self, structures to support the qualities of relationships, and a belief in the mutability of social justice” (181). Bickenbach (2001) argues:

The underlying operational model of all social policy is compromise and adjustment. The ideals implicit in the human rights approach will always need to be blended with practical issues of public acceptance, whether or not there is an enforcement mechanism in place. (568)

Since the term “community” is integral to this inquiry, it was important to clarify my assumptions to properly lay the political foundation of the study (Beck and Foster 1999, 337). This thesis draws from a synthesis of liberalism and communitarianism by adopting Beck and Foster’s view that builds on the “best of liberalism and communitarianism” (353). The ideology of these scholars acknowledges and supports persons but also recognizes a responsibility to and for, society:

[A]n ethic of care has the highest regard for the individual person. It, however, avoids some of the traps of classic liberalism in that it sees each individual as inevitably and, in some ways, inextricably linked to others. Such an ethic refuses to pit the well-being of any one person against the well-being of their communities. It rather insists that the pursuit of both go hand in hand. (353)

1.3.2 Constructions of Disability

The term “disability” is not defined in the *Canadian Charter of Rights and Freedoms* (1982) or in the *BC Human Rights Code* (1996). However, the social construction of disability and evolving judicial decisions emerge from cultural and organizational practices in which diagnoses are made, treatment plans developed, and cures are proposed by medical experts. Within a biological model, disability is communicated as a physical or mental deficiency that derives from the individual: the individual is the focus of intervention and the professional is the intervention agent (Barnes et al. 1999, 21-22).

In contrast, within a socio-cultural model, disability is experienced as a difference and a neutral concept that derives from the interaction between the individual and society. This model forms the framework for universal design for learning. Solutions to academic access lie in changes in social interaction and to the environment, while the individual with a disability is the agent of intervention (Embry et al. 2005; Kalivoda & Totty 2003; McGuire & Scott 2002; Romereim-Holmes & Schade 2003; Scott et al. 2003a, 2003b; Silver et al. 1998; Strauss & Kroeger 2003). While the emergence of this model of disability that focuses attention on social and environmental barriers has become widely accepted by theorists in the field of disability studies, it has generated much intellectual debate and disagreement. This is partly due to differences in values and ideologies. Some academics have argued for a focus on individual differences,

while others privilege structural factors in the social creation of disability (Barnes et al. 1999, 95).

The distinction between “impairment” and “disability” is an important concept to consider in framing this study. What Oliver (1996) refers to the “social” model of disability adopts the view of Disabled Peoples’ International where impairment is conceptualized as the “functional limitation within the individual caused by physical, mental or sensory impairment” (Oliver 1996, 41). In contrast societal oppression is viewed as the source of the experience of disability. Disability is experienced as a “limit or loss of opportunities to take part in community life because of physical and social barriers” (Oliver 1996, 56).

Table 1.1 on the following page outlines the medical and socio-cultural models of disability. The critical difference between these two models is that, within the biological model, the goal is to compensate for an individual’s disability through professional intervention; within a socio-cultural model, disability is a term used to reflect the social and cultural practice of identifying members within the group, and represents one form of diversity. The failure of society to provide appropriate supports, and take the needs of people with disabilities into account in social organization results in the experience of discrimination and barriers to autonomous action (Oliver 1990; Stainton 2002).

Table 1.1 Medical and socio-cultural models of disability

Medical model	Definition	Source	Socio-cultural model ⁵	Definition	Source
Disability	Deficiency or a medical problem	Structural or functional impairment that limits an individual person	Disability	Difference defined by physical or mental qualities	Response of the social environment or physical barriers
	Negative deviation from "normal"			Neutral concept	
		Derives from the individual person			Derives from interaction between the individual person and society
Solutions	People with disabilities are the focus of intervention	Professionals act as intervention agents to correct the person's deficit through medical, psychological, or vocational rehabilitation services	Solutions	Individuals act as decision-makers and intervention agents; peers, mainstream service providers provide information and services	Changes in social interaction and to environmental factors

Based on Brown 2001; Strauss & Kroeger 2003.

While exploring my thinking related to equality and my relationships with people with disabilities, I realized the importance of accepting disability as part of the range of human experience. For over twenty years I have been trying to "help" students with disabilities, yet I do not interact with friends or colleagues who have disabilities in this way. In fact, the disabilities of the latter often retreat far to the

⁵ The term "disability" used in the text of this project is situated within the socio-cultural model.

background of my consciousness. It was clear that a strong sense of similarity and a history of positive interactions precluded any notion that they were different from the “norm”. I began to wonder what practices, based on a medical model of disability, extract from a student’s sense of identity and experience of educational access.

Christensen (1996) notes how powerful an influence language exerts on perceptions, beliefs, understandings and social processes (63). Traditionally, the medical profession termed people with disabilities as being deaf and dumb, mentally deficient, and spastic. However, “medical terminology inevitably intersected with social values and cultural norms of the time [and] the medical language of disability soon became the social language of insult and disparagement” (Christensen 1996, 64). Nevertheless, the medical profession continues to label people with disabilities through classification manuals such as the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV-TR) (2000). It seems that the influence of historical and contemporary conceptualizations of disability and academic access are inextricably linked.

1.3.3 Access to Learning

The traditional approach of providing individual support services in order to facilitate access to learning for students with disabilities in BC reflects our framework of disability rights, as well as the manner in which rehabilitation

professionals have been trained over time. It is quite obvious that institutional practices, procedures and policies entrench a biological model of disability. All public post-secondary institutions in BC provide reasonable accommodation to the point of undue hardship based on detailed medical or psycho-educational documentation. The decisions of disability service coordinators regarding these support services are contingent on medical documentation regarding the diagnosis, severity, functional limitations, and prognosis for improvement of students' disabilities (Price 2003; Soltan 2004). Academic support services include, but are not limited to: alternate format textbooks and course materials; visual language interpreters; text-based transcription; examination accommodations; course substitutions; extended programs; access to targeted financial aid and awards; adaptive technologies; case management through liaison with faculty, medical professionals, funding agencies, government and community rehabilitation programs; and resolution of technological and physical access issues (Government of BC 2001, 2003b).

In contrast, universal design for learning first arose in design of the built environment for people with disabilities, where it was employed to respond to needs such as accessible housing. These concepts were expanded by Ronald L. Mace, an architect and the director of the Center for Universal Design (CUD) at North Carolina State University. In 1997, Mace and his colleagues developed principles related to equity, flexibility, simplicity and tolerance for error that result in environments where accessibility is maximized for all people. Researchers at the Center for Applied Special Technology (CAST) built on Mace's principles and

understandings that people process information differently to develop accessible, technology-based educational resources and teaching strategies for K to 12 systems in the US (CAST 2005).

At the same time, a group of educators, including Joan McGuire, Sally Scott and Patricia Silver, began to conceptualize disability as part of a wide range of learner diversity in which access is provided as a built-in feature of curricula design. This new approach is intended to build a climate in which differences are valued and diversity in higher education settings is anticipated as the norm (Bowe 2000; Kalivoda & Totty 2003; McGuire et al. 2003; Scott et al. 2003b; Silver et al. 1998, 2003). Participants in the Universal Instructional Design project at the University of Guelph have provided leadership with regard to this new paradigm in Canada. The project's leaders note:

A core concept of universal design is that by anticipating and planning for the diverse needs of potential users during the design process, the resulting product or outcome will better suit the needs of all users. When applying the concept of universal design to instruction, the benefits are much the same. (University of Guelph 2003)

The central aspect of UDL is that access is built in through varied instructional methods and approaches to evaluation without lowering academic standards. Curricula-based access is intended to meet the needs of *all* students with diverse learning needs including students learning in a second language, adult returning students, and students with different learning styles. Advocates of UDL do not claim these strategies will make post-secondary learning 100 percent accessible

to all. Some disabilities simply cannot be accommodated in a manner that allows students to demonstrate the core requirements of a course or program (Scott et al. 2003a, 81). For example, a student with a visual impairment may be unable to meet the essential learning outcomes of a clinical placement in Nursing despite accommodations that may be successful in the classroom.

The iterative process of understanding the contextual relationships in the study was rooted in tension. I struggled to focus between a belief in a socio-cultural model of disability, learner-centered instruction, an intellectual curiosity regarding UDL as an alternate model of access, and concern that I would lose clarity on the hard won legal rights of students with disabilities. There is also strong support for the legal paradigm within the field of disability studies and with consumer groups. Some people with disabilities embrace identity politics which “is based on membership [in] an oppressed or marginalized group and extolling its virtues” (Barnes & Mercer 2001, 525). The Disability Rights Movement emerged in an effort to resist cultural hegemony and lobby for legislative change; to this end, it emphasizes civil rights as a means of securing equality for people with disabilities (Fleischer & Zames 2001, 200-201; McCarthy 2003, 209-210).

However, these rights seem to grow from practices that sustain the biological model of disability. Nevertheless, although a rights-based approach to education is replete with difficulties, it has also been the source of significant improvements in academic access for students with disabilities over the past decade. The *Canadian Charter of Rights and Freedoms* (1982) and the *BC Human Rights*

Code (1996) have set the foundations for significant strides in the quest for equal academic access to public post-secondary education in BC, most notably the increasing number of students accessing public institutions (Government of BC 2001).

1.3.4 Culture and Leadership

In addition to the above, there are complex environmental factors related to establishing order, both in the sense of social control and patterns of behavior in higher education that can work against inclusion and may have given rise to non-inclusive practices toward students with disabilities. Students' needs for increasingly complex accommodations, the rising costs of disability services, increasing demand for access to the post-secondary system, and changing educational delivery modes are all factors that Government maintains are contributing to the problem of scarce resources for disability access, among other educational initiatives (College and Institutes Educators Association 2002; Government of BC 2002, 2003a, 2004a, 2005a).

The Canada-British Columbia Labour Market Agreement for Persons with Disabilities (LMAPWD) "provides funds for the development and delivery of programs and services to support people with disabilities in their efforts to participate successfully in the labour market" (Government of BC 2004b, 1). During 2004-05, the BC Ministry of Advanced Education cost-shared over \$10 million with the federal government targeted for post-secondary access in the

college, institute, and university/college sector (Government of BC 2004b, 15). This arrangement provides block funding for services and programs for students with disabilities with three centralized support services: College and Institute Library Services (CILS), Post-Secondary Communication Access Services (PCAS) and the Institutional Loans of Adaptive Technology Program (PILAT). Finally, there is funding attributed to the Assistance Program for Students with Permanent Disabilities (APSD). These funds support prospective and enrolled students with disabilities in any course offered on-site, online or through distance education in BC.

However, allocations do not include institutional costs in addition to this funding. Most institutions in BC contribute to staff complement, communication access, adaptive technology for use on campus, and access retrofits to physical plants (Government of BC 2001). The advent of BCCampus and the move to online learning could increase costs further, while a shift toward the provision of “core” student services could result in students with disabilities facing further challenges in accessing curricula on an equal basis with their non-disabled peers (Government of BC 2003c). For example, if educational leaders are not committed to the resources required to ensure that staff members within core service areas are knowledgeable about disability issues, equal academic access may be compromised.

Between 1997 and 2001, the average growth per year for all institutions in BC with respect to students with disabilities was 16 per cent (Government of BC

2001). It should be noted that institutional approaches to data collection varied widely during this period but these estimates provide an indication of the increasing numbers of students with disabilities attending post-secondary institutions. Evidence of this increase is further substantiated by reports from other provinces and from the US (CADSPPE 1999; McGuire et al. 2003; Silver 2003). *Towards Developing Professional Standards of Service: A Report on Support for Students with Disabilities in Postsecondary Education in Canada* (CADSPPE 1999) provides a detailed overview of the growth in the numbers of students with disabilities in the public post-secondary sector, as well as other contextual issues related to inclusion.⁶

These factors, combined with more clearly defined case law in favour of access to education, have led to an administrative preoccupation with risk management which creates significant constraints on administrative and leadership practice oriented toward cost efficiencies. The role of a bureaucratic structure must be considered as fuelling constraints on leadership practice and the provision of access. As Christensen (1996) argues, “Disability results from organizational pathology rather than student pathology. Because [institutions believe] disability locates the cause of failure within the individual student it masks the role educational systems play in creating and reproducing failure” (65). Bureaucracies

⁶ Other federal government publications that address disability demographics in Canada and access to higher education include: *A profile of disability in Canada, 2001* (Government of Canada 2002a); *Advancing the inclusion of persons with disabilities* (Government of Canada 2002b); and the 2001 Participation and activity limitation survey (PALS) (Government of Canada 2001).

have been described as embodying structures and roles that lack a foundation in ethical social values, and maintain a focus on economic needs to an extent that is mutually exclusive from educational effectiveness and purpose. The ethos is one in which conformity is valued, discourse and controversy are discouraged, and the underlying attitude is one of passivity (Burns 1978, 45-46; Garofalo & Geuras 1999, 159-160). As a result, negotiations with students regarding individual academic accommodations can be strained. At the same time, institutions point to accountability measures as an indicator that they are addressing solutions to the social problem of academic access - even if such measures do not reflect the complexities involved (Reed et al. 2003).

1.4 Research Questions, Scope and Limitations

*Research questions . . . narrow the purpose statement and become major signposts for readers of research.
(Creswell 2003, 116)*

Maxwell (1996) maintains that research questions are tied to the purposes of the study, and are informed by what is known about the phenomena, current theory, and knowledge (5). He purports that there is a danger of either over- or under-utilizing theory in research studies. "A key strategy for dealing with this is embodied in . . . interpretive approaches such as hermeneutics: develop theories and continually *test* them, looking for discrepant data and alternate ways (including research participants' ways) of making sense of the data" (Maxwell 1996, 36, emphasis in the original). He goes on to argue that "specific questions

are the result of an interactive design process, rather than being the starting point for that process” (Maxwell 1996, 49).

Through a journaling process, dialogue with others, endless questioning, and following tracks through the literature, the shape of the thesis topic, relationships within the contextual framework, and the research questions unfolded as a negotiated understanding – an understanding that was very different from where I began. The process was iterative, and as Schwandt (2000) describes it, “. . . participative, conversational, and dialogic” (195). It allowed me to focus on what I did not already know and refine my thinking and the research questions. The process suggested by Maxwell (1996) for developing research questions was particularly helpful (60-62). I considered places in the design where I needed to explore my ideas. The gap between the legal framework of access to learning in BC, that is rooted in the biological model of disability, and my experiential knowledge regarding a socio-cultural model of disability seemed particularly relevant to exploring universal design for learning. I also considered the purposes of the study and what I would need to know to accomplish these purposes.

If the study could not answer the question regarding how a socio-cultural model of disability affects access to learning, then the analysis could not identify supports and barriers to the accommodation process, or answer a more important question: How can educational leaders foster social and cultural change that will bolster access, equity and excellence in learning in public higher education for students with disabilities? To address these questions it will be

important to identify the similarities and differences in the ways students with disabilities and faculty are positioned within the cultural landscape regarding access to learning.

Universal design for learning is not a formal access model for students with disabilities at the research site. However, learner-centered instruction is actively promoted by the Teaching and Learning Centre. The goal was to compare participants' experiences that emerge from the current practice of providing individualized support services with those that evolve from instructional access. I felt that the primary research questions posed allowed me to focus on the possibility of re-imagining disability as part of a range of variation in the human condition by asking,

RQ 1.....What is the nature the impact of academic access through instructional practices (UDL) and individualized support services on the experiences of students with disabilities and faculty?

RQ 2.....What are implications for educational leaders arising from the analysis of participants' experiences, human rights legislation, and institutional policy?

The sub-questions reflected specific purposes and aspects of the contextual landscape by inquiring,

SQ1How is the term 'disability' constructed among students with disabilities and faculty?

SQ2How are students with disabilities and faculty situated within the social and cultural landscape related to access to learning?

SQ3How do individuals act as agents of change within the social and cultural system of learning?

Consideration of the research questions within multiple philosophical, sociological, political and educational frameworks is beyond the scope of this study. The point of departure for my research is a social constructivist and participatory world view. A participatory element gives voice to the experiences and perspectives of participants and empowers people from marginalized groups to change their lives and the institutions in which they participate (Creswell 2003, 9-10; Lincoln & Guba 2000, 21, 168). Reflection on the ontological, epistemological, and axiological frameworks within which my understandings would develop led me to the perspectives of Gadamerian hermeneutics, and aspects of ethnography.

The study's design evolved into a sociological perspective that focuses on interpreting the relationships between individual actors in their life-worlds, and the environmental factors that influence access to learning for students with disabilities. Gubrium and Holstein (2000) write that an interpretive sociological framework "engages both the *hows* and the *whats* of social reality; it is centered both on how people methodically construct their experiences and their worlds and in the configurations of meaning and institutional life that inform and shape their reality-constituting activity" (488, emphasis in the original). Inclusive and

non-inclusive educational practices are explored through a qualitative case study methodology. A critical ethnographic design was chosen because my research goal was to co-create a portrait of a culture-sharing group to better understand the efficacy of universal design for learning (Anderson et al. 1986, 90-95; Creswell 1998, 41-42, 81; Lather 1986, 258).

This project is limited to issues related to the education of students with disabilities attending a large urban public post-secondary institution in BC. The students in the study attend mainstream classes. The approach to educating students with disabilities in the K to 12 system is limited to a discussion regarding “inclusion” as opposed to “access”. While the analysis of literature related to UDL draws partly on research in the K to 12 system in the US, the issues related to providing access for students with disabilities vary significantly from the post-secondary system. As Conway and Stodden (2003) point out, the educational background of teachers, attention to curricula design and delivery, as well as the type and level of disability services, vary significantly between the two systems. In addition, students move from the K to 12 system, in which school personnel are responsible for identifying and providing appropriate approaches to access, to the post-secondary environment where students are expected to self-identify as a person with a disability and request specific accommodations.

Exploring academic access pertaining to students who are described by other forms of diversity (e.g., race, ethnicity, age, gender and socio-economic class) is also beyond the scope of this study. While the claim is that UDL benefits learners

representing a wide range of diversity, for the purposes of this study the goal is to focus on the disability issues at hand in order to better understand this particular feature of the human condition. However, the final chapter of the thesis addresses implications for further research for a range of diverse learners. Most importantly, the analysis of the case does not claim to provide all the answers to the questions posed, but rather to generate questions for further deliberation and research.

As the research process evolved, my etic view of the study's purposes, contextual relationships, research questions, scope, and limitations was blended with participants' emic views and afforded me the opportunity to refine the canvas of the project (Creswell 1998; Creswell 2003; Maxwell 1996, Miles & Huberman 1994). This process required reaching beyond the subjectivity of my own history to embrace the meaning of inclusive education for educational community members – a meaning that was also personally transformational. A belief in the human potential to move toward a synergy between the learning needs of students with disabilities and the understandings of educational leaders regarding related supports and barriers sustained my commitment to the research process. It is against this backdrop that my thesis will explore how a public higher educational community in BC can become most accessible to *all* qualified students. Drawing on Held's (1989) approach to analyzing political concepts and the contexts in which they appear I hope to understand whether approaches to access *should* be improved and under what conditions (253).

CHAPTER 2 SITUATING DISABILITY: CULTURAL CAPITAL

2.1 Introduction

“Inclusion” is not a single movement; it is made up of many strong currents of belief, many different local struggles and a myriad [of] forms of practice. (Clough & Corbett 2000, 6)

In order to adequately address the tensions that put constraints on access to instruction and learning for students with disabilities, it is important to consider educational practice as a cultural activity embedded in a socio-historical context. As Braddock and Parish (2001) note, “Throughout Western history, disability has existed at the intersection between the particular demands of a given impairment, society’s interpretation of that impairment, and the larger political and economic context of disability” (11). The purpose of this chapter is to situate the concepts, models and theories related to access to learning for students with disabilities within a broader socio-cultural and socio-historical context that sets the foundation for the study’s research questions. Evaluation of legal and political challenges, historical legacies, as well as disability and human agency shape the subsequent components of empirical design. Educational tensions are examined in Chapter Three, “Situating Universal Design for Learning”.

The purpose of this chapter is to explore some of the factors that determine academic access for students with disabilities in Canadian public post-secondary settings. This will include new perspectives on the foundational issues and debates related to the research problem (Hart 1998, 14 -15; Miles & Huberman 1994, 18-22; Maxwell 1996, 37; Wallace & Poulson 2003, 22). The structure of the argument follows what Hart (1998) calls the formative approach, where the focus is partly on historical retrieval that clearly articulates the values and assumptions of the socio-historical context in which the study is situated (188). The analysis is developed in three sections: Legal and Political Challenges; Historical Legacies; and Disability, Social Justice, and Agency.

In the first section, readers are introduced to the evolution of human rights, Canadian legal culture, understandings of “equality”, and competing political frameworks built on the opposing notions of “individualism” and “community”. The second section explores constructions of the term “disability” and the power of social structures that have emerged over time. The chapter concludes with an analysis of the concepts, models and theories that will be adopted for the remainder of the thesis. Descriptions of physical or mental differences, discourses and relationships, as well as the role of social structures converge on the social construction of disability (Strauss & Kroeger 2003; Turner 2001). Human agency is grounded in biological realities and socio-cultural factors that are superseded by a process of self-determination (Martin et al. 2003); while equality of human dignity and the importance of community are embraced in a

relational model of social justice (Beck & Foster 1999; Christensen & Dorn 1997; Mendes 2000).

2.2 Legal and Political Challenges

*Social justice is the active search for better sets of relationships, at both the individual . . . and some larger level where we call it social change.
(Christensen & Dorn 1997, 194)*

As the critique of the term “disability” evolved over time, changes were made to laws and social policies to counter exclusion through discrimination (Ravaud & Stiker 2001, 507). This discussion traces the evolution of human rights protections for people with disabilities in Canada, and explores the view of democratic equality that is the core of the Canadian courts’ interpretation of social justice. A review of case law related to access to higher education in BC demonstrates the individualistic nature of the legal system. It is within this context that the Ministry of Advanced Education and public post-secondary institutions in BC implement access to learning for students with disabilities. The second part of this section addresses the political concepts of “individualism” and “community”. Competing individualistic understandings of equality, as well as the interpretation that forms part of the more recent communitarian paradigm, are critically evaluated. The section concludes with a critique of the relationship between disability and identity.

2.2.1 Human Rights and Legal Culture

Recent historical events in Canada and the US have transformed understandings of disability, as well as the legal rights of people with disabilities to access public post-secondary education. Rights-based discourse evolved in Canada partly because of the US civil rights movement during the 1960s and the corresponding struggles for fairness and opportunity. The civil rights movement also partly led to reforms in higher education. A seminal example of early activism is the work of Ed Roberts and members of the “Rolling Quads” who successfully won access to Berkeley’s campus in the late 1960s by taking control of their campus residence in the infirmary (Barnes & Mercer 2003, Clapton & Fitzgerald 1997; McCarthy 2003). As Christensen (1996) points out, “the objectives of the civil rights movement and women’s movement articulated with those of the disability rights movement to support legal access to education in regular settings” (67). The independent living movement evolved from these roots and rests on consumer control, self-reliance, and economic rights (McCarthy 2003).

People with disabilities began to believe that “notions of personal disease, pathology, disorder or deficit [were] mechanisms of social and cultural oppression” (Christensen 1996, 64). By the early to mid-1980s in North America, people with disabilities sought a political voice against persistent discrimination based on their fundamental human right to be treated as equals, independent of medical, cultural or political contexts (Bickenbach 2001; Hahn 2004; McCarthy 2003; Shakespeare & Watson 2001; Wasserman 2001). According to this view,

disability is a socially constructed complex of relationships between the individual and society; it became society's responsibility to provide access by changing this interaction.

How did these struggles play out within the Canadian political landscape? John Rawls' theory of democratic equality and social justice held sway with Canadian politicians. In *A Theory of Justice* (1971), Rawls introduced the difference principle to a liberal view of equality. He purports that socially just practices require "equal distribution of primary social goods . . . unless unequal distribution is to the advantage of the least favored" (6). In his view, social justice is an issue of fairness, focusing on the distribution of resources. Rawls' democratic equality calls meritocracy into question and acknowledges differences in natural, as well as social, assets (Kahne 1996, 157). Rawls proposes that, if fair equality of opportunity is to be realized, citizens must create principles behind a "veil of ignorance" where they are not aware of their own social class, physical abilities, or intelligence (Rawls 1971, 136-137). The call to integrate students with disabilities into regular classrooms during the 1970s reflected this Rawlsian notion of social justice. The issue of access to regular schools and classrooms for students with disabilities was interpreted as one of fairness of distribution of educational resources – to maximize participation of students with disabilities in mainstream community and culture (Christensen & Dorn 1997, 183; Kahne 1996, 156).

In 1982, Canadian politicians forged a new constitutional framework defined by the *Charter of Rights and Freedoms (Charter)*. By 1994, the *Charter* had “generated profound changes in the Canadian legal system and legal practices” (Sussel 1994, 34). In response to the principles of the *Charter*, new provincial legislation in BC was introduced in 1996 in the form of the *BC Human Rights Code*. The emphasis shifted from dependence to independence for people with disabilities and a focus on legal access to integrated education and employment. A new set of norms within Canadian society and a transformed legal structure has created a social standard whereby institutions of higher education must strive to be communities where all people are afforded equal opportunity and are treated with respect.⁷

As a result of legislation, public education has become the focal point of a significant number of successful legal challenges heard at the BC Human Rights Tribunal and in the courts regarding equality rights. As discussed in Chapter 1, because of a concern for risk management related to the cost of litigation and the potential for negative publicity that accompanies a charge of discrimination, educational administrators now pay attention to their duty to accommodate students by providing them with compensatory services necessary to facilitate educational access. Judicial decisions that involve academic accommodations

⁷ In the US, the Americans with Disabilities Act (ADA) (1990) is the legal framework for access to education for students with disabilities in higher education. The ADA is prescriptive in nature and is monitored through the Office of Civil Rights (Barnes & Mercer 2003, McCarthy 2003). In contrast, Canadian federal and provincial legislation is open to interpretation by the courts (Price 2004).

often evolve from acrimonious and expensive legal battles based on human rights compliance rather than a commitment to enhanced educational access for all students (Hannah 1998; Sussel 1994, 58-60; Price 2003; Soltan 2004).

Case law has established significant precedents in BC with regard to access to post-secondary education.⁸ *Howard v. UBC* (1993) resulted in a landmark case regarding disability rights when the Court determined that public post-secondary education is a service customarily available to the public. Nigel Howard enrolled in a program at UBC but the university would not cover the estimated cost of \$40,000 per annum for a visual language interpreter. Despite a \$700 million operating budget, UBC maintained that competing priorities resulted in inadequate resources to cover this expense, and that such services were the responsibility of government. The BC Council on Human Rights found that:

The Respondent has discriminated against the Complainant by providing a service – post-graduate education – in a manner that adversely affects the Complainant, and that it has failed to reasonably accommodate the Complainant by providing a sign language interpreter. (*Howard v. the University of British Columbia* 1993, B.C.C.H.R.D. 8)

The Supreme Court of Canada, in *UBC v. Berg*, reinforced the notion that access to services customarily available to the public should also be made available to students with disabilities. Based on her mental health disability, the university denied Ms. Berg a key to the Family and Nutritional Sciences Building and a

⁸ For a historical review of court decisions in the common law provinces related to the public post-secondary sector, Hannah (1998) provides an excellent source.

rating sheet required for an application for a hospital internship. Justice C. J. Lamer delivered the conclusions from the Bench:

The appellant, by virtue of having passed through a selective admissions process, did not cease to be a member of the "public" to which the School provided its educational services and facilities. The key and rating sheet were incidents of this public relationship between the School and its students. They were also, as a matter of law and fact, "customarily available" to the School's public. The member-designate clearly found that keys and rating sheets were customarily provided to other graduate students in the appellant's situation. (*The University of British Columbia v. Berg* 1993, 2 S.C.R 353)

The "Grismer" case (1999) established a new standard in access when the Supreme Court of Canada found that the Province of BC was unable to prove that having a significant visual impairment meant that a person could not drive a vehicle in a safe manner. The cost associated with providing an individual with a visual acuity assessment to determine whether an individual could safely drive a car was not considered to amount to undue hardship (*BC Superintendent of Motor Vehicles v. BC Council of Human Rights* 1999, 3 S.C.R 3). Public post-secondary institutions in BC are now required, under the BC Human Rights Code, to analyze essential course requirements and, if safety risks cannot be established in absolute terms, risk cannot be used as a justification for drawing distinctions between students, unless students are individually assessed regarding their capacity to perform the task (Price 2003, 2004). The point of undue hardship or excessive cost, especially in instances where government is the respondent, is yet to be determined by case law. With respect to the issue of cost, the Court stated in "Grismer",

While in some circumstances excessive cost may justify a refusal to accommodate those with disabilities, one must be wary of putting too low a value on accommodating the disabled. It is all too easy to cite increased cost as a reason for refusing to accord the disabled equal treatment. (BC Superintendent of Motor Vehicles v. BC Council of Human Rights 1999, 3 S.C.R 3)

The Supreme Court of Canada in “Meiorin” (1999) disagreed with the position taken by the respondent that accommodating women by permitting them to meet a lower standard than men would constitute reverse discrimination, and noted that true equality requires that differences be accommodated. Ms. Meiorin was reinstated in her job as a forest fire fighter despite not meeting the new aerobic standard established by government as a condition of employment. The Province argued that accommodating Ms. Meiorin would undermine the morale of the workforce. On this point, the Court held that “the attitudes of those who seek to maintain a discriminatory practice should not determine whether the employer has accommodated the employee to the point of undue hardship” (BC Public Service Employee Relations Commission v. BC Service Employees’ Union 1999, 3 S.C.R. 868).

The Court established a new framework for determining reasonable accommodation in “Meiorin” that replaced the concepts of direct and adverse discrimination.⁹ Standards must be rationally connected to a course or program,

⁹ Direct discrimination is based on the first impression due to standards, policies or practices, while adverse discrimination is based on indirect harmful outcomes (Price 2004).

adopted in good faith that they are necessary to the fulfillment of legitimate academic purposes, and be reasonably necessary to the accomplishment of the legitimate purpose. To show this, it must be demonstrated based on objective criteria that it is impossible to accommodate individual students without imposing undue hardship on the institution (Price 2003, 2004; Soltan 2004). The precedent articulated by the Court creates an important link between general educational standards, learning outcomes and the provision of academic access for students with disabilities. These relationships will be further explored in Chapter 3 where the linkages between human rights decisions and universal design for learning are examined.

Over the past two decades, the advent of powerful disability rights laws in Canada mandate that public post-secondary institutions provide support services intended to “level the academic playing field” so that students with disabilities can meet their individual goals. As a result, all post-secondary institutions in BC have developed Accommodation for Students with Disabilities policies. There are also a number of legislative documents that flow from the *Charter* and inform disability policies at all levels in BC. These include the: *Canadian Human Rights Act*; *BC Human Rights Code*; *Workers Compensation Board of BC’s Occupational Health and Safety Regulation*; *BC Building Code*; *Access to Education Act*; *BC Freedom of Information and Protection of Privacy Act*; and *Employability Assistance for People with Disabilities Act*. An overview of the guiding principles within these pieces of legislation and links to the full texts can be found in Appendix A.

2.2.2 Individualism and Community

The underpinnings of discriminatory practices related to disability seem to be situated in competing notions of equality despite human rights legislation, and the institutional access policies that flow from these legal rights. This part of the chapter examines the contrast between individualistic views of equality that affect practices related to access to learning, and a communitarian imperative that sees inclusion as integral to the development of caring societies. Ideologies associated with membership in disability culture are contrasted with those of universalism; both approaches are analyzed in relationship to identity and agency.

The legal precedents cited above suggest that the law in BC is serving its purpose. Some would argue that the language of individual rights and liberties has been a potent way of giving voice to criticism of oppressive measures against individuals. The public purpose of legislation is to make society a better place by conferring legal rights on students with disabilities for which the public education system can be held accountable. But do students with disabilities feel that they are equal members of the educational community with regard to access? As Habermas (1998) argues, “Human rights are neither actually granted nor denied, but are either respected or disrespected” (189).

The social justice system that supports human rights law in Canada does not address inclusion as a substantive good but rather it enables people to work

toward their individual life goals on fair terms. Therefore, procedural rules are necessary to resolve the conflicts inherent in autonomy (Beck & Foster 1999, 338-340; Habermas 1998, 214-215; Shakespeare & Watson 2001, 558). Critics of our current liberal concept of social justice also point to the lengthy time periods required to pursue discrimination complaints through tribunals and the courts and the complex legalities that remain beyond the understanding of many citizens. Anti-discrimination legislation also places the onus on students to utilize the courts' powers to attain the goal of equal educational opportunity (Price 2003; 2004). These issues are exacerbated by the fact that decisions are determined by the political biases of the courts' membership (Bickenbach 2001, 571, 576-577; Habermas 1996, 43; Price 2004). The Canadian model of social justice related to equality also implies that disability is inherent in the individual - a deficit that becomes the target for the redistribution of resources.

Despite this legal interpretation of equality, individualistic theories of rights span the political spectrum within community culture. Libertarianism focuses on individuals' freedom to compete and hold entitlement to what they produce. In other words, merit should determine public policy (Christensen & Dorn 1997, 183-184; Kahne 1996, 155). Kahne (1996) purports that libertarians "judge as just any and all results of free and competitive processes [and] they object to . . . government policies that further the interests of particular groups" (156). Government economic policy and programs designed to enhance access to education for students with disabilities are incompatible with this free market approach.

In contrast, liberal equality reflects a meritocratic perspective that places emphasis on individual effort and ability. Proponents of liberal equality promote strategies that enable all students to develop talents and compete for desired goals and positions. However, liberal equality makes no attempt to compensate for differences in natural assets, only for differences in social contingencies (Kahne 1996, 156). According to Christensen and Dorn (1997), it is this meritocratic view of equality that permeates educational institutions. The practices of educators positioned within this perspective will be analyzed in the following chapter, “Universal Design for Learning”.

Some scholars such as Etzioni (1993), MacIntyre (1981) and Taylor (1989) believe that the ethical neutrality of the legal order prevents recognition and that community takes precedence over a view of individualistic equality. Beck and Foster (1999) describe how a communitarian view emphasizes “not independent individuals, but rather the primacy of communities in and for life. This way of thinking is less focused on the preservation of rights and more concerned with the fulfilling of obligations or responsibilities” (337). Ultimately, “whether communities are fostered through historical or geographical location, or as individuals commit to care for one another”, the thread that runs through communitarian thinking is a belief that community is an “ethical imperative for the creation of competent and caring societies” (Beck & Foster 1999, 342).

However, other scholars (e.g., Beck & Foster 1999; Christensen and Dorn 1997; Gutmann 1985; Kahne 1996; Martin et al. 2003) caution that while

communitarians have thoroughly critiqued the liberal paradigm and addressed socio-cultural factors related to social justice, they do not seem to have developed any clear principles of justice. This thinking resonates with the concern that there are inherent dangers in giving priority to normative standards where the opinion of the majority within the community may not well serve the needs of people with disabilities or members of other minority groups. This could lead to the demise of minority rights through the failure of the good will of the majority (Christensen and Dorn 1997, 185). Kahne (1996) argues that “to the extent that a static set of values, beliefs and norms guides policy, this orientation is likely to be more a function of political power than of consensus” (30-31). He acknowledges that the increasingly heterogeneous nature of public life exacerbates an historical fear of diversity and change. This has led proponents of traditional communitarianism to “try to insulate students from alternate perspectives and threatens the creation and maintenance of democratic communities” (31-32).

How have people with disabilities responded to this debate? Persistent discrimination through the 1980s led to the disability culture movement and a quest for collective identity. This contrasting view sees people with disabilities as having status as a minority group that takes pride of membership in an oppressed or marginalized community (Barnes & Mercer 2001, 525-526). The quest for political rights resulted in radical criticisms of notions of “normality” and the distinction among “norm”, “normality”, and “deviance” (Turner 2001, 258-

259).¹⁰ This discourse evolved into a belief that discrimination must be fought based on the status of people with disabilities as a minority culture, a view still prevalent in disability studies literature (Clapton & Fitzgerald 1997; McCarthy 2003). According to Barnes and Mercer (2001), some people with disabilities tend to pursue experiences and develop a sense of values in response to oppressive representations of themselves as 'Other'. Over the years, such experiences and values have collectively evolved into a culture of disability "which expresses and sustains a positive disabled identity. From this perspective, disability culture acts as a means of politicizing and cohering disabled people" (Barnes & Mercer 2001, 517). In contrast, the principles of universalism encourage fluid identities and provoke debates about the possibilities for unified political action and agency within the disabled population (Barnes & Mercer 2001, 531; Fleischer & Zames 2001, 215).

However, Barnes and Mercer (2001) note that some disabled people reject any form of cultural representation, as it only diminishes the value of internal differences such as gender, race, class, and age, and can create a disconnection "from the wider processes of social exclusion and material advantage" (531). For example, negative stereotypes are also likely partly attributable in Western culture to a focus on youthfulness and physical ability as the principle criteria for

¹⁰ For a discussion of language related to disability in the 1980s, see Rosalie Abella, *Equality in Employment* (Ottawa: Ministry of Supply and Services Canada 1984, 38-46).

aesthetic judgments of the body - resulting in an ideology of 'able-ism' (Barnes et al. 1999, 64-65; Turner 2001, 253). Barnes et al. (1999) argue that "theorizing of the body is linked to the developing consumer society and culture . . . with an enhanced emphasis on 'looking good'" (64). While the Deaf community views itself as having a distinctive culture, many people with disabilities do not share a common language or view themselves as having common experiences.¹¹ Habermas (1998) points out that some people would perceive an unacceptable boundary had been crossed by a system that demands people organize their identities around race or sexuality (209). Asch (2000) and Bickenbach (2001) would add disability to this example.

2.3 Historical Legacies

*But it is not our bodies per se which write the story; rather it
is the way in which we, as a society, construct our bodies
which shapes our history and our future.
(Clapton & Fitzgerald 1997, 1)*

This section of the chapter focuses on how understandings of disability result in human marginalization. People with disabilities have faced a long history of discrimination and stigma. It is beyond the scope of this project to review this history in detail. Therefore, texts were selected on the basis of their potential to broadly frame the religious, medical, and socio-cultural constructions that inform

¹¹ The use of a capital 'D' in the word 'deaf' indicates membership in this cultural community. People who are oral deaf do not use American Sign Language, and do not view themselves, nor are they accepted, as part of the Deaf community.

interpretations and practices related to the term “disability” in Western culture.

Ravaud and Stiker (2001) argue:

Questions of inclusion versus exclusion of disabled persons cannot be separated from questions relative to the global processes of social cohesion or dissociation. The way in which a society situates and treats the disabled is not independent of the way in which it constructs social bonds or dissolves them. (490)

While the liberal foundations of human rights legislation provide a necessary foundation upon which to build respect for the variation in the human condition, the focus on individualized accommodations for students with disabilities needs to be tempered with a broader communitarian approach. Setting the stage for access to equal opportunity is critical to equality rights and each student’s particular circumstances need to be carefully considered. However, in order for equal membership in the educational community to be realized through the implementation of institutional policy, educational leaders will need to adopt and promote the values inherent in respect for variation in students’ physical and mental abilities. Leaders will also need to encourage faculty to redefine the demonstration of learning outcomes based on criterion referenced requirements. The current competitive standards related to a “survival of the fittest” approach will not ensure success in the world of work, or foster equality of lived educational experience.

2.3.1 Early Understandings

Our current understandings of disability are linked to the far-reaching impact of western Judeo-Christian thought in which disability was cast at one extreme as the result of evil spirits or God's displeasure, and at the other as representative of a blessing for others. Cures were sought through exorcisms or acts of mercy for the "needy". Residential institutions for the physically and mentally ill emerged in Europe as early as the 1300s. However, prior to 1700, most people with disabilities were cared for by families and contributed to their households in the ways they could manage (Barnes & Mercer 2003, 23-24; Baynton 2001, 25-26; Braddock & Parish 2001, 14-20, 23; Clapton & Fitzgerald 1997). It was not until the beginning of the eighteenth century that people with disabilities were institutionalized so that family members could remain productive members of society (Barnes & Mercer 2003, 26-27; Baynton 2001, 35-26; Braddock & Parish 2001, 25-29; Clapton & Fitzgerald 1997).

The Enlightenment, emerging in eighteenth century Western Europe, generated liberalism leading to enfranchisement and humanism. This period also had far reaching impacts as a result of Idealism and faith in man's ability to reason and find truth within his own mind. However, a rise in positivistic thinking led to the scientist as the ultimate arbiter of truth (Gutmann 1994, 41; Tarnas 1991, 333-334). By the nineteenth century, as a result of advances in medical science, disability came to be understood in bio-physical terms. At the same time, the spread of industrialization, commodity exchange and private ownership of

property contributed to prosperity becoming a principal goal of western society. Instrumental needs became determined by commodified values. An impersonal public sphere with expanded civil rights developed separately from the private sphere of family and social relations (Gutmann 1994, 41; Tarnas 1991, 333-334). As a result, governments increased their role in addressing disability issues through the development of social policies that controlled the interplay between economic and social factors. Barnes & Mercer (2003) argue that, “the application of medical knowledge to an increasing range of social problems emerged as a key aspect in . . . social control” (27). People with disabilities were seen as misfits and relegated to mental institutions or workhouses. In turn, these developments reinforced negative understandings of disabilities and deprived people of social and political power (Barnes & Mercer 2003, 26-27).

2.3.2 Biological Determinism

The following discussion explores how the “medicalization” of disability ultimately became central to an ideology that emphasized personal tragedy and dependence (Barnes & Mercer 2003, 25, 27). The evolution of a biological model where disability is viewed as a personal deficiency led to the use of language in which disability was considered a negative deviation from “normal”. Professionals increasingly became intervention agents in the lives of people with disabilities, armed with practices to help them “adjust”. The stigma of having a disability, and exclusion through segregation from the community persisted. In contemporary

society, advances in medical science continued to set the stage for discrimination based on a biological conception of disability.

By the beginning of the twentieth century, greater numbers of people began to survive congenital conditions, illnesses, and accidents and the concept of a biologically determined disability emerged. Conventional medical wisdom at the time diagnosed “disease” as the source of disability and in need of a cure. According to this view, people with disabilities are understood as “other than normal”. The “disease”, rather than the individual, is the culprit and an image evolved of the “chronic patient”, incapable of getting well (Barnes & Mercer 2003, 29; Braddock & Parish 2001, 38-41; Clapton & Fitzgerald 1997). Eugenic beliefs also emerged during this time whereby disabilities were seen as inherited characteristics that degrade the species and create a threat to social progress. Reportedly, some physicians refused to treat infants born with disabilities (Braddock & Parish 2001, 38). According to Barnes and Mercer (2003), “In 1938, thirty-three American states had a law allowing the forced sterilization of women with intellectual impairments” (32). In Canada, Alberta’s Sexual Sterilization Act, a 1928 law that promoted the theory of eugenics, was not repealed until 1972 (Cairney 1996, 789).

Through the social construction of the term “disability”, other language forms emerged that perpetuated the disparagement. The biological model of disability spawned an array of labels that were used to describe people with disabilities. “These included crippled, lame, blind, dumb, deaf, mad, feeble, idiot, imbecile,

and moron” (Clapton & Fitzgerald 1997). These terms signaled social avoidance and marginalization of individuals with disabilities within communities. As recently as 1978, “Ugly” laws in some US states prohibited the appearance of individuals in public spaces who were “diseased, maimed, mutilated, or in any way deformed, so as to be an unsightly or a disgusting object, or [an] improper person” (Centre for Independent Living 1982, 249).

Segregated schools evolved from the institutionalization of people with disabilities. Initially, these programs were intended for children who were deaf. However, they expanded to serve individuals with visual impairments and people who were labeled as “feeble-minded”, “crippled”, or “educationally backward” (Byrom 2001, 143). The legacy of positivism, realized through the natural sciences and experimental psychology, was the guiding force behind segregated schools for students with disabilities between the 1950s and 1970s. The focus was on diagnosed deficits and the prevailing view was that students with disabilities learned better in sheltered environments that were highly structured. At this time, behaviourism was embraced as the theoretical foundation that explained learning and interventions for individuals with disabilities (Clough & Corbett 2000, 10-12). Segregation also strengthened the link between people with disabilities and sheltered workshops, where labour market participation was marginal at best. As Barnes and Mercer (2003) explain, “The training provided confirmed public expectations of disabled adults as capable of only minimal social and economic participation” (28). Segregated schools and sheltered workshops were thought to be progressive at the time because people with

disabilities were not always removed from their families to live in institutional care. However, the stigma related to having a disability, as well as social exclusion from the broader community, prevailed (Braddock & Parish 2001, 29-32; Byrom 2001, 145-146; Mittler 2000, 47; Ravaud & Stiker 2001, 505).

Collins (1998) maintains that “the importance of ideas is always in relation to the ongoing conversations of the intellectual community” (31). The knowledge that evolved through medicine and the philosophy of science also resulted in the development of the discipline of vocational rehabilitation. This approach reflected the rise in professional authority over that of individuals to solve the “problems” of disability. People with disabilities were encouraged to adjust to personal, physical, or emotional difficulties through compensatory treatment and services from professionals (Barnes & Mercer 2003, 40; Ravaud & Stiker 2001, 507). Practices associated with the discipline highlight biological causation and explanation to disability, normality, and function. The goal of the process is to maximize the capacity of people with disabilities to engage in the labour market. This thinking remains dominant in medical and vocational rehabilitation contexts today (Barnes et al. 1999, 25-27; Barnes & Mercer 2003, 83; Hahn 2004; Wasserman 2001, 220).

Despite the critical discourse of contemporary scholars concerning the medical model of disability, this construction has persisted within the medical sciences where biological explanations predominate (Schwandt 2000, 90). New challenges come from the field of genetics where new technologies reinforce

biological identities and pose continued threats to individuals with disabilities who wish to escape a medically diagnosed identity. An emerging model of disability based on genetics and “bad” genes continues to create a social response of discrimination in others (Clapton & Fitzgerald 1997). Whereas genetic screening practices have the potential to eliminate genetic diseases, the very nature of humanity is questioned when the birth of a child is prevented, and ethical issues are presented that democratic societies must face (Barnes & Mercer 2003, 40; Ravaud & Stiker 2001, 503).

2.3.3 Social Constructions

The following discussion furthers the purposes of the study by illuminating the role of discourse and the power of social structures in the construction and maintenance of the term “disability” in North American culture. This is an important theme that will guide the study’s research questions and design. By the 1960s, some scholars began to situate biological determinism in a socio-historical context; an emerging critique began to question how the labeling of individuals with disabilities, using medical terms, influenced the lives of such people. The evolution of socio-cultural notions laid the foundation for opposing understandings where the response of the social environment defines the term “disability”.

The seminal work of Erving Goffman lies within the interactionist sociological tradition that “concerns the human subject and builds the social world out of

human consciousness and human agency” (Collins 1994, 242-243). Goffman’s thinking was developed through a qualitative analysis of the interactive processes related to identity, group dynamics, environmental impacts, and the human interaction of daily life. In *Stigma: Notes on the Management of a Spoiled Identity* (1963), Goffman argues that disability is socially created at the nexus of interactions between people with impairments and the responses of the people with whom they interact.

Retrospective interpretation of experiences of people with disabilities is central to his thinking: “The stigmatized individual may single out and retrospectively elaborate experiences which [then] serve for him to account for his coming to the beliefs and practices he now has regarding his own kind and normals” (Goffman 1963, 9).¹² Goffman argued that an individual’s identity can come to represent the category of disability, and the category of disability in turn, becomes an explanation for the identity in question. Personal and social identities are bracketed together – recognition of both the subjective individual experience and the character one adopts as the result of social experience (105). Accordingly, the central feature of a stigmatized individual’s situation in life is a question of acceptance (8-9).

¹² The use of the male pronoun reflects usage in the literature of the time and alerts readers to the power of language. Another example is the term “normals” to refer to people without disabilities. “We and those who do not depart negatively from the particular expectations at issue I shall call the *normals*” (Goffman 1963, 5, emphasis in the original).

The cultural capital that emerged through the philosophy of science and resulted in the pathology of difference, sickness, aetiology, and cure was also disputed by Thomas Szasz. By the 1970s, Szasz claimed that mental illness is a myth related to the socially constructed diagnosis of behaviour that breaks social norms (Szasz 1974, 262; Barnes et. al 1999, 61-62; Turner 2001, 264). In *The Myth of Mental Illness* (1974), Szasz argued that “psychiatric diagnoses are stigmatizing labels, phrased to resemble medical diagnosis and applied to persons whose behaviour annoys or offends others” (267). Szasz believed that the challenge was to remove psychiatric problems from the conceptual framework of medicine and move them into the realm of “human relationships and social arrangements” (263). In order to accomplish this paradigm shift, he concludes:

I believe it is imperative that all of us – professionals and non-professionals alike – keep an open mind toward all psychiatric interventions and, in particular, that we not accept or approve any psychiatric intervention solely on the ground that it is now officially regarded as a form of medical treatment. (Szasz 1974, 261)

The work of Irving Zola provides an important contemporary exception to traditional thinking about disability and the rights of people with disabilities. His argument for the need to respect human difference and broaden the range of normality is firmly rooted in a socio-cultural model of disability (Zola 1991, 8-9; Bickenbach 2001, 580; Turner 2001, 253). In his critical lecture, “Bringing Our Bodies and Ourselves Back In: Reflections on a Past, Present, and Future Medical Sociology” (1991), Zola points to the power of medical labels and how

they negatively influence our understandings of disability (6-8). He argues that we require a change in human consciousness regarding disability:

For bodily differentness, the incorporation of “something different” is only temporal: if all of us live long enough . . . we will all possess one or more of the physical differences commonly labeled chronic illness or disability . . . Thus acceptance is acceptance of an inevitable part of oneself. (1991, 8)

Michel Foucault has played a significant role in highlighting society’s new constructions of the term “disability”. His conceptualization of the unacknowledged role of power inherent in medical knowledge of human beings became a wellspring for the study of ways in which cultures impose meaning and conditions on the human body. From Foucault’s perspective, the authority to define or describe people or events occupies a significant role in social regulation (Foucault 1980, 62; Barnes et al. 1999, 62-63). Foucault identifies disability as an invention of eighteenth and nineteenth century medical discourse; he regards the relationship between “able-bodied normality” and the “disabled other” as increasingly defined by professional knowledge and practice (Foucault 1980, 166-168; Barnes et al. 1999, 65; Barnes & Mercer 2001, 517; Turner 2001, 253). This distinction fuelled the struggles of the disability culture movement “because it recognizes the contingencies of social responses to disability – namely the arbitrariness of institutions” (Turner 2001, 255). Foucault’s thinking is often linked to disability studies - a normative social philosophy that draws on a kaleidoscope of critical theories of history, medicine, law, politics, economics and ethics (Barnes et al. 1999, 37; Turner 2001, 255, 259; Wasserman 2001, 219).

Oliver (1990; 1996; 1999) focuses on the oppression of people with disabilities in capitalist societies and how Marx's social theory of political economy can best describe the experience. Based on this materialist view of society production of the concept of "disability" creates a workforce which has a vested interest in exerting as much control over the process of labour as possible. The demands of disabled people are not for improvement in social services but control over them. According to Oliver (1999),

Normalization theory offers disabled people the opportunity to be given valued roles in an unequal society which values some roles more than others. Materialist social theory offers disabled people the opportunity to transform their own lives and in so doing transform the society in which they live into one in which all roles are valued. (14)

2.4 Disability and Human Agency

Only by understanding the constitution of psychological agents in historical, sociocultural, political, and developmental context can caring and other central values of human psychology be approached. (Martin et al. 2003, 44)

This review of disability, agency, equality, individualism, and community evolves in this section of the chapter to form the foundational framework of the study. The first part of the section highlights a socio-cultural view of disability that acknowledges the construction of disability through discourse, along with the power of social structures. This framework also promotes a theory of dialogical agency (Martin et al. 2003) that incorporates biological, historical and socio-cultural factors, but is superseded by a process of ongoing hermeneutic self-determination. A relational model of social justice (Beck & Foster 1999;

Christensen & Dorn 1997; Mendes 2003) retains the good that underlies liberalism and the Canadian legal culture that allows individuals to flourish, while an ethic of care based in relationships promotes values that support community and inclusion.

2.4.1 Discourse and Social Structures

Today, a tension exists between two cultures: one in which the term “disability” is constructed to mean a biological limitation or a deficiency; and another in which individuals with disabilities are intersubjectively considered a significant “other” (Asch 2000, 8; Barnes et al. 1999, 66; Gill 2001, 352; Turner 2001, 255; Wasserman 2001, 219). Debates in the field also evolve from philosophical issues about the significance of disability for personal and social identity, questions of social justice regarding the allocation of resources, and the design of physical and social environments. Turner (2001) reflects on the issues and debates related to radical constructionism as opposed to biological positivism. He argues that the “shared phenomenology of human embodiment can transcend the trap of cultural relativism and suggest how a human and social rights discourse can overcome the able-disable dichotomy” (256-257).

Christensen (1996) maintains that practices, social processes, perceptions, beliefs, and values are driven by the use of language. As I began to reflect on the influence of language and constructions of disability on educational practice, I realized that my interactions with students often related to a biological diagnosis

and the functional impact of their disability. This dialogue had at times shaped our social relationships in negative ways. For example, it is not uncommon for students to respond to requests for documentation of their disability by pushing back against having to “prove” that they are “different”. These experiences partly led to the decision to focus the study on the impact of discourse on relationships between students and faculty, as well as the role of social structures in constructing understandings of disability and access to learning.

As Mendes (2000) argues, “the fact that all humans belong to the human collectivity gives them the inherent right to human dignity” (7). This is not possible if disability is viewed as a deficiency or a negative deviation from “normal” where the individual is the focus of intervention and the professional is the intervention agent. This study adopts a socio-cultural view in which the term “disability” is the response of the social environment to a difference defined by physical or mental qualities. From this perspective, disability derives from the interaction between the individual and society – both through the impact of discourse and social structures (Strauss & Kroeger 2003; Turner 2001, 253-254). Access solutions and inclusion lie in changes to social interactions and relationships, as well as changes to the social systems of regulation that exercise control over students with disabilities and faculty.

The language of disability remains a contentious issue. The emerging critical literature that contests traditional biological notions of disability provides readers with a greater awareness regarding the iatrogenic effects of “disabling” language.

In legal and medical discourse, the definition of disability established by the World Health Organization (WHO) is widely accepted. Since 1980, the term “disability” was used to reflect:

People who have a significant and persistent mobility, sensory, learning, or other physical or mental health impairment which may be permanent or temporary; and experience functional restrictions or limitations of their ability to perform the range of life’s activities, and who may experience attitudinal and/or environmental barriers that hamper their full and self-directed participation in life. (WHO 1980)

However, the definition of disability in the early 1980s belonged to a specific historical moment that emphasized constraints in physical and mental performance as a limitation in life. Academics, people with disabilities, and others questioned this definition and were instrumental in a recent revision in 2001 (Turner 2001, 253; Wasserman 2001, 220).¹³ Disability is now defined as “the relationship between body structures and functions, daily activities, social participation and environmental factors” (WHO 2001). The revised framework of the *International Classification of Functioning, Disability and Health* (ICF) reflects a change of emphasis from negative descriptions of impairments, disabilities and handicaps to neutral descriptions of ways in which people live their lives, and provides a model through which to document the impact of social and physical environments on a person’s functioning (WHO 2001). It has been hailed as a significant step forward in the way we think about disability through its focus on interventions related to social or environmental barriers. Nevertheless, some

¹³ The International Classification of Functioning, Disability and Health (ICF) is the result of an effort involving the participation of sixty-five countries.

scholars, such as Habermas (1998), caution that over-generalized classifications of people from disadvantaged groups continue to lead to reflexively produced discrimination and normalizing interventions (209).

2.4.2 Dialogical Agency

Martin et al. (2003) dispute the hard determinism that drives medical science and considers “persons to be nothing more than large aggregations of . . . cells or atoms that are completely determined by genetic and environmental factors” (46). While empiricist understandings of human beings and disability can provide important functional information, they do not acknowledge human capacity for freedom of choice and action. In other words, free choice and agency do not exist (Martin et al. 2003, 21-22). However, a purely socio-cultural notion of humanity and disability is often referred to as a new form of reductionism where the biophysical characteristics of individuals are not taken into account (Martin et al. 2003, 82). These scholars build on a contextualized interpretive understanding of agency that falls between the polarities of hard reductionism and radical humanism. Human agency is nested in physical, biological, historical, and socio-cultural factors. However, once emergent, disability cannot be reduced to these factors, as the discourse of some scholars on soft determinism suggests (48-49; 160). Human understanding develops through a process of hermeneutic interpretation and reflective, intentional thought and action. This self-determination is what moves understanding of disability forward at both individual

and collective levels. The process is ongoing, mutable, and incomplete (117-118).

Drawing on this situated, emergent, and deliberative theory of agency has allowed me to re-imagine the possibilities for new practices intended to enhance access to post-secondary education for students with disabilities. Changes to educational practices realized through the empowerment of self-determination could balance the negative power of social structures. This form of soft determinism, which allows a middle position between hard determinism and radical freedom, is particularly helpful in framing a socio-cultural model of disability. The framework acknowledges the biological and social aspects of disability, while the individual with a disability becomes the agent of change through a process of self-determination. This view of agency holds promise that members of the educational community could embrace the differences that constitute humanity and re-imagine practices related to teaching and learning.

In the 1960s, Erving Goffman maintained that acceptance is conditional upon people with disabilities conforming to “normals” way of being so that “the unfairness and pain of having to carry a stigma will never be presented to them” (Goffman 1963, 21). As Trisha Cook reflects in McCarthy’s (2003) study on the perspectives of leaders with disabilities on the disability rights movement, the experience of some people today can still be one of marginalization:

To me the most important thing is attitude from other people, how they accept you and how they treat you . . . If people with disabilities could just

be in the community like everybody else, people would not need to treat them with more specialness than they need. Or treat them with disdain, as many people do. Or try to ignore them. (220)

This account suggests that, no matter how we might formally classify disability, Irving Zola (1991) was correct when he noted that much work remains to be done in order to “get it right” (16).

2.4.3 Relational Social Justice

Since the 1980s and the creation of human rights laws, educators in higher education across Canada have responded to their duty to provide academic access for students with disabilities within an individualistic view of social justice. However, what cannot be resolved by the courts are the damaged relationships that often result between students and their families, and educators, as a result of a preoccupation with legal resolutions to equal access. For example: in *Robb v. St. Margaret's School*, the history of the relationship between the Robbs, who were advocating for their daughter, Rebecca, who has a severe learning disability, and St. Margaret's School was taken into account in the BC Human Rights Tribunal's decision. The hearing lasted 45 days and stretched out over a year. In his decision, Justice T.W. Patch writes:

In my opinion, the dispute initially arose because of different views of the school's ability to meet Rebecca's needs. However, the conflict persisted because both sides developed a profound distrust of the other side and were engaged in a struggle for control over decisions related to Rebecca's education. The Code was not intended to address issues of trust and power, unless they are linked to discriminatory practice. In my opinion, although these issues may have been precipitated by the Respondent's

discriminatory conduct . . . they took on a life of their own. (Robb v. St. Margaret's School 2003, B.C.H.R.T.D. No. 2, BCHRT 4, 45)

Mr. Justice McIntyre notes that, "Every strongly held theory or conception of equality is at once a psychology, an ethic, a theory of social relations, and a vision of the good society" (Andrews v. British Columbia (Law Society) 1989, 1 S.C.R 143). Mendes (2000) expands on this view in his article, "Taking Equality into the 21st Century: Establishing the Concept of Equal Human Dignity". He acknowledges the intense debate about the definition and scope of equality but believes that the courts will continue to promote a "concept of 'equal human dignity', applicable to all individuals and groups in this society" (5). Mendes goes on to argue: "The core of human dignity I suggest is the ability to *collectively* understand compassion and *collectively* understand the need for justice to remedy unnecessary suffering" (Mendes 2000, 23, emphasis in the original).

This argument is reminiscent of Goffman's (1963) belief that the core issue for people with disabilities is acceptance. Mendes believes systemic discrimination could be ameliorated through "social and economic systems . . . designed to be inclusive from the outset, rather than . . . stretched to fit marginalized groups into the margins" (Goffman 2000, 8). A collective understanding of equality and the imperative that justice requires people to be treated differently will require debate between members of the educational community. Beck and Foster (1999) purport that educational leaders must craft "a viable and vital understanding of community – one that draws upon the strengths of various perspectives and, as

much as possible, avoids dangers embedded in the extremes of liberalism and communitarianism” (355).

Some rights theorists and educators respond to political tensions by arguing that attention to local community goals may improve upon a liberal social order. Amy Gutmann (1985) places significant value on community, but also purports that communitarian arguments can supplement, though not supplant, basic liberal values. Similarly, Habermas (1998) argues:

A correctly understood theory of rights requires a politics of recognition that protects the integrity of the individual in the life contexts in which his or her identity is formed. This does not require an alternative model that corrects the individualistic design of the system of rights through other normative perspectives. All that is required is the consistent actualization of the system of rights. (208)

In the same vein, Beck and Foster (1999) succinctly state:

Each human is a complete being, deserving of dignity, respect, and the full expression of the “inalienable rights” that attend personhood...persons are fundamentally relational, and . . . the best context for their growth and development is a caring and just community. (343)

Framing community in this manner allows the acceptance of the integrity of the individual as advocated by liberalism, and the necessity for committed relationships that is so central to democratic communitarian thought.¹⁴ From this view, people are simultaneously independent and related in fundamental ways

¹⁴ In this context the term ‘democratic’ refers to a process or a mode of interaction between members of the community that promotes reflection and diversity as opposed to conformity (Kahne 1996, 35).

(Beck & Foster 1999, 343). Martin et al. (2003) claim that individual and collective understandings rooted in deliberative agency "hint at a possible bridging of liberal and communitarian politics in which the cultivation of certain conditions and requirements basic to the common good, also may further a certain kind of self-determination and self-development" (164). While these scholars admit that this possibility is speculative, it is a position that allows the study to be situated in a way that attempts to address the tensions between communitarian and liberal frameworks with regard to access to learning for students with disabilities. This is not to suggest that members of the educational community will reach consensus regarding educational practices and policies related to access. However, it may allow the realities of Canadian legal culture to be better reconciled with the socio-cultural realities of access to teaching and learning in higher education.

Barnes & Mercer (2003) point out that the values and norms that represent our shared way of life in public institutions are a "link with the past as well as a guide to the present" (89). It seems that evidence of persistent discrimination points to the need to examine how political philosophies are played out in post-secondary institutions. Christensen and Dorn (1997) argue that we promote a culture of competition, or what they refer to as a meritocratic view of education, that does not sustain the development of educational communities. At the same time, reflection on educational practices suggests that a humanistic, individualistic approach can be diminished through singular approaches to instruction and intransigent adherence to policies despite individual differences (Price 2003, 2004; Soltan 2004).

These concerns are difficult to resolve due to differences in power within the educational system. Christensen and Dorn (1997) properly argue: “Because power affects relationships among people, a theory of social justice must include explicit acknowledgment and accommodation of power differences” (194). These scholars echo Beck and Foster’s (1999) view that social justice should include “explicit prescriptions of structures to support desired qualities of relationships . . . individual rights are tools, not ends in themselves” (Christensen & Dorn 1997, 194). Martin et al. (2003) believe that our capacity for reflective understanding allows us to critique and revise our practices and become individually and collectively transformational. This may allow us not to abandon completely our individualized political framework if people are viewed, not as decontextualized rational decision makers, but rather as developmental human agents (161). Just as Martin et al. (2003) promote a mutable notion of human agency, Christensen and Dorn (1997) rightly state that “better schemes for social justice begin when people realize that the world *could* be a better place” (194, emphasis in the original). Reflection on Irving Zola’s (1991) view that disability is a heartbeat away from everyone’s human reality may bring us closer to realizing transformational educational practices.

2.5 Conclusion

We believe that rooting social justice in relationships, structures, and the knowledge of better alternatives is a more robust way of justifying special services for [students] with disabilities than either individual-based rights or communitarian values. (Christensen & Dorn 1997, 195)

This review of particular aspects of cultural capital related to academic access for students with disabilities to public post-secondary education reveals a number of tensions. These include: different understandings of disability and human agency; disparity between the Canadian legal framework related to equality rights and the educational community's ability to meet their duty to accommodate students; as well as opposing political paradigms. Balancing the benefits of individual rights and community is a complex process that elicits ongoing challenges. The socio-cultural model of disability, theory of dialogical agency, and model of relational social justice adopted for the study provide a foundation to explore the educational tensions that are critiqued in the following chapter. Historical retrieval will also play a role in understanding this social context. As Apple (1999) maintains, simultaneity is integral to new understandings,

Of thinking neo and post together, of actively enabling the tensions within and among them to help form our research, that will solidify previous understandings, avoid the loss of collective memory of the gains that have been made, and generate new insights and new actions. (188)

CHAPTER 3

SITUATING UNIVERSAL DESIGN FOR LEARNING (UDL)

3.1 Introduction

We need to acknowledge the near universality of disability and that all its dimensions (including the biomedical) are part of the social process by which the meanings of disability are negotiated. (Zola 1991, 12)

Chapter 2 situated the socio-historical and socio-cultural context of the study. The framework adopted for the thesis related to disability, human agency, social justice and equality provides the foundation for an analysis of the educational tensions related to access to learning. The purpose of this chapter is to further the development of the study's research questions and design by probing the issues and debates associated with educational support services and UDL, as well as the situational and cultural factors that impinge on academic access for students with disabilities. The critique is developed through four main sections within the chapter: Opposing Discourses and Disability Support Services; Benefits and Challenges of UDL; Situational and Cultural Factors; and Confluence: The Need for Further Research.

The first section examines the limitations of the extant approach of providing disability support services. Evidence is provided that educators in BC must

change their approach to integrating students with disabilities into public post-secondary classrooms. In the second section, a critique of UDL indicates that, despite implementation challenges, the framework holds promise as a means to removing unnecessary barriers to learning. Curricula-based access may also enhance agency and the quality of relationships that support inclusion in the educational community. In the third section of the chapter, the nature of bureaucracies, as well as the impact of economic and social policy, is shown to add to the complexity of discourse that impacts academic access and teaching practices. The final section of the chapter presents a case for further research on UDL. Participants' interpretations of disability, teaching effectiveness, inclusion, and agency will contribute to a paucity of research knowledge on this recent approach to access. Ultimately, academic access must be accomplished within the framework of human rights legislation in BC. At the same time, some students will continue to require support services. Therefore, in the context of this study, UDL is explored as a potential complement to current practices. That is, multiple approaches to academic access for students with disabilities may hold some purchase.

3.2 Opposing Discourses

Equal human dignity demands that systemic discrimination, adverse impacts by governmental actions and underinclusivity be rooted out and eliminated by citizens, the courts and governments. Social and economic systems should be designed to be inclusive from the outset, rather than be stretched to fit marginalized groups into the margins.
(Mendes 2000, 24)

This section of the chapter furthers the discussion of the study by exploring the impacts of disability support services on academic access for students with disabilities. Evidence is provided that tensions are partly related to disparate notions of “inclusion” between the K-to-12 system and the post-secondary system in BC. Institutional preoccupation with legal requirements, and a focus on “access”, as opposed to “educational success”, also signals the ineffectiveness and inefficiencies of the current approach. As a result of social responses to the provision of disability support services, some students with disabilities feel marginalized. At the same time, faculty members feel disempowered by having little voice in determining “reasonable accommodations”. Discrepancies between accepted definitions and diagnosis of some disabilities, teacher attitudes toward disability support services, as well as environmental factors, point to the need for changes to current practices that provide access to learning for students with disabilities.

3.2.1 Inclusion and Access

As the conception of disability as a social construction gained ground among policy makers, and inclusive schools in K-to-12 systems in Canada and the US proliferated, the attention of researchers and practitioners diverted to explorations of the relationship between educational success and instructional conditions (Clough & Corbett 2000, 11-15; Mittler 2000, 3-5; Winzer 1999, 100). In a report produced in Canada in 1970 by the Commission on Emotional and Learning Disorders in Children (CELDIC), entitled *One Million Children*, the Commission recommended the integration of students with disabilities into the general education system (Pivik et al. 2002, 97). Since that time, educators have grappled with evolving approaches to curricula design that best meet the learning needs of students in the elementary-secondary system. There has also been an epistemological cross-pollination between special education and mainstream educators (Clough & Corbett 2000, 8).

In contrast, the focus for higher education has not been on pedagogy or inclusion but rather on meeting the minimum legal requirements related to providing a "level playing field" for students with disabilities. An access model has evolved whereby support services are determined by disability services coordinators. Based on medical documentation, the particular needs of students with disabilities are determined in order to provide "reasonable accommodations" through individualized support services (e.g., alternate format textbooks, sign language and oral interpreters, note-takers, readers, scribes, examination

accommodations, and adaptive technology). These supports allow students to demonstrate mastery of educational material. To qualify for support services, students must meet the essential prerequisites of the course or program. Given accommodation, students with disabilities are expected to achieve the same learning outcomes as their peers (Price 2003, 2004; Johnson & Fox 2003, 3; McGuire et al. 2003, 10; Romereim-Holmes & Schade 2003; Scott et al. 2003a, 81; Silver 2003).

In some K-to-12 schools where inclusion is a substantive goal, learning outcomes can be compromised. This is evidenced by the discrepancy between the skill levels indicated on some students' transcripts as opposed to their functional skills. A focus on inclusion as a substantive good is difficult to institutionalize in the post-secondary system because demonstrating learning outcomes is integral to maintaining educational standards. In contrast, educators in the post-secondary system interpret the term "inclusion" as providing "access" so that students can achieve individual goals that are consistent with the demands of courses and programs. The growing gap between these understandings needs to be resolved so that students with disabilities benefit from consistent educational practices that embrace respect for academic demands and differences in modes of learning.

These opposing discourses regarding "inclusion" and "access" are currently exemplified in the US where DSS coordinators are debating changes related to the re-authorization of the Individuals with Disabilities Education Act (IDEA)

2004.¹⁵ Changes to access legislation in the K-to-12 system will broaden the chasm between inclusive practices in the elementary-secondary system, and practices related to the “duty to accommodate” in higher education. A membership survey completed by the Association of Higher Education and Disability (AHEAD 2005) reveals the same issue that educators in BC have expressed: secondary educators will not develop transition plans that meet post-secondary institutions’ standards for detailed educational, medical, and psycho-educational information regarding the functional impact of students’ disabilities.

Another concern is that some AHEAD members purport that “DSS personnel are concerned with the access NOT success of disabled students in college” (AHEAD 2005, emphasis in the original). In other words, the focus remains, as it does in BC, on qualifying for support services to compete on fair terms with non-disabled peers within a meritocratic system. Some educators believe that this approach will prepare students for the competitive nature of the workplace. However, alternate practices that address individual learner differences and enhance students’ educational success must be considered as an alternative to disability support services.

¹⁵ “IDEA is a federally based civil rights law which states that children with disabilities are legally entitled to free appropriate public education that meets their education and related service needs in the least restrictive environment” (Pivik et al. 2002, 97-98).

3.2.2 Community Relationships

Practices that bolster the focus on access rather than inclusion present challenges on a number of fronts.¹⁶ First, secondary support services rooted in a human rights paradigm may be contributing to further segregating students with disabilities and reinforcing notions of "difference" (Silver 2003). Some disability studies' research indicates that serious fractures still exist between faculty and students despite the law bestowing educational rights. Students feel rejected by deviant identities placed on them by their instructors and peers. As a result, they often will strive to reduce the stigma by concealing their disabilities. Participants relate stories reflecting devaluation and doubt on the part of faculty. In studies completed by Beilke and Yssel (1999), Long et al. (1999), and Low (1996), students report feelings of being ignored; or that instructors maintain physical distance; avoid eye contact; or attribute students' success to factors other than ability. Some students with disabilities perceive their status as "Other" rather than as a member of the classroom community. In turn, these experiences can also erode self-esteem and perpetuate feelings of marginalization.

Bourke et al. (2000) also conducted a study that was intended to fill a gap in information on the perceptions of students with disabilities regarding the teaching-learning process. While faculty members prefer students to communicate with them regarding their learning needs, it seems that students

¹⁶ In this context, the term "inclusion" refers to students with disabilities being equally respected members of the educational community.

with disabilities are less likely than their peers without disabilities to seek help from instructors or disability resource centers when accommodations are required. Students with learning disabilities are even less likely to develop relationships with faculty. Often students will only self-disclose their learning needs as a last resort. This suggests that the current approach of providing disability services can result in the disempowerment of students with disabilities and divisive relationships between students and faculty.

Second, the requirement to provide medical documentation of disability (including the diagnosis, severity, prognosis, and functional implications) creates a paradox where students have to disclose their disabilities to acquire the access services that support their right to equality in an educational setting. Christensen (1996) argues that the label “disabled” becomes the defining feature of the person. In educational systems, when a disability is considered an inherent characteristic of the individual, student failure can also be attributed to the individual (65). It seems that legislation has not addressed the conceptual barrier between “normal” and “abnormal”. In fact, the current practices associated with a legal access model rely on these constructs to support the provision of accommodations (Johnson & Fox 2003, 8; Silver 2003). Poplin and Rogers (2005) argue that “the legalism surrounding [learning disabilities] also has kept us asking ourselves ‘Is it legal?’ or ‘Can we get away with it?’ rather than ‘Is this the very best we can do?’” (159).

Third, legislation does not guide the determination of “essential course requirements” or “reasonable accommodations” in order to provide academic access to higher education. The unique functional implications of each student’s disability demand flexibility and thorough research as an antecedent to decision-making on the part of DSS coordinators (Price 2004; 2005). Difficulties are reflected in workload concerns when coordinators feel unable to thoroughly analyze individual learning differences or program requirements to the extent that is warranted. This can create friction between faculty and coordinators regarding the question, “What is reasonable?” Faculty can also feel disempowered when they have little input in determining support services. At the same time, when instructors are unable to demonstrate that they have objectively determined essential course requirements, the conditions necessary to work co-operatively in identifying appropriate support services are diminished.

Finally, the definition and diagnosis of some disabilities have also been controversial, particularly related to students with learning disabilities (LD). Members of the community who support students with LD have been engaged in an animated discourse over the biological, as opposed to a socio-cultural, genesis of these information processing difficulties. Debates of this nature reflect the lack of consensus regarding the definition and diagnosis of LD. In BC, the discussion has been heated between DSS coordinators, as well as between coordinators and provincial and federal funding agents (Government of BC 2003d, 2004c, 2005b). For example, the Learning Disabilities Association of Canada (2005) defines learning disabilities as “neurobiological, genetic [and]

lifelong”. In contrast, other educators define learning disabilities in socio-cultural terms where the focus shifts to “the *interaction* between the individual and society and to the structures of society itself” (Reid & Valle 2004, 23, emphasis in the original).¹⁷ In addition, some scholars believe that the diagnosis of learning disability is not accurately reflected by reliable and valid test scores on batteries of psycho-educational tests (Francis et al. 2005, 98-99; Keogh 2005, 100 -101; Stanovich 2005, 104). Others question the fundamental legitimacy of the diagnosis of LD (Lloyd & Hallahan 2005, 133; Rueda 2005, 168). A college administrator in the study of Jensen et al. (2004) reflects on legitimacy related to the practice of assessment:

Some of the problems are the diagnostic instruments and the people who are using them and controlling them are not as refined as we need them to be. So there are people who are using learning disabilities as a way of getting their children into better schools because they have longer time to take exams and make a better score . . . there is a basic distrust of the secondary school’s data and now there’s a distrust of the data coming in about special needs. (85)

A problem that emanates from this debate is that educational groups define LD differently, as well as requirements for re-assessment. The Ministry of Advanced Education uses a discrepancy formula and is rigid in adhering to it with regard to qualifying for funding and access to adaptive technology. Students must demonstrate a 2.0 standard deviation between achievement and performance scores as measured on a range of standardized tests. Students are required to

¹⁷ For an overview of the discourse that has evolved related to the socio-cultural construction of LD, see the *Journal of Learning Disabilities* (2004, v37 n6). In the following volume (2005, v38 n2) Connor also provides an instructive article.

pay for expensive re-assessments if their data is more than three years old. It is interesting to note that the required discrepancy was only 1.0 standard deviation to qualify for the label "learning disability" and eligibility for Government resources as recently as four years ago. As well, many post-secondary institutions in BC continue to utilize a 1.0 standard deviation to qualify for support services, including examination accommodations and adaptive equipment funded by the school. At the same time, re-assessment provisions in institutional policies differ and are not always adhered to (Government of BC 2003d, 2004c, 2005b). These inconsistent standards will surely lead to a costly legal debate at some point in the future.

This review of the literature would not be complete without exploring the responses of faculty related to current academic access practices. Higher education disability studies have focused primarily on aspects of "rights" as they relate to access since the inception of the Americans with Disabilities Act (1990). Research in the field often focuses on faculty attitudes toward students with disabilities. The selection of research reviewed suggests a number of factors that contribute to negative faculty responses to disability support services. For example, instructors may be reluctant to provide academic supports due to concerns regarding increased workload or that accommodations compromise the integrity of courses, programs, and even institutions as a whole. The issue of academic freedom can arise when faculty believe that the requirement to provide accommodations, such as extended time on examinations, denies their right to assess students according to the professional standards of their discipline in

accordance with what they regard as sound pedagogy (Bourke et al. 2000; Jensen et al. 2004; Leyser et al. 1998; Vogel et al. 1999; Williams and Ceci 1999). An example of this thinking related to diluted standards is illustrated in a letter published in the *Chronicle of Higher Education*:

Giving a 'learning disabled' student extra time on exams is like letting a blind person qualify for a pilot's license with the aide of a seeing-eye dog in the cockpit. I don't think any of us want to fly in an airplane with such a pilot, or to find in the emergency room a doctor who owes his medical school admission to extra time on exams. (Katz 1998, B10)

Educational practice reveals that in some cases faculty over-accommodate students with disabilities. While this practice likely reflects an intention to be inclusive, it does little to prepare these students for the minimal accommodations that they will receive in the workplace. According to Bourke et al. (2000), Jensen et al. (2004), Leyser et al. (1998), Scott (1994), Vogel et al. (1999), and Williams and Ceci (1999), a positive or negative accommodation experience is determined by faculty value judgments resulting from their attitudes toward disability and the practice of providing access. Critical factors contributing to positive attitudes include knowledge regarding the need for academic supports, belief in the efficacy of the process and the type of accommodation involved, understanding of human rights laws, and experience with students with disabilities. Situational factors that determine faculty willingness to provide supports are also reported in this literature. These include the ease of the provision of accommodations, the level of perceived support from DSS coordinators, and the level of available financial resources to implement accommodations.

Some scholars make strong arguments regarding the relationship between instructors' attitudes toward students with disabilities and their attitudes toward all students. That is, uncertainty can stem from pre-existing attitudes toward students in general (Neufeld & Hoskyn, 200X). Competitive notions of success and failure, the belief that students will try to get by with as little intellectual work as possible, and that fairness requires vigilance against excuses cloaked as disability issues, can undermine the accommodation process (Christensen & Dorn 1997, 181; Jensen et al. 2004, 10-12). Christensen and Dorn (1997) argue that US schools have "been able to comply with federal regulations without recognizing or changing their own role in the academic and social difficulties of students" (186). They also properly maintain that educators committed to academic access for students with disabilities underestimated the resistance to change demonstrated by some members of the educational community in response to human rights legislation (191).

3.3 Benefits and Challenges

*UDL accommodates variations in background, learning style, abilities and disabilities in varied learning contexts by providing flexible materials and learning experiences that suit the learner and maximize his or her ability to progress.
(CAST 2005)*

The issues and debates associated with the practice of providing disability support services indicate that it is important to disrupt the status quo and explore an alternate approach to providing academic access for students with disabilities.

I was drawn to the potential for providing access through curricula design as a way to counter some of the challenges that evolve from current practices. This section of the chapter examines the origins, theories, models, concepts, principles, and teaching practices that inform UDL, and then offers a critique of the efficacy of this paradigm. Scholarly research reflecting the experiences of students with disabilities, faculty, and administrators is reviewed with the intention of better understanding social meaning related to UDL. While there are significant challenges inherent in creating the conditions necessary for cultural change, re-imagining teaching practices could enhance understandings of disability, improve relationships within the educational community, and counter meritocratic views of equality, as well as reduce the need for expensive human rights litigation.

3.3.1 Origins, Principles and Practices

The principles of UDL that currently guide educational programming for students with disabilities are rooted in an ideology that first supported the evolution of barrier-free, built environments through “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” (Mace et al. 1997). Seven principles guide the evaluation of universally designed physical environments: (1) equitable use; (2) flexibility in use; (3) simple and intuitive use; (4) perceptible information; (5) tolerance for error; (6) low physical effort; and (7) size and space for approach

and use (Mace et al. 1997).¹⁸ The model incorporates access at the design stage to avoid what can be costly, unsightly, and inadequate retro-fits to the physical environment (CUD 2005). Classic examples include automatic door openers and curb cuts that provide ease of access for all individuals, not just people with a mobility disability. Dialogue with colleagues and students without disabilities indicates that these physical access features are experienced as a convenience for all members of the educational community, rather than solely as access accommodations for students with disabilities.

The concept of universal design eventually expanded to the academic environment as disability researchers in the US began to explore these principles as a means of providing access to curricula. The Center for Applied Special Technology (CAST) has been at the forefront of the development of universal design in educational contexts as a response to individual learner differences in the elementary-secondary system (CAST 2005; CEC 2005; ERIC/OSEP 1998; McGuire & Scott 2002). Teachers who embrace UDL provide access to the widest possible range of learners through the use of varied instructional methods, as well as multiple approaches to representation, engagement, and evaluation (CAST 2005). In other words, UDL embraces learner-centered approaches to instruction. Alternative representations of essential course concepts allow students to learn in their preferred mode. Various modes of engagement are intended to support a range of skill levels and interests; while evaluation allows

¹⁸ The 29 guidelines associated with these principles can be reviewed on the Center for Universal Design's website: www.design.ncsu.edu/cud.

students multiple ways of demonstrating mastery (CAST 2005; CEC 2005; Dolan 2003; Embry et al. 2005; Johnson & Fox 2003; McGuire & Scott 2002; McGuire et al. 2003; Romereim-Holmes & Schade 2003; Scott et al. 2003a, 2003b; Silver et al. 1998; Silver 2003).

The conceptualization of disability as part of a wide range of learner diversity is a compelling approach to more inclusive access practices in post-secondary institutions. It also evokes a socio-cultural understanding where the term “disability” is considered a neutral concept where solutions to access lie in changes to the environment. UDL is constructed on the understanding that students vary in their learning strengths. According to CAST (2005), students differ in their capacities to speak, read, listen, write, and organize routines. Therefore, some students learn best by listening to lectures, while others learn best from text or visual media such as diagrams. Other students find that they allocate so much energy and attention to the mechanics of producing written text that it is more effective to communicate in an alternative medium. There are also differences in what motivate and engage learners, as well as in their patterns of emotional response from experiences over time (CAST 2005). The essential quality is that access is built in at the design stage of curricula development in the same way that universal design in the built environment incorporates access as an integral component of design (Embry et al. 2005; Johnson & Fox 2003; McGuire & Scott 2002; McGuire et al. 2003; Romereim-Holmes & Schade 2003; Scott et al. 2003a, 2003b; Silver et al. 1998).

In Chapter 2, it was argued that it is critical that students with disabilities experience the benefit of approaches to teaching that enhance their personal understandings, as well as those that promote positive social interactions. Embry et al. (2005) note the extensive volume of literature related to effective instruction in higher education (46). Merriam and Caffarella (1999) purport that “learning, so central to human behaviour yet so elusive to understanding, has fascinated thinkers as far back as Plato and Aristotle” (248). These scholars go on to state that “there is little consensus on how many learning theories there are or how they should be grouped for discussion” but that “orientations that present very different assumptions about learning . . . include behaviorist, cognitivist, humanist, social-learning, and constructivist” (250). UDL draws on constructivist learning theory that “posits that learners construct their own knowledge from their experiences. The cognitive process of meaning making is emphasized as both an individual mental activity and a socially interactive interchange” (Merriam & Caffarella 1999, 265-266).

When educators build a climate in which differences are valued, students with disabilities are more likely to benefit from the individual and collective practices and experiences that bolster learning within a constructivist view. While the roots of UDL are found in applications in the physical environment and constructivist learning theory, they are also grounded in educational practice. Learner-centered approaches such as differentiated instruction in the K-to-12 system, collaborative and co-operative learning, community-based instruction, as well as learning strategy approaches, have all contributed to the development of UDL. These

practices create learning environments that meet the needs of students with and without disabilities and promote the inclusion of all students (CEC 2005, 24-27).

Scholarly activity in higher education related to universal design for learning eventually led to Tri-Council Demonstration Projects at a number of universities that are funded by the US Department of Education, Office of Post-Secondary Education.¹⁹ In Canada, the Learning Opportunities Task Force in Ontario funded a universal instructional design project at the University of Guelph in 2002. The purpose of these projects is to assist members of the educational community to understand the principles and implement the practices of UDL. The principles are not intended to be prescriptive of inclusive educational practices. Instead, they provide a framework for reflection that informs curricula planning, development, and delivery (Embry et al. 2005; McGuire et al. 2003; McGuire & Scott 2002; Scott et al. 2003a, 2003b). The claim is that learning is enhanced for all students when institutions promote educational access through curricula design. UDL is characterized as being educationally proactive and is intended to remove barriers that are not essential to the educational context by being responsive to a broad range of learning needs (CAST 2005; CEC 2005; Embry et al. 2005; Johnson & Fox 2003; McGuire & Scott 2002; McGuire et al. 2003; Romereim-Holmes &

¹⁹ Projects at Brown University (Ivy Access Initiative), the University of Minnesota (Curriculum Transformation and Disability) and the University of Connecticut (Centre on Postsecondary Education and Disability) are among the initiatives that have developed some of the most comprehensive supports for exploring and incorporating UDL in post-secondary settings.

Schade 2003; 2003a, 2003b; Silver et. al 1998; Silver 2003). Silver (2003) explains,

The goal is for this approach to become an integral part of the institution's methodologies so that students with disabilities and *all* students with diverse learning needs will no longer need to rely so heavily on support systems that are secondary to the primary instructional programs. (emphasis in the original)

Table 3.1 on the following page reproduces the scaffolding of universal design for learning, and approaches to instruction and evaluation that operationalize it. This framework forms another essential aspect of the study's design related to the learning experiences of students with disabilities and the teaching practices of faculty.

Table 3.1 Principles, design and practices of universal design for learning

Principles of UDL	Design	Teaching Practices	Evaluation
<p>Instruction is accessible and fair allowing students with a range of abilities equitable access through the identical means for all students if possible, and equivalent when not; high expectations are held for all students</p>	<p>Curricula designed to be accessed by students regardless of their ability to hear, see, learn or attend, or take notes</p>	<p>Class notes in electronic format; reference materials on-line; web sites in accessible format; audio-taped lectures; review lecture information and assignment instructions</p>	<p>Extra time on exams, alternate format assessment, and take home exams; frequent evaluation after teaching/ learning; evaluation is consistent with the type of learning</p>
<p>Instruction is flexible in presentation and participation</p>	<p>Curricula designed to accommodate a wide range of individual abilities where students can interact regularly with their peers and instructors; multi-modal forms of presentation, access to materials, and means of demonstrating knowledge</p>	<p>Varied instructional methods including text, graphics, and audio-visuals; lectures with a visual outline; group activities; web-based discussions; short lectures followed by student discussion in pairs or small groups</p>	<p>Choice of oral presentation or written assignment; include a research project in addition to exams to diversify work that impacts final grade; choice of assignment topics and formats; flexible due dates</p>
<p>Instruction is simple and consistent without unnecessary complexity</p>	<p>Instruction designed in a straight forward manner; course outlines indicate a grading scheme based on clear learning outcomes</p>	<p>Review course requirements with students in multiple formats that take into account the functional impact of their disabilities; ensure lecture topics are consistent with course outline</p>	<p>Ensure assessment reflects material covered in class; consider whether spelling and grammar are essential requirements; apply grading standards consistently</p>
<p>Instruction is explicit and easily perceived; and barriers to receiving and understanding information are removed</p>	<p>Design utilizes effective communication, consideration of ambient conditions, as well as students' sensory and physical abilities; course expectations are transparent</p>	<p>Clearly define topics, concepts, and the relationships between them; adapt physical space and delivery formats; provide reading material supports in digital and on-line formats</p>	<p>Exams in large print; provide distraction-free exam space; provide clear instructions related to completing evaluation format; make assignment expectations and instructions explicit</p>

Students with Disabilities: Post-Secondary Voices and
Universal Design for Learning

Principles of UDL	Design	Teaching Practices	Evaluation
Instruction is designed to reflect tolerance for error where it is anticipated that mistakes provide learning opportunities	Design anticipates variation in individual learning pace and prerequisite skills	Use of specific descriptions of ideas, concepts, and relationships; encourage student's questions	Individual project components submitted for feedback and integration into the final product
Instruction eliminates non-essential physical requirements and maximum attention is paid to learning	Design considers unnecessary physical effort unless it is integral to the demonstration of knowledge	Ensure guest speakers are aware of students' needs; provide short breaks during classes	Use of a word processor for writing and editing papers and essay exams
Instruction considers appropriate space and environmental supports	Design considers appropriate space for lighting, ambient noise, access, reach, and manipulation regardless of students' mobility and communication needs	Consider what can be improved environmentally; use of circular seating to allow students to see and face speakers during discussion	Use of computer for exams; choice of oral exams; allow exams to be submitted electronically; place reserve materials on-line
The classroom environment promotes a community of learners	Design encourages interaction and communication among students, and between students and faculty	Facilitate study groups, use of list-servs and chat rooms that include all students, learning activities include dialogue, observation, and practice	Group projects inform final grade, participation and feedback to and from peers included in grade, evaluation reflects experience and dialogue
Classroom climate is welcoming and inclusive	Course outline and discussion affirms respect for diversity in the classroom	Encourage students with disabilities to discuss their learning needs, include diversity in instructional content	Discuss alternate format evaluation with all students; provide a list of FAQs related to assignments

Based on Brown University 2002, University of Connecticut 2005, and University of Guelph 2003.

In their case study of a student with severe multiple disabilities, Hatch et al. (2003), report that within a universally designed environment the student “won the respect of her teachers and peers, and gained a strong sense of self-confidence and empowerment that resulted in her becoming an outstanding student” (171). Through alternative means of participating in class, completing labs, assignments, and evaluations, the student demonstrated mastery in World History and Biology courses. The researchers conclude that determining the essential elements of learning is pivotal to providing multiple modes of access and to maintaining the integrity of learning outcomes (Hatch et al. 2003, 181-182). They go on to note that by providing academic access through curricula design,

The stress and inconvenience of last-minute accommodations . . . are eliminated. Because [UDL] principles incorporate well-established principles for good teaching . . . courses become better courses all around . . . We have discovered that virtually all students appreciate having alternate ways to acquire and demonstrate knowledge (182).

Access to learning through curricula design differs in an important way from access through disability support services and assistive technology. The practices that evolve from these principles do not segregate learners and can reduce the need for individualized supports. In contrast, support services and assistive technology meet the particular needs of individual students with disabilities, and do not benefit their non-disabled peers. However, UDL does not imply one optimal solution for all students. The model reflects unique strengths that warrant the need to accommodate differences and create inclusive learning

environments that maximize students' ability to progress (Johnson & Fox 2003, 11; Scott et al. 2003a, 81). At the same time, this approach will not eliminate the need for support services. For example, students who utilize American Sign Language for communication access will still require the services of interpreters in many situations. In fact, Scott et al. (2003a) note that UDL reflects an ideal:

We know from the extensive experiences and applications of [UDL] in the built environment that no environment can be made completely accessible to all individuals. The intent of [UDL] is to provide a framework for designing and developing educational environments that are more inclusive, but that can always continue to be enhanced and made more inclusive. (81)

3.3.2 Implementation Challenges

While the reported benefits of UDL are compelling, the challenges to implementation are not to be discounted. A number of authors (e.g., Embry et al. 2005; Johnson & Fox 2003; Scott et al. 2003a; Silver et al. 1998; Silver 2003) caution that there are a range of issues that must be addressed. The focus on minimum legal requirements within Disability Services offices and institutions in general; union issues related to change and employee activities; perceptions that UDL means more work and lower standards; difficulties reaching adjunct faculty with regard to training; lack of expertise on the part of some service coordinators to train faculty; and fears that UDL will devalue disability identity and culture, or weaken human rights protections, are cited as problems to be solved. Silver et al. (1998) completed a study in which faculty members were asked to identify barriers to implementing UDL. Participants reported that the implications for

practice are ambitious and include: the acceptance of the learning needs of students with disabilities; development of institutional mission statements including diverse learners as community members; building on current curricula design developments; and faculty in-service. Of particular interest was the recognition by faculty that implementing UDL would require a full cultural transformation in the manner of instruction, and that this would be a slow and difficult process (47-51).

Historically, instructors in higher education have been experts in their field of study and in delivering the content of their discipline through traditional approaches. Many faculty members have not been exposed to considering learner-centered approaches to education, setting clear goals, or objectively determining why students must learn specific curricula content (Harrison 2004; Weimer 2002, 46-47). In many cases, instructors have delivered curriculum in the same manner for decades. As a result, they may be taking a significant risk in changing what they do. Hatfield (2003) completed a study with the objective of determining what merit UDL held for faculty. He maintains, "It appears that participants were motivated to apply [UDL] principles out of personal beliefs that the instructional model is truly useful and generally feasible" (56). One participant noted that the approach holds promise but that positive faculty responses toward universal design for learning are more likely if first presented as a model to improve education for all students, not just those with disabilities. In other words, instructors' responses may be negative if changes to teaching practices are driven by legal responsibility to provide access rather than by the motivation to

provide effective teaching for all students (56). In this scenario, the focus of the campus community could remain solely on the provision of disability support services associated with a legal model of access (McGuire et al. 2003, 11; Scott et al. 2003a, 82 - 83; Silver 2003). Implementing UDL in higher education would entail wide-reaching ramifications. Members of the educational community would promote a socio-cultural model of disability and demonstrate an understanding of the ordinariness of the diversity of all learners. In order to promote this radical change, people must be engaged in thinking differently about educational access, and accept the challenge to think outside compliance with human rights legislation.

Adding to the complexities of these issues, changes to the nature of the educational landscape have progressed at a tremendous rate, partly due to advanced information, educational, and adaptive technologies. Reflection on this trajectory reveals that diminished face-to-face communication between people has exacerbated inter-personal misunderstandings. Franklin (1999) purports that “the value of technology has permeated our culture to such an extent that what is seen as efficient is seen as the right thing to do” (Franklin 1999, 124). Harris (2003) notes that “each new technological tool changes the way we interact with our surroundings” (178). She goes on to posit that a sense of agency may be a way beyond the technical rationality related to technological advances and so often associated with changes educational to practices (191, 195). Roh (2004) argues that a major challenge in realizing the benefits of technology is a lack of knowledge, skills, and awareness on the part of faculty, curricula designers, and

students with disabilities (46). Tobias (2003) emphasizes the importance of guidance by “technologically sophisticated professionals who can communicate with multiple audiences” (590).

In some situations, technology affords students with disabilities opportunities to access educational environments to an extent never realized in the past. It has also allowed them to more easily communicate with their peers and faculty, as well as to demonstrate the knowledge that meets the standards required by the discipline they are pursuing (Embry et al. 2005; Johnson & Fox 2003; Schuck & Larson 2003). Screen readers, voice-activated computer input and speech output systems, adapted keyboards, as well as FM systems, to name a few, have allowed students with low vision, hearing loss, upper body impairments, and those who are unable to speak, access to learning in ways that we could not have imagined fifteen to twenty years ago (Johnson & Fox 2003, 10-11). More mainstream technological advances, such as the access features on word processing programs, the use of PowerPoint and Web CT, have also increased the possibilities for multiple means of presentation and access to curricula (CAST 2005; Poplin & Rogers 2005, 176; Roh 2004, 68; Tobias 2003, 592). Increased access to on-line programming, educational websites, and the advent of classrooms where digital media, network access, sound systems, and document image cameras are standard features, can allow even further flexibility with regard to the teaching and learning process.

The development of UDL is inextricably linked to advances in these technologies that have become mainstream educational tools for all students. On the other hand, Scott et al. (2003b) remind readers that “UD does not require the use of technology, nor does the use of technology necessarily indicate that an educational environment has been universally designed” (47). While technology and digital media provide flexibility in instructional format, UDL encompasses the wider framework of planning and delivering instruction. As Johnson and Fox (2003) assert, “Using technology is only one solution. Transforming teaching methods is the real challenge” (12).

Some faculty members feel at sea in terms of incorporating the practices associated with universal design for learning into their approach to teaching. This is possibly due to a lack of training in UDL or other learner-centered approaches that emphasize learning outcomes, collaborative practices, or the use of technology in the teaching and learning process. At the same time, instructors cite time constraints as being problematic with regard to re-designing curricula (Johnson & Fox 2003, 14 -15; Harrison 2004; Scott et al. 2003a, 83; Weimer 2000, 72). As Silver (2003) properly argues, determining essential requirements and embracing UDL will entail a complete cultural shift in higher education where faculty members are asked to change their way of teaching and testing.

3.3.2 Situational and Cultural Factors

The imperatives of the educational public market push toward product differentiation, rather than toward tolerance and inclusiveness. (Stein 2001, 121)

This section of the chapter explores how academic access for students with disabilities is also inseparable from the mosaic of factors related to social order within post-secondary institutions. The discussion articulates how economic and social policy in BC, coupled with bureaucratic practices that sustain a technocratic culture, could mitigate against implementing universal design for learning. Although the political will may be manifest, purports Winzer (1999), access to education for students with disabilities remains controversial and precarious. Winzer goes on to argue, “Ideology has not enjoyed an easy transition to educational practice; the movement is balanced over an abyss of tight resources, changing demographics, teacher attitudes, parent expectations and other social and political variables” (100).

Economic and Political Issues

Shifting our approach to academic access for students with disabilities through UDL must be considered within the context of current economic, political, and institutional factors in BC. In both Canada and the US, there is an emphasis on market mechanisms and on high returns on investments. Closer connections with the private sector have been developed to promote commercially relevant research, and funding has been directed toward physical sciences. We have also

reached a point in academia where research is often valued over teaching and service (CPRN 2002; Franklin 1999; Immerwahr 2000; McBride 2001; Molnar 2002; Stein 2001; Turk 2000). Molnar (2002) concludes that,

The lessons are many and they would seem to undermine the values commonly associated with public education . . . The end result seems likely to produce a society of pliant shoppers valued mostly for what they can buy rather than one of independent thinkers who can build and maintain a democracy. (33)

One need only look to the US experience to anticipate the pending local struggles for students with disabilities wishing to access higher education. Due to the influence of market forces, Immerwahr (2000) reports a number of factors leading to negative outcomes for students from minority groups. These include a lack of focus on educationally disadvantaged students and resistance to costly academic support; inadequate funding to support inclusion; and a distancing of mutuality in decision-making that reflects collaboration between partners (Immerwahr 2000, 19-25).

How have these factors played out in BC? Post-secondary education is delivered in collaboration with the Ministry of Advanced Education (AVED) by 26 public institutions and over 1,100 private schools. When the BC Liberal Party was elected in 2001, their *New Era* strategic goals were articulated through a “Three-Year Strategic Plan”.²⁰ This road map, along with AVED’s “Three-Year Service

²⁰ Readers should note that the educational policies of the BC Liberals do not reflect the view of democratic equality referred to in Chapter 2. The orientation of the party is not concerned with the fair distribution of resources but rather with the promotion of market efficiencies, institutional autonomy, and student choice.

Plan”, has guided the reform of the province’s public services within status quo budgets between 2002-2003 to 2004-2005 and beyond (Government of BC 2002, 1-4). In BC, it seems that these changes have brought “access for all” to public post-secondary education into some degree of question. The provincial government’s political agenda has resulted in outcomes for students with disabilities that mirror those that Immerwahr (2000) described in the US.

The public purse in Canada is also facing pressure from increased demand for access to the post-secondary system. Enrollment is predicted to increase by between 100,000 and 300,000 students by 2011; and increased costs are estimated to range between two to six billion dollars per year (CPRN 2002, 12-14). Stein (2001) refers to a “cult of efficiency” as shaping our responses to these pressures. Underlying this theme is the promise that markets will deliver efficiency where governments have failed. He goes on to point out how public schools have adopted the language of business where terms like “customers”, “clients”, and “products” have begun to change the nature of the teacher/student relationship (14). As early as 1999, Ursula Franklin claimed that publicly funded institutions had become venues of private funding, and that planning to maximize gain had become embedded in policy (117-122).

Years of diminishing resources have exacerbated the complex interactions between diverse and often contending groups. These economic pressures may further divert the value of inclusive education and the resources required to enhance teaching practices through universal design for learning (Scott et al.

2003a, 83; Silver 2003). Reed et al. (2003) completed a survey of students and administrators in Ontario regarding proposed standards of practice regarding educational access. Managers pointed to time commitments, workload, and institutional policy constraints as barriers to achieving disability program standards. Participants expressed overall strong support for most practices, but they less strongly supported practices that required enhanced funding, staffing, and resources (27).

The looming labour market crisis in BC that will result from attrition suggests that the workforce requires that post-secondary institutions graduate students with disabilities. This would also reduce the costs of social programs that support unemployed British Columbians. Perhaps most importantly, students with disabilities have the potential to make significant contributions to the betterment of our communities and economy. Mendes (2000) argues that leaders in the area of access for students with disabilities must utilize the language of equal human dignity “to force the design of inclusive systems, even when it comes to issues such as . . . budget cuts” (5). In fact, Mendes believes that budget cuts to access initiatives may be ripe for constitutional attack. He argues that,

Education is so fundamental to human development, especially for special needs students, there is no doubt that not providing or even taking away the intellectual ramps that these students need would be a profound breach of human dignity. (5)

Bureaucracy and Social Change

Within the context of the public education sector, a highly rationalized social order has become pervasive as cost, profit, and efficiency grow in social importance, controlled by the impersonal mechanisms of bureaucracy. The accomplishment of organizational goals and the maintenance of the status quo of organizational routines take precedence over the welfare of individuals (Bates 1989, 135-136). Schultz (1994) contends that bureaucracies naturally develop sub-groups over time, become isolated from each other, compete for resources, and develop entrenched positions regarding their values, beliefs, and world views (12).

Will it be possible to move away from responses rooted in the bureaucratic codes and structures of higher education in order to facilitate a human response toward academic access for students with disabilities? It is in facing the complexities of social change that we find the key challenges to providing barrier-free access to learning. Public post-secondary institutions have been historically resistant to change, sensitive to shifts in power, and reluctant to reallocate resources. Burns (1978) opines that bureaucracies often forget they are “servants of the people”, and end values become lost in internal transactional relationships between administrators and staff (302). Samier (2002) argues, “Bureaucracy precludes both the value orientations and the conditions for leadership” (41). She asserts that the objective of educational leadership is to preserve and “reassert” the soul of scholarship and counter the forces of government authority that are

rationalizing public institutions. The manner in which leadership is practised may determine a way to equalize the stronghold of bureaucratic structure and practices (38). Arguments concerning the inefficiencies and monetary costs of broader-based, valuational leadership approaches could be countered with a commitment to minimizing the human costs of repression, lack of personal growth, and apathy. Further, the difficulties inherent in the complexities of bureaucracy are likely to make loosening the grip of rationalization in higher education a formidable task (42-43).

Working through the implications of a profound shift in educators' responsibility for access since the inception of human rights legislation, and the attendant challenges related to access to curricula, is no easy task. Our educational communities will require a commitment both to equal respect for variation of the human condition and to social change as a pre-requisite to decision-making regarding universal design for learning. Social structures within post-secondary institutions also set the criteria for what is considered "normal" and responses to those categorized as "Other" (Barnes et al. 1999, 183-184). In his Massey lecture, "Becoming Human", Vanier (1998) argues that we are frightened of difference and that this fuels exclusion. He speculates that difference disturbs us and we seem to feel it will cost us something to respond to this discomfort. People are afraid of venturing into unknown territory, and feel that they have invested in the "divine right of power" to maintain the status quo. Kahne (1996) states, "Historically fear of diversity and change has led groups to try to insulate themselves from those with different values and beliefs" (31). As Smith (2000)

argues, with respect to equality rights, academic inclusion extends well beyond the limits of the formal application of legislation (23).

3.4 Need for Further Research

*We must be wary of the limiting nature of binaries, their inhibition of other ways of thinking and knowing, and their potential to stifle the cultivation of fresh perspectives.
(Connor 2005, 168)*

It is impossible to approach the issue of academic access for students with disabilities within the public higher education sector in North America without discussing equality and fairness, the legal framework of human rights legislation, perspectives on teaching, and the provision of individual accommodations. Concomitantly, economic and political factors, as well as varying leadership styles within a bureaucratic institutional culture, play significant roles in determining academic access for students with disabilities. This chapter has demonstrated the tensions that have arisen as a result of conflicting practices, beliefs, values, and attitudes related to these matters. However, a “rights” approach to access relies on the notion of difference from the norm at a time in history where a wide range of diversity has become the norm. The complexion of the student population currently reflects mixed demographics including older learners, those with cultural differences, part-time learners, and those with English as a second language (Johnson & Fox 2003, 8-9; McGuire et al. 2003, 10; Silver 2003). These students expect an equal opportunity to acquire and demonstrate their knowledge and skills within a community of learners.

Therefore, educators require new approaches to facilitate the learning process.

Clough and Corbett (2000) posit:

In broad historical terms, there has been a change of conception from curriculum as syllabus to curriculum as cultural scheme. The whole history of inclusive education in schools and colleges might be plotted in terms of this shift. The shift effectively encapsulates what is meant by inclusion, for if inclusion is essentially about maximizing participation in community and culture, then in schools the medium for this is the curriculum. (18)

3.4.1 Confluence with Disability Services

Neufeld and Hoskyn (200X) argue that embracing factors intrinsic to the individual, and the socio-cultural issues that impact access to learning for students with LD, could assist educators in improving inclusive practices (184, 186-187). Similarly, Connor (2005) maintains that openness toward diversification of thought will assist our understanding of LD (159). Enhanced access for students with disabilities will require the “open acceptance of competing discourses, all worthy of consideration because each is required to know and understand the others” (Connor 2005, 172). This way of thinking could assist the educational community to better understand the biological *and* socio-cultural aspects of disability, the efficacy of universal design for learning, the use of technology in the teaching and learning process, the provision of individual support services, as well as the requirement of human rights law and institutional policies to provide medical documentation of disability.

Learner-centered instruction, the principles of UDL, the use of technology in the learning environment, disability support services, and the legal precedent set in “Meiorin” (1999) achieve confluence in the need to determine essential requirements of courses and programs. While educational access is legally mandated, the manner in which access is provided is not. For example, UDL requires that educators determine the academic outcomes required of all students (Harrison 2004; Hatch et al. 2003). Learning objectives, or the specific knowledge that students must demonstrate, are also central to the legal model of access to higher education (Price 2004). Based on current case law, faculty must determine methods of assessing outcome variables that are absolutely necessary, as well as acceptable levels of performance on these measures.

This practice is also central to learner-centered instruction. Educators must ask: What alternative methods of instruction could be considered for teaching essential outcome variables? What alternative measures could be of assistance in evaluating a student’s knowledge? What are acceptable levels of performance on these alternative measures? Instructors’ sense of empowerment could be enhanced if they were to engage in this process. It is possible that they would experience more ownership and agency toward the accommodation process, and remain confident that academic standards are being met. In the same vein, relationships related to the accommodation process between students, faculty, and DSS coordinators may improve. It is important to keep in mind that, while disability support services are individualistic, UDL is also intended to meet the needs of individual learners but at the same time enhance access for all

students. Similarly, the use of technology can be integral to the provision of support services, as well as to implementing UDL (Harrison 2004; Brown University 2002).

However, the current lack of empirical evidence that universal design for learning is effective suggests that there is room to further explore the impacts of this paradigm. Can we meet our legal responsibilities regarding academic access and enhance the teaching/learning process for students with disabilities? Universal design for learning is a framework that has evolved over the past five to seven years and many questions remain unanswered related to efficacy. Because this model is so recent, there has been little empirical research completed to build on its theoretical and conceptual foundation (Embry et al. 2005; McGuire & Scott 2002; McGuire et al. 2003; Romereim-Holmes & Schade 2003; Scott et al. 2003a, 2003b; Silver et al. 1998; Silver 2003).

The degree of certainty regarding knowledge claims related to this approach, and its suitability in formulating access for students with disabilities, will only become apparent through the questions posed by ongoing inquiry processes. For example, the studies related to UDL reviewed in this chapter reflect data collected from educators who are committed to the principles of the paradigm and who report that they work in environments that embrace change. How would the findings from these studies differ if they were replicated within less supportive higher education cultures or in institutions with different demographics? While the studies are grounded in relevant scholarly literature and thorough data analysis,

the small sample sizes and poor response rates in some research raise cautions against generalizing results. Further triangulation with strong analysis, interpretation, and evaluation of research outcomes will be necessary to strengthen the findings of these studies - particularly as they relate to the complexities of accommodating students with disabilities; members of the educational community's experiences and commitment to the approach; and the resource levels required to support implementation. This literature review of disability support services and universal design for learning reveals significant educational tensions related to academic access for students with disabilities. It also illustrates the difficulties faced by educational leaders balancing what they have the "right to do", compared with "doing the right thing".

Some degree of collective insight into the processes through which social reality regarding academic access is constructed, managed, and sustained is required to better understand these complexities (Barnes et al. 2001, 211; Kelly 2001, 399; Mendes 2000, 24). In this study, the practices that support academic access are explored through the experiences of students with disabilities and faculty. The conversation with participants regarding aspects of instruction related to the principles and practices of universal design for learning may allow educational leaders to be better positioned to facilitate inclusive practices in instruction. This may eliminate the need for some individual accommodations and make others more easily achievable because they were anticipated from the inception of re-imagining the teaching and learning process (Silver 2003). Johnson and Fox (2003) contend that, "despite the potential barriers posed by time, resources, or

lack of administrative support, the benefits of implementing [UDL] can far outweigh the challenges” (17). They go on to assert that “administrators can take pride in the realization that they are fulfilling the spirit, not just the letter of the law, and providing truly equal access to a diverse student population” (17-18).

Most people would agree that respect for human dignity is a valued goal in our society. Nonetheless, in the words of Mendes (2000), “sometimes the most fundamental of human aspirations becomes tortured in the hands of competing ideologies. So is the quest for equality”. However, Silver (2003) argues, “Our higher education institutions cannot operate in a vacuum. They engage in the same inexorable evolution that our society is facing – towards full integration and nothing less . . . One primary step to full integration is *accessibility* or *access* to programs”. (emphasis in the original).

CHAPTER 4 RESEARCH DESIGN

4.1 Introduction

Design in qualitative research is an iterative process that involves [moving] back and forth between the different components of the design, assessing the implications of purposes, theory, research questions, methods, and validity threats for one another. (Maxwell 1996, 4)

The purpose of this chapter is to describe the iterative process of research design used for this study. How could I best understand the impact of universal design for learning on the experiences of students with disabilities and faculty, and the shape of educational leadership oriented toward inclusive educational practices? In the words of Denzin and Lincoln (2000), “research design describes a flexible set of guidelines that connect theoretical paradigms first to strategies of inquiry and second to methods for collecting empirical material” (22). In the first section of this chapter, the study’s qualitative theoretical framework evolves through the framework of Gadamerian hermeneutics. At the same time, the need for change in the manner in which post-secondary educators provide academic access for students with disabilities leads to a critical turn.

The second section of the chapter explores critical ethnography as the interpretive methodology adopted for the study. How do discourses and

discursive practices in the social construction of meaning and order impact participants' understandings of disability? What is the interplay between universal design for learning and the forces that support and constrain the shape of decisions that provide academic access for students with disabilities? These questions are explored through a narrative case study where the focus is on the anatomy of culture within a large urban post-secondary institution in BC. This section of the design discussion also addresses the decisions that inform the case's unit of analysis, selection of the research site, and the recruitment of students with disabilities and faculty.

The qualitative methods that are utilized to collect and manage data, and contribute to the trustworthiness of the study, are reviewed in the final section of this chapter. Goodman (1998) purports that value neutral research is not possible, but that it is possible to take steps to avoid "a mere confirmation of our previously conceived ideology" (61). This became a central objective of the design process. The ethical foundations that affect every stage of the inquiry, including trustworthiness, are woven throughout the chapter.

4.2 Research Approach

These are dialogical texts. They presume an active audience. They create spaces for give-and-take between reader and writer. They do more than turn the other into the object of the social science gaze. (Denzin & Lincoln 2000, 5)

Disability Studies and Adult Education are disciplines that are inclusive of both objective and subjective ontological and epistemological paradigms. Both frameworks have provided new knowledge related to access to higher education for students with disabilities. What counts as authority? Reflecting on the biological and socio-cultural views of disability, I realized that both are socially constructed. Gadamer (2003b) maintains that even pure science reflects cultural practices where prejudices are present in all judgments (xxiv; see also Bowie 2003, 200, 252; Grondin 2002, 37). Nevertheless, as Gergen (1999) purports, empirical findings can speak with a powerful voice in specific situations. However, the interpretive and culturally situated nature of constructivist epistemology provides an alternative to “one truth for all” as determined through the objective world of an empirical paradigm (93-94). While experimental and survey research can provide important information through reliance on statistical analysis, it did not offer the mechanism to elucidate the understandings I was seeking.

In this study, the topic, the study’s purposes, and research questions evolve from constructivist epistemology. Brown (2001) argues that recent views within

disability research are compatible with a critical theory and a participatory value paradigm:

First, a view has emerged that argues that there is no objective concept as disability; hence, disability is a subjective, socially derived concept. Second, disability must be viewed as a function of historical attitudes and political structures. Finally, disability research cannot be viewed as valid without the empowerment in persons with disabilities in that research. (155)

Understanding the symbiotic relationship between the context that participants act in, and the influence of this context on their actions, is well served by the interpretive practices typical of a qualitative framework (Miles & Huberman 1994, 4; Maxwell 1996, 17-19). Answers to the research questions on universal design for learning evolved through understanding the meaning of lived experiences of the study's participants. These understandings are intricately linked to human relationships between students with disabilities and faculty, along with a range of socio-cultural factors. The meaning of academic access for students with disabilities cannot be separated from the historical, political, economic, cultural, social and personal contexts within which participants' live their educational lives (Denzin & Lincoln 1994, 5; Stake 1995, 43). The recent emergence of universal design for learning as a framework for academic access for students with disabilities also points to a qualitative approach as the foundation for the study. As Creswell (1998) purports, the verification of theories through inductive reasoning, and the flexibility of an iterative research process, lend themselves particularly well to an area where little research has been completed on the topic (18).

The design of this study emerges through Hans-Georg Gadamer's (2003b) philosophical hermeneutic tradition. However, the design process also adopts a critical cultural stance. As Chapters 2 and 3 established, the foundation of this study is an interest in social justice and competing interests related to academic access for post-secondary students with disabilities. An analysis of the commensurability between Gadamer's philosophical hermeneutic tradition and a critical framework reveals a confluence that bolsters the inquiry's design.

4.2.1 Gadamerian Hermeneutics

In this section of the chapter, a dialogue is articulated between Gadamer's hermeneutics, and how this framework is utilized in the process of research design. His key principles of understanding, application, and interpretation are applied to the development of the study's framework (Gadamer 2003b, 308). However, exploration of Gadamerian hermeneutics pertaining to further aspects of his project is beyond the scope of this discussion.

Gadamer's principle of "understanding" is a dialogic and situated activity bound by its own historical situation (Gadamer 2003b, 357; Gadamer 2004, 29; Grondin 2003, 154). Believing that language is what enables us to share the world, he saw understanding in terms of tradition that takes the form of effective historical consciousness. According to Gadamer, the past stamps us permanently – it is part of being. By illuminating this history we can become conscious of and overcome the prejudices that determine understanding. Language is the site of

this continuing tradition and creates a community of understanding through dialogical openness, in which prejudices are challenged and horizons expanded (Anderson et. al 1986, 74-76; Bowie 2003, 253; Grondin 2002, 41).

This framework is synthesized in the notion of “application” or translation which Gadamer describes as the central problem of hermeneutics (Gadamer 2003b, 307). The hermeneutic task consists of consciously bringing out the tensions between the text and our present understandings (Gadamer 2003b, 306). However, meaning remains tentative as we can always find better words for what needs to be understood (Gadamer 2003b, 308; Grondin 2002, 43). A suspension of the antecedents of understanding is required in order to allow the text to ask its own questions. Gadamer (2003b) maintains that “this separation must take place in the process of understanding itself . . . But that means it must foreground what has remained entirely peripheral in previous hermeneutics: temporal distance and its significance for understanding” (296).

In order to formulate the research questions in this study, I moved through an iterative process related to integrating the problem of access to higher education for students with disabilities with the historical legacies that impact constructions of disability and access practices. Tensions related to Canada’s individualistic legal culture and the relational tenets of community and social justice provided the foundation for this dialogue. Gadamer proposes that a fusion of horizons is accomplished through this conversation with tradition. The result is not an

accurate reading but a new creation (Anderson et. al. 1986, 74-76; Bowie 2003, 253). For Gadamer (2003a),

There is no more an isolated horizon of the present . . . than there are historical horizons which have to be acquired. Rather, understanding is always the fusion of these horizons supposedly existing by themselves" (306).

As the text begins to present itself, its meaning is placed "in relation with the whole of one's own meanings" (Gadamer 2003a, 307).

Philosophical hermeneutics evokes the notion of positive uncertainty. I began to realize that there are multiple paths that can help us better understand the full inclusion of students with disabilities attending post-secondary campuses in BC. Booth et al. (1995) suggest a process whereby researchers question their topic to attain clarity on the problem being investigated (46-49). As I began to explore academic access for students with disabilities, I asked: What are the parts of the whole related to this topic? What part of a larger whole is academic access? How did the history of educational access evolve? How have notions about adult learning and access to learning for students with disabilities changed over time? What groups of people within educational communities are involved in constructing access to post-secondary learning? What larger categories do these groups belong to? As Lawson (1991) puts it, "a concern for the questions and problems that are 'behind' the . . . experienced world", led me to explore and question the systems of thought that support my current values, beliefs, attitudes and practices (284). This, in turn, led to exploring universal design for learning as

an alternative paradigm of academic access for students with disabilities. What is the social and educational value of universal design for learning for students with disabilities? Through the experience of this iterative process, I came to understand that each answer truly does elicit another question.

Maxwell (1996) describes how the development of research questions is also driven by a hermeneutic process evolving from an interactive approach with the topic, related in some ways to the hermeneutic circle of textual retrieval (Maxwell 1996, 13). I asked: What is the topic specifically about? What do I *not* know, but want to find out, about universal design for learning as an access model for students with disabilities? What is the wider significance of the primary research question on universal design for learning? What did I want readers to better understand about the topic?

As the research design process evolved, I came to understand how the language utilized to describe access to education reflects a web of assumptions and prejudices of past understandings. The use of the terms “accommodation” and “support” to describe academic access for students with disabilities provides a good example of how language shapes our perceptions of reality and our responses. These terms connote an adjustment or adaptation to suit differences from what we perceive as physical and mental norms. While there is some sense of generosity in these terms, they also have exclusion built into them. Instructors become “accommodators” put in the position of having to provide support for students, while students become recipients of their “help”. Once educational

access is linguistically situated within the framework of “accommodation” and “support”, it seems that faculty members would inevitably ask themselves how much is reasonable to give up from their pool of resources, including time, space and pedagogical beliefs, to assist students with disabilities?

Lawson (1991) reminds readers that history plants roots that feed the growth of our current “views about society, humanity, knowledge, learning, [and] teaching”. That is, “We catch their meaning only as snapshots in time, yet they reflect their origins either by retaining some of the original ethos or by reacting radically against it” (290). For example, in Canada and the US, the term “adult education” has evoked a multitude of meanings over time, tightly connected to the cultural values of liberal democratic societies. In the same way, formulating an understanding of the nuances of Canadian court decisions related to educational access for students with disabilities constitutes another example of Gadamer’s hermeneutic framework. As illustrated in Chapter 2, human rights case law has continually evolved rooted in historical precedents to an extent that it has formally increased opportunities for enhanced academic access. For example, the framework that evolved from “Meiorin” now requires that educational standards be objectively determined as essential learning outcomes. This has strengthened the link between access and the learning process. At the same time, future decisions of the courts could result in shifting realities with regard to the extent to which public educational institutions are obligated to provide academic access. In this context, the interpretation of the law provides an example of a hermeneutic

approach, since the process of applying the law inevitably transforms it (2003b, 340-341).

According to Grondin (2002), the moment of mutual understanding that develops between the researcher and the text, when the horizon of the text and that of researcher intersect, is the significant moment of hermeneutic inquiry. The hermeneutic circle constitutes understanding and reflects the principle of “interpretation” (50). The notion of understanding as application leads to the idea of circularity and the concept of the coherence of the whole and the parts. The fusion of horizons occurs through a gradual cognitive process in which applications of understanding are revised in light of a more cogent understanding of the whole (Gadamer 2003b, 306; 2004, 29; Grondin 2002, 47). In *Truth and Method* (2003b), Gadamer explains:

Thus the movement of understanding is constantly from the whole to the part and back to the whole. Our task is to expand the unity of the understood meaning centrifugally. The harmony of all the details with the whole is the criterion of correct understanding. (291)

Gadamer (2003b) maintained that hermeneutic interpretation is inherent to understanding the concepts, beliefs, and standards within our political practices, processes, and institutions (see for discussion on this aspect of Gadamer’s work Habermas 1996, 160; Held 1989, 3-4; Parsons 1995, 449). My current understandings of the principles and practices of universal design for learning are constantly re-formulated in light of historical and current economic and political factors that inter-play with post-secondary education’s bureaucratic culture.

Finally, the challenge of applying what I was learning to my prior understandings of academic access for students with disabilities was heightened when I tried to find the words to formulate the working title of the thesis. Just as initial drafts of the research questions evolved over time, multiple transformations of the working title are a compelling example of the hermeneutic process. As understandings of the experiences of students with disabilities and faculty, as well as the contextual and conceptual aspects of the topic evolved, the words of the title gain further clarity. Ongoing iterations will reflect deeper understandings.

This section of the chapter has outlined how Gadamer's hermeneutic approach provided a theoretical framework to develop the substantive topic area of the thesis. The process informed the choice of theories, models and concepts that are the foundation of the research questions on universal design for learning, the formulation of the significance of the study for research knowledge, and the enhancement of my professional practice. Similarly, the methodological design of the study reflects hermeneutic understandings. Beyond this, the inquiry process itself involves reflection on research practices, and in this respect will render the process itself hermeneutic. The fact that readers will construct their own meanings, thus gleaning further understandings from the analysis of the case study and conclusions drawn, is particularly reflective of Gadamer's notions of understanding, application, and interpretation.

As Gadamer states in *Truth and Method* (2003b), "To reach an understanding in a dialogue is not merely a matter of putting oneself forward and successfully

asserting one's point of view, but being transformed into a communion in which we do not remain what we were" (2003b, 379). Drawing on this framework, my goal was to realize a "fusion of horizons". The challenge of prejudices through dialogue – particularly the dialogue that negotiates the social spaces between identity, experience, and human relationships within public higher education in BC – became the core of this process (Gadamer 2003b, 306; Bowie 2003, 252; Kelly 2000, 376; Turner 2001, 255).

4.2.2 A Critical Turn

In this study, a critical approach informs the possibility of social and cultural change related to academic access for students with disabilities within public higher educational institutions in BC. Scholars working within a critical tradition study social institutions and their transformations by interpreting the meaning of social life and the historical problem of alienation and social struggles. Their work involves a critique of society while envisioning new possibilities. A critical framework explores explanations of the causes of oppression, including ideological beliefs and economic dependence (*Cambridge dictionary of philosophy* 1999, 324-325; Creswell 1998, 80-81; Denzin & Lincoln 2000, 158; Johnson 2000, 67). Critical theory embraces social theories that are explanatory, normative, practical, and self-reflexive.

Qualitative researchers often draw on multiple theoretical frameworks within a study's design. In this study, I needed to explore the commensurability between

qualitative approaches rooted in co-created and value-mediated knowledge. While both philosophical hermeneutics and critical theory embrace the virtues of practical wisdom, a dialectical approach, and both reject the attempt to root understanding in any method or set of rules, the frameworks also differ on other levels. Critiques of Gadamer's paradigm have claimed that it leaves too little space for a critical perspective regarding the oppressive aspects of modernity, and that it does not adequately address the possible distortion of tradition that can ultimately obscure the truth (Bernstein 2002, 267-268, 274; Bowie 2003, 254). The thinking of critical theorists is commensurable with Gadamer's on many levels, but the former bring the theory of praxis to philosophical hermeneutics and argue that Gadamer was too conservative regarding radical change (Gadamer 1976, 26; 2004, 94; see also Bowie 2003, 253). In contrast, Bowie (2003) notes that critical theorists encounter difficulties establishing the place from which critical claims originate to support their notion of truth as a regulative idea (255).

The complex relationship between philosophical hermeneutics and critical theory seems to reveal differences where each serves as a corrective to the other (Bernstein 2002, 275). Rather than focus on the differences between the paradigms as being incommensurable, I find it useful to view them as Bernstein (2002) does, "as forming a new constellation with . . . affinities and differences, attractions, and repulsions", where each shines brighter when viewed together (281). The frameworks share many of the same basic beliefs and positions including a fluid view of reality rooted in an analytical approach, with a focus on

the depth of human interaction. Understanding is dependant on a background context and a commitment to address the critical social issues of our times (Lincoln & Guba 2000, 170-173; Schwandt 2000, 191). Schwandt (2000) argues:

Knowledge of what others are doing and saying always depends on some background or context of other meanings, beliefs, values, practices and so forth. Hence, for virtually all post-empiricist philosophies of the human sciences, understanding is interpretation all the way down. (201)

A heightened focus on the axiology within philosophical hermeneutics and critical theory reveals the human spirit as the core of each paradigm. As Lincoln and Guba (2000) purport, ethics are embedded within paradigms and reflection moves researchers toward crossing disciplinary boundaries (169).

A critical turn in the inquiry's design demands what Tedlock (2000) calls a "critical interactive self-other conversation or dialogue" (461). Drawing on Schwandt (2000), the epistemology of interpretive sociology weaves a critical discourse throughout the research design process by exploring points of view that reflect alternate values, interests and ideologies (199). By exploring the dialogue that reflects social relationships between students with disabilities and faculty in relation to access to learning, the tensions that currently exist within public higher education will become evident. The focus on relationships elucidates understandings of educational practices that can be too easily viewed as individualistically constructed and sustained (Gubrium & Holstein 2000, 503).

At the same time, situational issues and aspects of institutional culture inform socially constructed reality. What notions of social order are rooted in the context of culture that grow the historical, biological, social, legal, and educational discourse regarding disability? Development of the thesis topic, research purposes, and questions took shape as a result of moving to the boundaries of my current understandings and making every effort to bracket prejudices. In this way, I was able to retrieve new insights that impinge on students' full membership in the educational community. When I began this project, attempts to think outside the ideology of a legal framework of access to learning were challenging. However, I came to question the efficacy of the biological model of disability and a legal and educational framework that relies primarily on medical and psycho-educational documentation to determine access practices.

Gubrium and Holstein (2000) purport that "examining the interplay between discourse and discursive practice transforms analytic bracketing into critical bracketing". A critical consciousness is maintained by "absorbing the discourses of social relationships or the impact of discursive practices, depending on which is in focus during the bracketing process" (504). The goal of this study is to mine the depth, detail, and meaning of educational relationships and practices that students with disabilities and faculty engage in to create social meaning and order related to access. Access to learning is kept in focus as an object of intellectual inquiry, but the process recognizes a complex interplay between the social experiences of disability with the framework within which we provide access to learning in BC. For example, Barnes et al. (1999) claim that, through

the empirical classifications of medicine, we create a social category of the “deviant” from which people with disabilities gain their identity (81). Similarly, Kelly (2001) claims that the community constructs a social identity that draws on a set of cultural and social understandings about illness and disability (402). He goes on to purport that “disability is the experience of power that subordinates, marginalizes, and excludes . . . Within the life-world, the locus of that experience of marginalization and disadvantage is the self” (400).

How do curricula built on a socio-cultural model of disability and a constructivist approach to education, such as universal design for learning, shape community members’ relationships and sense of agency? From an inclusive perspective, community becomes the keystone in the foundational thought of adult education that provides academic access for students with disabilities. As Griffen (1991) purports,

Sociology has an important contribution to make to our understanding of the social processes that have been termed marginalization (exclusion from the central processes of society) or incorporation (inclusion in the mainstream), or reproduction (transmission of cultural deprivation to the succeeding generation). The acknowledged failure of progressive education in these regards is evident in both theory . . . and practice. (263)

4.3 Methodology

The [case] study is an opportunity to see what others have not seen, to reflect the uniqueness of our own lives, to engage the best of our interpretive powers, and to make, even by its integrity alone, an advocacy for those things we cherish. (Stake 1995, 136)

Geertz (1973) refers to “blurred genres” where researchers are free to borrow ideas from across disciplines and utilize various frames of reference in their work. Goodman (1998) points out that critical ethnography emerged from this concept of “blurred genres” (51). This section of the chapter explores the methodological design of the study and how my understandings will develop related to the impact of universal design for learning on students with disabilities and faculty. The focus is on how the principles of critical ethnography are concomitant with the purposes of the study and research questions. Finally, this part of the study’s design describes the process used to select a research site that reflects the culture of a public post-secondary institution in BC, and to recruit participants for the study.

The methodology of this study presents a marked point of departure from traditional, interpretive, sociological traditions, as well as Gadamer’s paradigm with regard to understanding. The interpretive view has held hermeneutics as a technique of understanding that creates a methodological foundation for the human sciences, while, within philosophical hermeneutics, understanding is the very condition of being human (Schwandt 2000, 194). Traditionally, “interpretivists argue that it is possible to understand the subjective meaning of

action . . . yet do so in an objective manner” (Schwandt 2000, 193). However, Van Loon (2001) purports that recent interpretive approaches do not necessarily embrace a structured methodological approach to cultural research typical of the Chicago School, symbolic interactionism, and ethnomethodology. He goes on to argue that even advocates of “realist” ethnography believe the “correspondence between the unfolding of an event and its writing as a rendering of an account of an event” is an ideal (281). In this study, I adopt Van Loon’s position. While I make every effort to accurately reflect the meaning of the social experiences that participants conveyed through the interview process, there will always be gaps between their interpretation of language and my own.

4.3.1 Ethnography

Today, the terms “ethnography” and “case study” are interchangeable when the goal is to understand social meaning and order within the unit being investigated (Merriam 1988, 23). Ethnography originates in anthropology and comprises a socio-cultural analysis of data. This manner of research in education seeks to understand specific issues and problems of practice and often draws on other disciplines (e.g., sociology, psychology, history, political science) for theoretical orientation and methods of data collection and interpretation (Merriam 1988, 23-25; Van Loon 2001, 273). The critical turn in ethnographic research is captured by Spradley (1979) who maintains that this approach to ethnography can result in social change as well as a search for knowledge and understanding (15). Gordon et al. (2001) reflect on how a critical approach also facilitates action:

Research in the field of education is often connected to particular ways of wanting to improve schools/education/societies; critical approaches are interested in making connections between research and practice. (199)

While narrative case study has a recent history, as early as 1960, Beatrice Wright, in her foundational work, *Physical Disability: A Psychological Approach*, explains theory through the stories of clients. Merriam (1988) purports that qualitative case study is well suited to understanding educational phenomena and offers contributions to the knowledge base and practice of education. That is,

Investigators use a case study design in order to gain an in-depth understanding of the situation and its meaning for those involved. The interest is in process rather than outcomes, in context rather than a specific variable, in discovery rather than confirmation. Such insights into aspects of educational practice can have a direct influence on policy, practice, and further research (xii).

The field of disability studies commonly draws on this approach to research, to weave a narrative from the life experiences of participants. Case studies well represent the problems of marginalized groups, and portray holistic understandings of environmental systems (e.g., Hatch et. al. 2003; Hatfield 2003; Long et al. 1999; Low 1996; McCarthy 2003; Silver et al. 1998).

Ethnography has the potential to meet the study's goals to contribute to new knowledge on universal design for learning and to strengthen my professional practice. Lather (1986) refers to critical ethnography as "research as praxis . . . [or] the dialogical tension, the interactive reciprocal shaping of theory and practice" (258). According to her view, theory is built through "a mutual

negotiation of meaning and power between researcher and researched, and between data and theory” (258). This process requires an openly ideological and critically reflective stance. A narrative case study has the potential to shine a light on holistic understandings of the social system of action within a public post-secondary institution in BC. The methodology is intended to elicit the linkages between the learning needs of students with disabilities, universal design for learning, and the related political, economic, social, and cultural characteristics of a post-secondary environment. In turn, these understandings will hopefully influence supports and barriers to the accommodation process.

How do students’ and instructors’ understandings of disability, educational practices, and the role of social structures in higher education, impact on human relationships and educational access? Given that the social construction of reality is but one lens through which to view the world of disability, teaching, and learning, this question became the core of what the study is designed to better understand. According to Gubrium and Holstein (2000), “the constant interplay between the analysis of these two sides of interpretive practice mirrors the lived interplay among social interaction [and] its immediate surroundings”(500). By gaining a better understanding of how students and faculty describe disability, their interactions between each other regarding learning, as well as their experiences related to what constitute supports and barriers to learning, the implications for educational leaders in supporting enhanced academic access will evolve.

Lather (1986) developed five principles of critical inquiry that Trigolus (2001) encourages researchers to consider in determining the confluence between an inquiry's purposes and research questions with ethnographic design. Reflection on each of these principles guided the methodological design of this study. The first of these principles reflects the need for change in academic access practices in public higher education in BC, as well as a commitment to better understanding the experiences of participants.

..... Critical inquiry is a response to experience, desire and need. The initial step being to develop an understanding of the world from the view of the participant (Lather 1986, 268).

A commitment to the principle of inclusive practices that enable access to post-secondary learning for students with disabilities has been a guiding force throughout the course of my professional practice. The stories of clients in my professional practice, along with those of faculty and disability services coordinators, indicate that individualized support services fall short of generating collaborative relationships and inclusive teaching practices. The practices associated with universal design for learning hold promise that academic access can be enhanced for a range of diverse learners. However, insight into the complex inter-play between human relationships and social structures that facilitate cultural change can only occur with the engagement of the study's participants. As emphasized by many scholars, the participatory aspect of this study gives voice to the experiences and perspectives of students and instructors, related to the meaning of disability, access to learning, and inclusion

in the educational community (Creswell 2003, 9-10; Lincoln & Guba 2000, 21,168; Maxwell 1996, 21).

As Creswell (2003) points out, the collaborative nature of the process speaks to inquiry “with” participants rather than “on” them (10-11). He notes the importance of “telling the story from the participants’ point of view rather than as an ‘expert’ who passes judgment” (1998, 18). This is particularly relevant in this study because of the approach within the biological model of disability where professionals have traditionally been intervention agents, appropriating personal empowerment from people with disabilities - a dynamic that proponents of a social model of disability have fought long and hard (Kelly 2001;Turner 2001). People with disabilities reinforced this notion in December 2004, when they chose “Nothing About Us Without Us” – a collective political rallying cry - as the theme for United Nations Disabled Persons Day.

The second of Lather’s principles addresses the reciprocal role of language in understanding.

.....Critical inquiry is a fundamentally dialogic and mutually educative enterprise (Lather 1986, 268).

The inquiry process recognizes multiple realities that are the function of personal interaction and perception (Merriam 1988, 18; Stake 1995, 37). I was sensitive to the impact my position as a disability services coordinator may have on participants’ comfort level related to sharing negative experiences. I made every

effort to create an inter-personal dynamic where students and faculty felt safe expressing their experiences regardless of the content. As discussed later in this chapter, participants were invited to react in an ongoing manner by providing feedback on their interview transcripts, tentative interpretations of their experiences, as well as the research process. In these ways, a process was created that built an iterative learning process.

A reflexive approach is deepened through attending to what Glesne (1999) points to as the “contextual nature of knowledge along with the role of language in creating meaning” (175). In order to answer the research questions, I gave considerable thought to Glesne’s notion that “the tale cannot be separated from the teller, [or] the researcher . . . how the language the writer chooses carries with it certain values; and how all textual presentations are ‘fashioned’” (1999, 176-177).

Lather’s third principle reflects the plethora of differences that drive understandings of disability and academic access.

..... Critical inquiry focuses on contradictions as a starting point for the process of ideology critique (Lather 1986, 268).

The study’s objective of re-imagining the practice of providing academic access through universal design for learning, within an educational community that embraces differences, naturally leads to a critique of ideologies. There is no doubt that there will be contrasts between my own understandings of practices

which buttress academic access and student success, and those of participants. These conflicts will become the focus of analysis and interpretation in the study. There will also be similarities and differences in the ways participants are positioned within the cultural landscape. Similarly, the data will likely reveal conflicting perspectives on the part of participants regarding the underpinnings of practices that provide access to learning, while maintaining the integrity of academic standards. The impact of the Charter of Rights and Freedoms, human rights legislation in BC, and the institutional policies that evolve from this framework reflect provide an example of the contradictions that will emerge.

In order to gain insight into how participants establish and sustain the meaning of disability and access to learning, it is necessary to understand the complex relationships between socio-cultural factors. The contrasting practices that evolve from the biological and socio-cultural models of disability will naturally impact participants' experiences of academic access, sense of community, agency, and action. Student and faculty experiences of these practices will also elucidate the impact of universal design for learning.

The nature of participatory research makes a political and moral commitment to securing social justice for people with disabilities through enabling forms of methodology and research practice (Barnes et al. 2001, 211). Lather's fourth principle is consistent with the view of Tellis (1997) who points out that "in case study the researcher considers not just the voice and perspective of the actors, but also the relevant groups of actors and the interaction between them". In this

way, the case gives voice to those who may be relatively powerless within the system.

..... Critical inquiry provides an environment that invites participants' critical reaction to researcher accounts of their worlds (Lather 1986, 268).

The right to self-determination for participants has been raised as a central ethical concern in ethnographic research. This concern is linked to "voice" and to the interpretation of lived experience (Clandinin & Connelly 2000, 174; Denzin & Lincoln 1994, 16-17). Clifford and Marcus (1986) argue that issues related to the crisis of representation include questions that arise when researchers "invent" a version of participants' realities that they might not acknowledge, thus creating a new form of colonization (2). The goal of this study was to remain an active learner in the role of researcher in the study. This pointed to the need to be visible in the text and to present the evidence upon which interpretations were based, so that the authority of interpretation was attained rather than assumed (Murphy & Dingwall 2001, 346). Most importantly, the fact that I have never experienced a recognized disability precludes the deepest levels of empathy and insight that evolves from firsthand knowledge. Denzin & Lincoln (1994) point out that allowing the epistemologies of previously silenced groups to emerge in qualitative research is one way of addressing this crisis of representation (17).

Finally, Lather's fifth principle, reflects my commitment to an ongoing process to improve my professional practice through critical reflection.

.....Critical inquiry stimulates a self-sustaining process of critical analysis and enlightened action (Lather 1986, 268).

Reflecting on how past and current practices have influenced my ideology and values is central to the inquiry process. This includes the complexification of relationships with students, colleagues, instructors, administrators, and government agencies related to access to learning. As Pratt (1998) explains,

If we are to understand our personal perspectives on teaching, we must consider other ways of thinking and believing about teaching, alternate ways of constructing learning, knowledge or skill, and multiple roles for instructors (33-34).

Understanding how participants act as agents of change within the socio-cultural system of learning will be central to re-imagining disability as part of a range in the human condition. The extent to which members of the educational community are inclined to engage in this critical process is difficult to determine. However, my professional goal is to engage in what Lather (1998) calls “a praxis of stuck places” in order to maintain a critical analytic stance (495).

4.3.2 Research Site and Participant Selection

Case studies strive toward a holistic understanding of cultural systems of action or “to sets of interrelated activities engaged in by the actors in a social situation” (Tellis 1997). Researchers in the field (Stake 1995, Yin 2003) agree that:

Selecting cases must be done so as to maximize what can be learned in the period of time available for the study . . . The unit of analysis is a critical factor in the case study. It is typically a system of action rather than an individual or group of individuals . . . [The focus is] on one or two issues that are fundamental to understanding the system being examined. (Tellis 1997)

One unit of analysis in this study is the culture of a large, urban, post-secondary institution. According to Stake (1995), instrumental case studies reflect an interest in answering a question that has broader implications than understanding research participants alone (3). Brown (2001) stresses the need for different units of analysis. He argues that, if the goal is to “remove barriers and create access through accommodation and universal design, the environment must comprise a unit of analysis to understand how environments can be altered to best serve the needs of all people. The unit of analysis is the environment, and how it interacts with people is what is discerned . . . Because the role of the disabled individual is as . . . consumer . . . or decision maker, the actual experiences of individuals with their environments must be taken into account” (2001, 164).

Exploring the experiences and insights from the perspectives of students with disabilities and instructors regarding academic access and universal design for learning will facilitate understandings of the institution’s culture. Understanding participants’ stories and the social relationships they evoke will provide critical insights into how structures can be mediated to produce socio-cultural change within a public post-secondary environment.

Research Site

Yin (2003) cautions that gaining access to the site is a critical consideration with regard to deciding on a single case design. This was one reason for choosing my

home institution as the research site. However, the primary reason was that as a participant in the setting where the research took place, I was better able to meet the study's objective of examining my professional practice and of exploring the possibilities for development within the context of the institution in which I work (Tricoglus 2001, 136-137). The intrinsic knowledge that results from being a member of a particular educational community provided a focused lens on the social dynamics and culture of the research site. Instead of trying to distance myself, it was helpful to articulate my own position and analyze how it differed from other participants (Zeni 2001, 157-158). According to Tricoglus (2001),

Because practitioner research is the systematic study of professional action in a particular setting it has the potential to build the ability of individuals and of school communities to engage in critical reflection, challenge "conventional wisdom", and thereby contribute to the production of knowledge about teaching and learning. (136).

van den Berg (2001) also cites compelling reasons for collaborative insider qualitative research. These include enhancing the ability of students to become full democratic agents in society, containing the negative impact of an imbalance of power within the system, as well as acknowledging that "participants hold multiple perspectives on what is occurring in social situations and what the meaning of those occurrences are" (85-86). A collaborative approach also allowed heightened accountability to the participants in the study.

While this approach would allow me to see the familiar in new ways, it was important to remain cognizant of the potential pitfalls of local practitioner

research. For example, disclosure issues were addressed in the study through careful attention to research ethics. When studies such as this one take place in a single setting, it becomes more difficult to ensure that data are not attributable. This is because it is difficult to give absolute guarantees that the identities of people and places will remain confidential (Murphy & Dingwall 2001, 341; Snyder 2002, 74; van den Berg 2001, 83-84). I considered that once data collection began, members of the educational community other than the study participants would become aware that that research associated with disability and access to learning was being conducted. The educational community is also small and tight-knit related to disability access within the post-secondary system in BC. The possibility of identifying the institution where research was conducted was significant. Snyder (2002) properly recommends that researchers clarify with participants the nature of the research paradigm and the inherent limitations of ensuring anonymity (78).

Another constraint on practitioner research is the issue of bias. I needed to find ways to make the familiar strange and problematic. This required a high level of critical reflection that acknowledged my own role in the generation of data, while remaining sufficiently detached to adequately analyze the information gathered. As Tricoglus (2001) points out, "As in all human understanding, a person's knowledge of his or her own practice is socially produced, historically located and vulnerable to ideological definition" (137).

Access to the research site was obtained through accepted procedures, including a proposal outlining what the institution could expect to gain from the outcomes of the study (Creswell 2003, 184-185). For example, the school had recently revised their *Accommodation for Students with Disabilities Policy*. Research outcomes hopefully will contribute to insights regarding supports and barriers to policy implementation. In addition, there was a heightened awareness of the need to determine core learning requirements for all courses and programs and, in the end, all students within the school.

Ethics approval was obtained from Simon Fraser University (Policy R. 20.01) and the Human Subject Review Board of the research site. The study was also guided by the ethical guidelines governing membership in The Canadian Association of Rehabilitation Personnel (2002) and the Association of Higher Education and Disability (1996). Most importantly, it was important to remain focused on the fact that research is not value-free. As Smyth and Shacklock (1998) emphasize,

Part of the “contract” for critically framed research, is an acceptance of the historically embedded roles of the researcher, research methodology, and research account and the disclosure of the interests, subjectivity, and non-neutral nature of the relations between producer, process, and product which exist in any research (7).

Participant Selection Process

Drawing on the approaches of Maxwell (1996) and Stake (1995), participants were selected for the inquiry based on a purposive sampling. The first objective

was to capture the heterogeneity of students' disabilities and the programs they attend. As Maxwell (1996) purports, this would help "ensure that the conclusions adequately represent [a] range of variation, rather than only the typical members or some sub-set of this range" (71). A mix of genders, ages and ethnicity are also represented within the sample, which strengthened the themes that emerged regarding universal design for learning. Another objective was to recruit students with disabilities who were in the second year of their studies. This allowed students the benefit of insights related to a longer period of time within the learning environment, as well as a broader exposure to different approaches to instruction and evaluation. The third criterion was to interview learner/teacher dyads in order to maximize understandings regarding social relationships and academic access.

My colleagues in the Disability Resource Centre (DRC) provided assistance in initiating contact with students and faculty. In order to protect the confidentiality of potential participants, they were contacted by letter for permission to disclose their names and contact information (Appendix B). The purpose of the study was described and it was explained that the research is part of a doctoral thesis. Permission to contact participants, in order to further discuss their interest in participating in the study, was also requested. Once permission was granted, letters of invitation were sent to students and faculty requesting them to engage in the study. This letter further explained the purpose and procedures of the inquiry, including its voluntary nature, the parameters of confidentiality, and how participants' input could contribute to a better understanding of how universal

design for learning impacts students and faculty (Appendix C & D). Phone calls and e-mails to respondents confirmed sustained interest in participating in the inquiry process and facilitated the research interview schedule.

Fourteen participants (seven students with disabilities and seven faculty members) were initially recruited. One faculty member was unable to participate during the timeframe that I was collecting data. However, an Associate Dean volunteered to participate in the interview process resulting in fourteen participants.²¹ The students in the study represented a range of disabilities including one with hearing loss, one with a visual impairment, three students with learning disabilities (LD), one with attention deficit hyperactivity disorder (ADHD), and a final student with a neurological impairment. Approximately fifty percent of the students in the sample have learning disabilities. This is concomitant with the overall population of students with disabilities attending the institution. All learners had been attending the institution for a minimum of two years and were enrolled in both full time and part time programs. Three of the students are male and four female, and their ages ranged from twenty to forty-five. In terms of ethnicity, five students are Caucasian, one is Asian, and one is First Nations. The faculty members who participated in the study are represented by four males and three females. All instructors are Caucasian. They teach in Marketing, Communications, Engineering, Financial Management, Public Speaking, and

²¹ As the Associate Dean also teaches within this program, I refer to her as an instructor, and her interview data was amalgamated and reported with the faculty members in the study.

Digital Animation, and all have five or more years experience teaching at the post-secondary level.

4.4 Research Methods

In this section of the chapter, research methods are discussed related to the development of the interview guides, interview procedures, and the manner in which the study was conducted. The research site's Accommodation for Students with Disabilities policy provides documentary data that will also be used as evidence in support of the claims ultimately made in this study. The second issue addressed in this section is data management. The reflexive process of answering ethical dilemmas related to maintaining confidentiality and accurately reflecting participants' views is woven through the section. Taking responsibility for the impact of research practices on participants was of central importance during this project.

Finally, the trustworthiness of the study is explored. The triangulation of themes that emerge is addressed from a number of perspectives. These strategies included requesting feedback from participants, critical reflection regarding bias, considering information that ran counter to the themes, as well as a review of documentary evidence.

Interview Guides

The lens through which I focused on the research and interview questions encompassed a range of contextual factors. As Wallace and Poulson (2003) point out, this allowed me to magnify some aspects of the topic to see them more clearly, and to diminish others in order to gain distance. Scholarly texts related to the research problem, case law that impacts access for students with disabilities, public documents related to access for students with disabilities, and the research critiqued in Chapters 2 and 3 provided a map for the development of the interview questions. The questions were designed to elicit participants' experiences related to the principles and practices of universal design for learning and learner-centered instruction. The concepts that construct the social and biological models of disability, the legal framework that supports access to higher education in BC, and the dynamics between the culture within the public post-secondary system and social change also provided important contextual input.

Drawing on the critical review of scholarly literature and public documents related to access to learning cited earlier in this thesis, as well as experience from my professional practice of counselling and coordinating academic access for students with disabilities, I developed interview protocols for students and instructors (Appendices F and G). Participants were asked open-ended questions to learn about how they conceptualize disability, and their experiences related to supports and barriers to academic access. The impacts of accessing

curricula through instructional strategies and alternate approaches to evaluation were of particular interest. Another important theme in the inquiry process was to learn about participants' social relationships and experiences as agents of change related to academic access for students with disabilities.

The interview guide development process was iterative. I asked myself the questions and discovered that some questions seemed leading, and others would elicit closed responses from participants. These items were re-written retaining the content, but reflecting a conversational style. For example, "What is your understanding of the "Accommodation for Students with Disabilities" policy"? evolved into "Describe how the new "Accommodation for Students with Disabilities" policy impacts your educational life"?

My colleagues in the DRC and members of my SFU cohort also reviewed the questions. Their feedback created new understandings regarding content that elicits socio-cultural responses that would best answer the research questions. As a result of this feedback, I learned to express the interview questions in more meaningful ways for students with disabilities and faculty. I also enhanced the semi-structured nature of the interview process by adding more probes to the interview guide framework. This approach was intended to elicit as much input as possible from participants.

Mishler (1986) purports that "the relevance and appropriateness of questions and responses emerges through and is realized in the discourse itself" (65). I piloted

the guides with one student and one faculty member. Some questions were then further refined as a result of responses from these participants. For example, “What educational practices result in you feeling supported” became “Tell me about your learning and social interactions at school” and “Describe your experiences with practices that provide support for the teaching and learning process”. This allowed me to arrive at common meanings with participants by reformulating particular questions. At the same, as the participants in the pilot interviews responded openly and at length to the majority of questions, I included these results in the study.

Interview Procedure and Conduct of the Study

Prior to the interviews, I reviewed an Informed Consent Form with participants to ensure that they understood the goals, procedures, and known benefits and risks of the study and the parameters of confidentiality (see Appendix E). It was explained that I was the only person with access to individual data and that interviews would be coded to ensure confidentiality. The parameters of confidentiality were made explicit, participants had the right to withdraw from the process at any time with no negative consequences, and they were given a signed copy of the Consent Form for their records (Creswell 2003, 63-64; Silverman 2000, 201-202; Snyder 2002, 71).

I struggled with my conscience about the issue of confidentiality. As van Manen (1997) points out, hermeneutic research involves the “whole” person and can

elicit depths of self-disclosure that could significantly affect participants' reactions during the research process (180). Clandinin and Connelly (2000) argue that ethical matters shift and change as the inquiry progresses. They are never far from the heart of the process, and "issues of anonymity appear and reappear" (170). I was familiar with SFU's research ethics guidelines, as well as the ethical codes of the Canadian Association of Rehabilitation Personnel (2002), and the Association of Higher Education and Disability (1996). However, researchers speak to the danger of following ethical codes solely on a technical level. They caution that tensions arise between the need for confidentiality at the participant and case levels and the realities of conducting research (Clandinin & Connelly 2000, 170-174; Creswell 2003, 65; Murphy & Dingwall 2001, 340; Silverman 2000, 201; Snyder 2002, 71-74; Stake 1995, 58).

At each stage of the process, I paid significant attention to exploring the potential impacts on participants of this ethnographic approach to the inquiry process. It was an incredible responsibility to mine the discourses that shape the lives of students with disabilities and faculty members, in relation to each other. Most importantly, it required the interpretation of relationships that belong to others. As the study evolved, I checked with participants with regard to their comfort level related to confidentiality and requested further consent as the inquiry process took shape.

Student and faculty involvement in the study required an interview of 1-1.5 hours at the participants' convenience. Twelve interviews were conducted in person at

the institution and one interview was conducted over the telephone as the faculty member was out of the country. Interviews were completed between the end of May 2005 and the beginning of July 2005. With the permission of participants, the interviews were audio-recorded and transcribed. Involvement in the study required approximately 2.5 hours of time including scheduling, completing the interview, reviewing interview transcripts for accuracy, as well as the context within which their input was utilized in the thesis. Reflection on this description of the structure of the interview process reveals the power of language. The text sounds technical whereas the essence of the interview process was strongly relational. I feel privileged by the willingness of participants to share their stories that reflect the depth of their experiences, as well as their generosity with their time.

Document Review

I reviewed the research site's "Accommodation for Students with Disabilities" policy in relationship to the research questions and noted key information and ideas about the document for use in the data analysis process. The manner in which the term "disability" is defined, data related to the principles and practices of universal design for learning, as well as how students with disabilities and faculty are positioned within the landscape of the policy, were of particular interest. This document was not taken at face value but was evaluated within the context of the historical, political, and cultural landscape at the time it was

published. The Coding Protocol for this policy can be found in Appendix I.

Hodder (2000) cautions:

Meaning does not reside in a text but in the writing and reading of it. As the text is reread in different contexts, it is given new meanings, often contradictory and always socially embedded. Thus, there is no 'original' or 'true' meaning of a text outside specific historical contexts (704).

Data Management

I maintained a data management binder that contained SFU ethics approval, the documents reviewed as part of the data collection process, participant contact letters and letters of invitation, signed consent forms, interview schedules, and transcription agreements. I took notes during the interview process which were helpful in eliciting information through participants' body language, and as a back-up to the recording process. The tapes were transcribed by two transcriptionists, both of whom had previous experience. They signed confidentiality agreements that reflected a commitment not to save the transcripts on their computer hard drives once the process was complete. The interview audio-tapes were labeled with a numbered code known only to me in order to protect the confidentiality of the participants. The students and faculty in the study were informed of this third party speech-to-text process and were comfortable with the approach. The hard copies of transcripts and tapes were maintained in a locked cabinet, and no other person had access to my computer. I have no plans for future use of the data and it will be destroyed by shredding on completion of the study.

Subsequent to each interview, I sent participants a thank-you note and created a “Contact Summary Form” recommended by Miles and Huberman (1994), that indicated where and when the interview took place, any disruptions or distractions, reflections on the tone of the interview, and further questions that the interview content may have elicited. These notes proved helpful in recapturing the spirit of the dialogue as I listened to the tapes and reviewed the transcripts. Internalizing the stories of participants deepened each time I listened to a particular tape or re-read a transcript. In particular, participants’ experiences related to social interactions about disability and access to learning, as well as the meaning that grew from them, were better understood as a result of this process (see Appendix H).

Participants were invited to review drafts of their transcripts within one to four weeks of their interview. The review process confirmed the accuracy of the transcription and the meanings ultimately attached to academic access for students with disabilities. In other words, participant feedback was critical to the fair representation of their input (Creswell 2003, 66; Stake 1995, 48). The parameters of confidentiality were re-iterated and I requested that participants reflect on whether their transcribed input spoke to both the breadth and depth of their experiences. Two of the students replied by e-mail confirming the accuracy of their transcript. One student forwarded a website that defines “disability” in a manner that she felt better reflects the meaning of the term than what she had communicated in our interview. Five out of seven instructors confirmed that their transcripts reflected their input and experiences. I informally checked with the

remaining students and faculty when I subsequently interacted with them on the research site. They reported that they had read their transcripts and were satisfied with their accuracy.

Attention to trustworthiness is deepened in Chapter Five where the discussion focuses on the analysis process.

4.5 Conclusion

Maxwell (1996) conceives research design “as the underlying structure and interconnection of the components of the study and the implications of each component for the others” (4). Janesick (2000) views this process as an interpretive art form analogous to choreography in dance. “The qualitative researcher is like the dancer or the choreographer . . . in seeking to describe, explain, and make understandable the familiar in a contextual, personal, and passionate way” (395). The interactive process of development described in this chapter led to the topic of the thesis, research questions, and literature review being inextricably linked to the overall design of the study. According to Tricoglus (2001), “The reflexivity of the researcher . . . [and] the ability to monitor his or her own role in the gathering and analysis of data, is seen as essential to establishing the rigour of qualitative data” (138).

The following chapter explores participants’ experiences of supports and barriers to learning which inform the analysis of the case and subsequent interpretations.

Interactivity between all components of the study's design remains an ongoing feature of understanding. I was eager to hear the stories of students with disabilities and faculty about what they believe constitutes supports and barriers to inclusive teaching practices. How would their understandings fuse with each others' and my own, to add a rich layer to this exploration process? Chapter 5 will answer this question by opening a window on the voices of participants.

CHAPTER 5

CONSTRUCTING MEANING

*We had the experience but missed the meaning. And approach to the
meaning restores the experience . . . In a different form.*
(T. S. Eliot in Janesick 2000, 394)

5.1 Introduction

An Important goal of this chapter is to create what Miles and Huberman (1994) describe as a vivid description of the inner and outer educational lives of the study's participants (310). I describe and analyze the narratives of students with disabilities and faculty as they relate to the principles and practices of universal design for learning. Findings address the primary purpose of the inquiry which is to understand the socio-cultural underpinnings of inclusive and non-inclusive academic access practices. The answers to the interview questions posed illuminate how participants construct the term "disability", how students and faculty are situated within the social and cultural landscape of the post-secondary institution, as well as how they act (or not) as agents of change within this culture. The first section of this chapter presents the approach to data analysis adopted for the study. In the second section, data analysis reveals four themes related to universal design for learning. The final section of the chapter deepens the analysis process by integrating the answers to research questions with the purposes of the study, and providing further discussion of the overall findings.

5.2 Data Analysis and Trustworthiness

Navigating Meaning

It was critical for this type of study that the voices of members of the educational community illuminated new understandings about the principles and practices of universal design for learning, and the multiplicity of factors that make up the social context of academic access to higher education. As Maxwell (1996) argues, “how the participants in [a] study make sense of [events] and how their understandings influence their behaviour” is central to an interpretive approach to research (17). Participant quotes offer readers an understanding of the case by reflecting the emotions, thoughts, and perceptions of lived experiences. Clifford and Marcus (1986) maintain that this format for reporting data embodies abstract ideas, subtle experiences, and complex emotional issues that can transform understanding when paired with a hermeneutic approach (98). However, reflecting on the writing of van Manen (1997), I was concerned that the analytic treatment of these stories could impart negative meanings for participants, or meanings they might not be able to confirm (178). Murphy and Dingwall (2001) also note the broad-ranging consequences of data analysis and interpretation:

If the purpose of ethnographic research is more than the mere reproduction of participant perspectives, it is possible that the researcher’s analysis will disrupt the assumptions that participants make about their worlds . . . breaking down protective silences (341-342).

Ethnographic studies that use an interpretive and analytic approach present accounts that not only reflect the “stories” of participants but also deeper

meaning structures (van Manen 1997, 178). How would participants feel about what was written about them and about what was left out? An iterative process of co-constructing meaning with students with disabilities and faculty ensured that they acted as the first audience for the story. While my research goal was to get at the essence of human experience, as Clifford and Marcus (1986) point out, the literary character of the findings would create something different from participants' original insights (32). As the analysis of the data proceeded, I sent copies of specific sections of the chapter to participants for their comments if I felt that clarification of the content was required. I also sent draft copies of the chapter to the students with disabilities and faculty who had participated in the study. This allowed them to review and provide feedback on the use of their input in the context of analysis and interpretation. My intent was to ensure that I had not misunderstood or misrepresented any aspect of their lived experiences related to universal design for learning.

In response to the draft of this chapter, I received feedback from three students and four instructors. All of these responses indicated that participants concurred with how their stories were represented and analyzed. One student participant wrote, "Getting various stories is an excellent idea. Sharing thoughts, feelings and experiences is eye opening at the best of times. Thanks for listening to me". Another student commented, "Your draft seems really good so far! I'm looking forward to reviewing your next chapter". The third student commented on how reading the chapter led her to think more about how she perceives her disability, "One thing I learned out of this was that my comments come off as

quite depressing! Talking about my disability takes me to a deep place and I don't like to venture there often. I have always seen my disability as a huge character flaw. I end up feeling that I'm not quite as good as everyone else, and that I'm not perfectly 'normal' like others appear to be - damaged goods as it were”.

One instructor wrote, “Everything looks fine to me” and he also explained a technological change related to the teaching/learning process. Another faculty member related, “It looks great to me. You've definitely placed the comments in context”. A third instructor’s response indicated, “You really captured the issues. Thanks on behalf of all the students that you will help when your thesis is published”. Finally, a fourth faculty member commented, “Everything attributed to me is accurate and fair. I also enjoyed reading the other instructors’ and students’ comments”.

A follow-up e-mail gave those participants who did not respond a further opportunity to do so. While their feedback was important to the trustworthiness of the study’s findings, it was important that participants did not feel pressured to respond. It was critical to maintain the respectful relationships established during the interview process and subsequent interactions. In response to these contacts, I did not hear from any further participants.

Many qualitative studies provide detailed participant and contextual profiles to enhance readers’ understandings of the findings and interpretation of data

(Maxwell 1996; Miles & Huberman 1994; Wolcott 2001). Because the study is embedded within my professional practice, I felt that this level of description would compromise the confidentiality of students with disabilities and faculty. Therefore, information that might identify participants within a small learning community was not reported in the text.

The Analysis Process

This section describes the data analysis process through strategies that categorize and contextualize data (Maxwell 1996, 78-81; Wolcott 2001, 30-32). The analysis process moved back and forth between categorizing and contextualizing strategies. The initial step involved listening to the interview tapes before they were transcribed, reflecting on observational notes taken during the interviews, and reviewing the Accommodation for Students with Disabilities policy. I wrote memos about what I had heard and read to develop initial ideas about the meanings that participants reported about their experiences, as well as how meaning affected their behavior (Maxwell 1996, 78; Miles & Huberman 1994, 72-75). These memos were cross-referenced to the data, allowing them to avoid what Maxwell (1996) calls “context stripping” (79).

Another goal was to identify similarities and differences by interacting with particular data within and across participant groups. This required categorizing strategies that follow systematic procedures (Maxwell 1996, 79-80; Wolcott 2001, 33). Following the approaches outlined by Maxwell (1996), Miles and Huberman

(1994) and Wolcott (2001), the main categorizing strategy in data analysis was to develop a coding scheme for the narratives of students with disabilities and faculty. At the outset, categorizing the data was influenced by the research questions. However, as I began to review participants' transcripts, emic codes emerged. The Accommodation for Students with Disabilities policy provided further input that was fed into the coding scheme (Miles and Huberman 1994, 307-308; Wolcott 2001, 33). The fourteen participant transcripts were coded according to the final scheme that can be found in Appendix I.

The elements of each participant's story relevant to a particular coded category were then combined into one document. Each vignette was referenced back to the transcript to maintain a link with the context of these experiences. Data were then aggregated separately by student and faculty input according to the established codes. Finally, data were aggregated across student and faculty input by code. Particular attention was paid to differences in perspectives within a particular coding element, both from the perspective of students with disabilities and faculty as separate groups, and between participant groups (Maxwell 1996, 79). The stories that emerged allowed me to search for patterns and themes within each group and across groups of participants.²² Themes that were interconnected, redundant, or incidental were collapsed into a broader theme (Maxwell 1996, 78-79). The patterns within and across the narratives of students

²² Identifying patterns and themes can be viewed as a broad contextualizing strategy, but it cannot re-capture the context lost in the original categorizing process (Maxwell 1996, 79).

with disabilities and faculty were identified. It became apparent that the emerging themes between participant groups had significant commonalities and therefore, in the following section of this chapter, understandings evolved as a result of aggregated input within each theme.

The primary research question, about the nature of the impact of universal design on the experiences of educational community members and the shape of educational leadership oriented toward supporting academic access through instructional design, could not be adequately addressed by categorizing strategies alone. An important element in the analysis of universal design for learning was to understand the data in context. I identified different elements of participants' narratives in the context of public post-secondary culture. How do structural and situational issues impinge on academic access for students with disabilities? Since participants are agents within this culture, what are the impacts on their experiences and behavior? Maxwell (1996) notes that contextualizing strategies link data rather than fracturing the initial text into discrete elements and re-sorting it into categories. The process of contextualizing the data allowed me to better understand the impact of situational constraints and organizational demands related to implementing the principles and concepts of universal design for learning. The shape of educational leadership oriented toward supporting access for students with disabilities began to gain clarity.

Trustworthiness

Janesick (2000) explains how the core issues in a quantitative research approach (validity, reliability, and generalizability) cannot be transferred to qualitative studies. However, “both kinds of research submit to the test of rigor in evaluation” (Brown 2001, 159). “Credibility”, “transferability”, “dependability”, and “confirmability” are constructs used to describe trustworthiness in qualitative studies. The first construct, credibility, addresses the accuracy of description, and that research has been conducted within a guiding conceptual framework (Brown 2001, 160). Janesick (2000) also argues that “validity in qualitative research has to do with description and explanation and whether or not the description fits the explanation. In other words, is the explanation credible?” (393). In Chapter Four, I described the research site, the process of selecting participants, and data collection in detail. The study was also designed using conceptual frameworks from hermeneutics, ethnography, disability studies, human rights legislation in BC, and universal design for learning literature.

According to Brown (2001), the application of triangulation principles are critical to assessing the access of persons with disabilities to the environment. He argues that “the underlying value behind a qualitative research technique – triangulation - needs to be adopted by the disability field as a key criterion for the conversion of research conclusions into policy and practice” (146). Clandinin and Connelly (2000) speak to research ethics and credibility as a researcher responsibility to remain reflexive about the impact the analysis and interpretation

of participants' narratives may evoke. At the same time, researchers must clearly situate themselves in the study, document methods decisions and procedures, as well as carry out data collection, analysis, and interpretation in a transparent fashion.

We need to be thoughtful of our research participants as our first . . . [and] most important audience, for it is to them that we owe our care to compose a text that does not rupture life stories that sustain them. But as researchers, we also owe our care and responsibility to a larger audience, to the conversation of scholarly discourse, and . . . how we lived and told our stories within the particular field of inquiry (173-174).

While there was no “one way” to correctly interpret lived experiences, it was important to maintain a dialogue with participants related to the credibility of interpretations. Feedback from participants, or what Creswell (2003) calls “member checking”, was an important part of the triangulation process (196). A detailed description of the member checking process used in this study was reported in Chapter Four, as well as in the previous section of this chapter. The perspectives of individual participants, the collective voices of participant groups, as well as the interactions between them, were confirmed by students and faculty.

Multiple sources of information also enhanced the triangulation process and the credibility of the final narrative (Brown 2001, 46). Documentary evidence from the “Accommodation for Students with Disabilities” (2005) policy provided data to compare with participants' stories related to access to learning. Information from three websites (University of Guelph, Brown University, and University of

Connecticut) that post input from faculty who practise the principles of universal design for learning provided further input. Finally, maintaining an audit trail of interview and documentary data also provided a means of adding credibility to the study's findings.

Qualitative researchers often utilize direct observation as a source of data collection (Brown 2001; Miles & Huberman 1994; Stake 1995; Tellis 1997; Yin 2003). However, Tellis (1997) argues that researchers should use only as many sources as are relevant to the study. In this study, observation was not utilized because the narratives of the two groups of participants regarding the interaction between them were consistent across learner-teacher dyads. I was also concerned that my presence as a classroom observer might cause a change in the interactions of students with disabilities and instructors, and impact the credibility of my observations.

What quantitative researchers refer to as "generalizability" does not transfer to a qualitative paradigm that focuses on the meaning in participants' lives (Janesick 2000, 393). Understanding the socio-cultural settings of public post-secondary institutions may be better described by the second construct of "transferability" (Denzin & Lincoln 2000, 21). Lincoln and Guba (2000) make a strong case for transferability being determined through the "congruence of experiential, presentational, and practical knowing" (170). While the findings of this study can only reflect the reality of some members of the educational community in a particular public post-secondary institution, educational leaders in BC may find

similarities within their own institutions. For example, there is a common cultural mosaic across public higher education in BC, and human rights legislation is the scaffolding for access policies province-wide. The current provision of disability access within the research site is also representative of delivery across the post-secondary system in the province. These factors contribute to some level of transferability within this particular public higher education system. However, readers who are concerned about accessibility within university settings, small rural colleges, or private institutions of higher education will need to carefully consider the application of this study's findings to those environments.

As described in Chapter Four, care was taken in selecting participants who represented a range of disabilities, ages, genders, ethnicity, and who were enrolled in different programs. Therefore, the findings of this study may be applicable to other students with disabilities within this particular institution. A number of researchers also suggest that data collection from multiple sources can strengthen the usefulness of the study for other contexts (Brown 2001; Miles & Huberman 1994; Tellis 1997). In this study, I interviewed both students with disabilities and faculty members, analyzed the institution's access policy, and information from websites on universal design for learning.

The third construct, dependability, contrasts with the unchanging conditions of quantitative research that lend themselves to replication. The findings from this study represent a snapshot in time. While I was conducting my research, there were changes in the Vice President, Education position, as well as the

institution's focus on degree granting, distance education, and smart classrooms that offer educational and information technology as standard features. A trend toward declining enrollment, instructor attrition, and the abandonment of mandatory retirement also represented changes to the environment during the course of the study. I will address the impact of these changes in Chapter Six as they relate to conclusions drawn from the study's findings.

Researcher bias is another important aspect of evaluating a qualitative study for dependability. Following the approach recommended by Glesne (1999), I considered my own subjectivity in the context of the trustworthiness of the findings (151-152). I reflected on entries in my research journal, along with ongoing discussions with colleagues in the Disability Resource Centre, members of my cohort, and committee members, related to the project. I actively searched for information that ran counter to the themes. I also reflected on potential biases through questioning what I had *not* done to bolster the data collection and analysis process. For example, time constraints on the research project resulted in a relatively small number of participants who were interviewed with regard to teaching and learning, as well as the decision not to facilitate focus groups with participants.

Finally, the construct of confirmability addresses confirmation of the study's findings by another researcher and further reflecting on researcher bias (Tellis 1997). As described in Chapter Four, I kept a data management binder and a research journal with thorough notes on methodology decisions and procedures.

This approach would allow another researcher to review the research design and decisions regarding strategies for analysis, as well as analyze the data independently.

The socially embedded nature of local practitioner research presented a challenge in the pursuit of accurately reflecting participants' narratives and the meanings they attributed to their experiences. What impact would my own experiences within my professional practice and the research process have on the analysis process? While it is impossible to conduct value-neutral research, the goal was to bracket certain aspects of my personal experience to create space for new insights through the stories of students with disabilities and faculty.

I explored the personal background, values, assumptions, and biases that I brought to the project. An ongoing journaling process, as well as critiques of data analysis from colleagues and committee members, assisted in defining what Lincoln and Guba (2000) refer to as my "brought self", "situational self", and "research self" (183). Professional grounding in a biological model of disability and a legal model of academic access, along with a learning curve related to social construction, were strong influences to consider. As Wolcott (2001) recommends, it is important to remain aware that the text does not infer what participants feel. In other words, unless explicitly stated,

Only from your own perspective can you report how anyone "felt" about what was going on or the "meanings" they attributed . . . Careful description calls for a sense of detachment. (32)

I also reflected on my role in developing the Accommodation for Students with Disabilities policy during 2004-2005. How would this experience influence the contextual factors that I chose to attend to and the meanings attributed to them? How would my position as a disability services coordinator affect participants' responses to the interview questions? The goal was to bolster and sustain self-awareness so that I could elicit candid narratives and hear the experiences of students and faculty in new ways.

It is from this base of trustworthiness that the following section of the chapter reports the research themes and analysis that evolved from the narratives of students with disabilities and faculty.

5.3 Research Themes

Findings from the inquiry process reflected how the term "disability" is constructed among participants both as a neutral difference and as a form of stigma. Participants also revealed that relationships are fundamental to academic access, and that effective instructional practices are embedded in the principles of universal design for learning, thus improving access to learning. The fourth theme that emerged from participants' narratives indicates that barriers to agency abound. Each theme evolved from experiences expressed by at least half the participants and, in many cases, by all of the participants. As recommended by scholars in the area of qualitative research, caution was exercised not to disregard the possibilities held in other stories (Clandinin & Connelly, 2000, 182;

Clifford & Marcus 1986, 18, 141; Murphy & Dingwall 2001, 347). However, as Wolcott (2001) points out,

Interpretation . . . is not derived from rigorous . . . procedures, but from efforts at sense-making, a human activity that includes intuition, past experience, emotion – personal attributes of human researchers that can be argued endlessly but neither proved or disproved to the satisfaction of all. (33)

5.3.1 Disability as Difference and Stigma

The concepts that construct a socio-cultural model of disability form the framework of universal design for learning. Within this view, disability is experienced as a neutral difference defined by mental or physical qualities. In contrast, within a biological model, disability is constructed through a medical framework and communicated as a physical or mental deficiency (Strauss & Kroeger 2003). In this study, one of the research questions was framed to explore how the term “disability” is constructed among students with disabilities and faculty. This section of the chapter explores findings related to participants’ social experiences, the meaning of disability, and how meaning impacts identity and behaviour.

Students, by virtue of their voluntarily participating in the study, in some way identify with the term “disability”. All the students in the study describe their disabilities as ordinary differences that represent the range of variation in the human condition. The focus of meaning is on the functional impact of their

disabilities on the learning process. Carla, David, and Terri capture the essence of the term from a student perspective.

Carla..... My disability is a visual impairment and I'm legally blind. I can read a textbook with normal print but distance vision is a problem and is only correctable to a certain point.

David..... I had a stroke. I have some functional use of my right hand where I can hold things, and I am slower learning than the rest of the kids. I haven't found anything that helps me with reading and writing.

Terri.....In my case, my disability isn't visible. I can understand things when I read, better than when somebody talks to me.

Disability defined in ways specific to the learning environment is also a strong thread through faculty narratives. Carl, Rob, and Alicia express how the instructors in this study construct the meaning of the term "disability" from the same socio-cultural framework as students.

Carl.....Disability is something that impedes learning. For example, when people have a hearing problem, the lecture format is difficult for them to absorb. There may be people with problems with dyslexia, where they're having trouble reading things that instructors are presenting.

Rob.....A disability would be anything – physical, mental, or emotional – that would interfere with a student's ability to learn effectively.

Alicia.....We encounter such a wide range of disabilities, from physical to learning disabilities, so it would be anything that impacts a person's ability to produce the work that they want to put forth.

Despite the neutral meaning of the term "disability" expressed among faculty and students, the findings of this study indicate that the experiences of students also result in negative social interpretations. They report that this is the result of interactions where responses to disability have been pejorative, fearful, or communicate pity. *All* of the students in the study have had experiences with teachers that communicate the meaning of disability as a deficit. Carla, Ellen, and Amy provide vivid descriptions of negative language used to describe disability, and how these experiences shape the meaning of "disability". They relate that interactions of this nature can evoke flawed personal and social identities.

Carla.....I'm hung up on being considered "normal". I think it is because of my point of reference from my younger years. It is hard to hear myself being called "lazy" and not going to make anything out of my life, or that I'm stupid. I am none of those things but the words still echo around sometimes and make me feel very inadequate. It's odd how those words have stayed buried in my depths for all these years. When someone puts me in a vulnerable situation I feel those feelings in the pit of my stomach. I used to pray that one day I'd wake up and be "normal" like others.

Ellen.....I felt that I was a figure of ridicule and a joke to society. I knew that I had a learning disability and that having a learning disability did

not mean I was unintelligent but I said, "What's the good to me if I can't read a newspaper?" I was so depressed and asking myself, "Is this worth it?"

Amy.....People seem to think being "deaf" means you are disabled, but I don't think of myself as a person with a disability because disability means you're not capable of doing things. I can do anything I want to, except hear. So I would say I am deaf or hard of hearing, or I have a hearing loss. That's not an insult to me.

These students relate that they are reticent to disclose their disabilities partly due to these negative social experiences. Tristan, Carla, David, and Ellen explain how these experiences have influenced their behaviour.

Tristan.....At the beginning, I wanted to tell every teacher and then I found that teachers do kind of look at you different and then I thought well maybe it is not the best thing to tell teachers right out front. I just kind of wanted to deal with it on my own. Yes, I think I did feel different and you just want to fit in. As soon as someone sees my writing or grammar they go, "who is this guy"? They think that "there is something different". Where it comes out right away, people get scared. But I think it would be a lot worse if it was visible.

CarlaI don't tell people about my disability because I don't want that to be the thing that people remember about me. If you start off with something that has even slightly negative connotations, that's what people are going to think of you. Also, I don't want them to feel sorry for me. I can spot that a mile away and I don't like that. I do not want to be singled out so I don't tell people. I think, in some

cases, a disability is viewed as a deficit. I feel that if they find out about my disability, they would see me as being different and I want to be part of the gang, even though I never have been. People put labels on other people. I've had some pretty ignorant things said to me.

David.....I don't talk to my teachers about it. I don't want to be singled out.

Ellen..... When I came to school here I wanted to see if I could get in without disclosing my disability. People will accept some deficiencies but they don't understand what it's like not to be able to read properly.

A faculty member's story links the meaning students associate with their experiences related to disability and access to learning with their actions. Alicia describes the lengths to which one student went so that his disability was not revealed to his peers.

Alicia.....I think students' reluctance to reveal their disabilities depends on the individual student's feelings about their disability. One of my students who didn't tell me anything about his disability was so shy about disclosing it to his fellow classmates that he actually arranged to pretend to write the exam in my class after writing it in the DRC. He sat there for three hours and handed in a booklet with an attempt at an exam but obviously I didn't mark it because I had been given one that he had written in the DRC.

At the same time, faculty re-told their stories in multiple ways during the interview process about the importance of disclosure in improving access to learning. Lindy and Alicia provide examples.

Lindy.....I wish students would tell us about their disabilities before they came in so we could help them ahead of time.

Alicia.....Often, we don't find out that we have students with disabilities until right before an exam, when we get a form saying that a student has requested the invigilation at the DRC. Unless the student is proactive and comes to talk to us, which probably happens only about fifty percent of the time, we're not even aware of it. It would help to have background on students' disabilities and to know about it in advance. Students can sign a release form and provide us with the documentation from the DRC. So, if I did have a student who identified themselves, I could let them know that providing that information might be helpful, if they chose to do that.

Another instructor describes the reaction on the part of students' peers, particularly when invisible disabilities are not disclosed.

Rob.....If no one in a group knows that another member has a learning disability, they won't understand why this person perhaps shows up late all the time for meetings, or doesn't pull their weight or makes certain mistakes. Then, there's a frustration level there which can grow to be real intolerance.

In contrast, Phillip and Alicia explain how disclosure can have a positive impact on the experience of providing accommodations for students with disabilities.

Phillip.....One student didn't look to me that he was disabled in any way, but he offered the information that he had epilepsy and experienced seizures on a regular basis. I felt anxious at first about how to help but I appreciated him telling me in case we had to call an ambulance. There was no problem at all.

Alicia.....I had an ESL student this year who was hearing-impaired. She was very specific about her disability and concrete about what she needed to do. For example, she needed to be in a specific place for the lecture as she needed to be able to lip read. She also needed to be able to have the notes in advance. Those were all very easy things to do.

Another key finding in the study is that students encounter a “survival of the fittest” attitude from some instructors. However, students point out that their peers without disabilities also experience negative actions on the part of faculty members which are intended to promote merit. For example, instructors create an extremely competitive learning environment with strict adherence to attendance policies. Behaviours such as refusing to provide examination accommodations because this practice diminishes the rigour of the school's standards, creates a barrier to academic access in that students are not afforded the opportunity to demonstrate what they have learned. Students' narratives reflect that some of their teachers express notions of equality and fairness by expecting them to achieve high standards, at times without accommodation for

their disabilities. A number of students have had experiences where instructors voiced concerns that alternate examination formats foster cheating, and that accommodations for disabilities in general provide an unfair advantage. Terri, Ellen, Tristan, and Amy describe their experiences.

Terri.....As far as negative practices are concerned, I think they apply to all students, not just students with learning disabilities. Instructors will tell students that they are going to fail at least one class at the school. Their perception (or perspective) is, because the school has a reputation of having a very high standard, if you graduate you can work in difficult situations. I wanted to drop one class because I have a problem where there is a lot of memorizing. The instructor gave me a really hard time and suggested that I go to another college.

Ellen.....I had a bad experience with the "Request for Exam Accommodations" form, where a teacher threw it back in my face and said, "I don't need this. You are one of those special people". I think that he felt that we shouldn't be here with a disability; that we should walk around with little signs saying we need to get help from people. I failed and had to take the course again because this teacher did not support me.

.....Another teacher didn't want to give me extended time because he thought I would have time to cheat. I tried to tell him that I was so overstressed about the exam and to experience his animosity just made things much worse.

Tristan.....Because you have a full day of classes you miss your class before or after an extended exam. Some instructors are really forgiving.

Some go, "We understand your problem, sure, you can miss it" and others go "Well attendance is attendance".

Amy..... Sometimes instructors say words that are hard to define or explain in context and so the interpreter will have to provide quite an in-depth clarification. One teacher said, "I've told you before, don't explain what the words mean. Just sign what I'm saying." But that's the interpreter's job to do that kind of explanation. I know other students have issues with that instructor as well, so maybe it's not just about me being deaf.

The faculty in this study did not hold what Christensen and Dorn (1997) refer to as "meritocratic" views of equality. However, instructors confirm that some of their colleagues are hyper-vigilant about providing students with an unmerited advantage, diluting academic standards, or graduating students who cannot work in all areas of the profession that they are trained for, thus reflecting poorly on the school's reputation.

Patrick.....I think it is an attitudinal issue about standards. I think we've still got this philosophical problem. We're supposed to be doing career prep for students and we should be giving them a solid education, not an unfair advantage. I think that's the way a lot of instructors look at it.

Alicia.....The attitude among many instructors is "sink or swim". If the students can't make it here, then they're not going to make it anywhere and if they can't make it through the first term, then they weren't meant to be in the profession, and they shouldn't be in the program. They should be out. Some instructors are quite resistant to accommodating students with disabilities. Their attitude is often,

“If these people can’t function at the school, they can’t function in a business environment and we’re just giving them false hope to think that they could have a career in this field.” I don’t think there’s any sort of understanding that these students might be able to compensate in other ways.

Carl.....If a student comes into the program that uses a wheelchair we can make accommodations to teach them and help them to learn. But are they physically going to be able to do a typical job that they would need to do with that credential? Some people might feel like that is a poor reflection on the school.

Rob.....The equity issue could lead to a reason for instructors’ resistance to accommodate students with disabilities. A teacher might ask himself, “How can I do a separate exam for this person; that wouldn’t be fair to everybody else.” I can definitely see where that might be an issue.

This “survival of the fittest” approach can also have an impact on the behaviour of students’ peers without disabilities. An instructor reflects on her classroom experience and the social impact of exam accommodations.

Alicia.....Accommodations are not really conducive to developing supportive relationships with peers. There’s a sense among the other students that that these students have an unfair advantage, because they don’t understand the nature of students’ disabilities, particularly those who are learning disabled and don’t appear to have a disability. More than just the stigma of having a disability is the feeling that others believe they’re being given an advantage, which they resent.

Tristan, Terri, and Sandra express the negative experiences of most of the students in the study:

Tristan.....If you ask for a copy of lecture notes people just go, "You are just being lazy". How come you get to just copy my notes? How come I have to take the notes? There is still the stigmatism where, "Well if he gets to sit there I want to sit there".

Terri.....Nobody seems to want help each other. It's very competitive here. If your peers think that you don't understand, they don't want to help you.

Sandra.....The DRC gives me extra time to write my exams and some of my peers feel that I am still capable of doing exams like them. So it's frowned upon.

Tristan argues that strength of character is required to make decisions about disclosure given the range of social experiences related to disability.

Tristan.....I think you have to be a strong person to try and make some of these choices because no one can really tell you what is right for you, or what is right for your situation.

The framework of this study was built on a socio-cultural view that embraces the construction of the term "disability" partly through discourse. The above narratives of students with disabilities and faculty regarding how they construct the term "disability" begin to identify the underpinnings of supports and barriers to academic access. The stigma of disability as reflected in these narratives can

result in difference understood as a deficit, and lead to actions that inhibit promotion of access needs among students and faculty. These findings are consistent with what Barnes and Mercer (2003) refer to as the use of language that connotes disability as a negative deviation from “normal” (25). Students’ narratives also support the position of Christensen (1996) who purports that language exerts powerful pressure on perceptions, beliefs, and social processes. Current social values and cultural norms result in traditional labels related to disability that evoke insult and disparagement (63-64).

In the 1960s, Erving Goffman purported that the central feature of a stigmatized individual’s situation in life is a question of acceptance (1963, 8-9). This seems to be the experience of the students in this study. Goffman (1963) also claims that the negative social experiences of people with disabilities impact on their beliefs and result in behaviours aimed at masking their disabilities (92-94). This view is also expressed by the students and faculty in the study. This study’s findings are also consistent with more recent scholarly research that indicates that students will strive to reduce the stigma of disability by concealing their differences (Bourke et al. 2000; Fitchen & Goodrick 1990).

At the same time, a meritocratic view on the part of some instructors promotes practices that create barriers to academic access for students with disabilities. Participants’ narratives are consistent with the stance of Christensen and Dorn (1997) who purport that many teachers are entrenched in meritocratic practices because they believe that students with and without disabilities should earn

success without consideration for variation in learning strengths and abilities. This view is also consistent with scholarly literature that argues that some faculty members believe in competitive notions of success and failure, and that students will try to get by with as little work as possible. Fairness requires vigilance against excuses based on disability (Christensen & Dorn 1997, 181; McEldowney Jensen et al. 2004, 10-12). In the same way, students' peers without disabilities also construct meaning related to examination accommodations as being an unfair advantage in an environment focused on competition as a means of achieving academic excellence and, ultimately, workplace success.

5.3.2 Communication and Relationships Matter

This section of the chapter begins to answer research questions that probe how students with disabilities and faculty are situated within the social and cultural landscape of the institution, and how they act as agents of change for academic access. The importance of communication and positive relationships, as well as the impact of interactions on action and agency related to access to learning, is a significant theme throughout participants' narratives. The constraints that emerge through human relationships also emerge in the stories of students with disabilities and faculty. The influence of the *BC Human Rights Code* (1996) and the institution's Accommodation for Students with Disabilities policy are also analyzed in terms of communication and relationship building.

Common threads across participants' narratives are the difficulties that can evolve between students and instructors as the result of a lack of communication disclosure related to their disabilities. Faculty narratives provide rich examples of the difficulty in navigating learning that can be encountered as a result of non-disclosure.

Rob.....Some students don't want to admit that they have any sort of disability. While there's a positive aspect to that – it reflects a real determination – there can also be a lack of self-understanding and that can cause the students to encounter some trouble, often around mid-term.

Tristan provides a good example of the dilemmas that students face related to disclosing their disabilities to faculty, while Amy describes the misunderstandings that can arise due to a lack of information about alternate modes of communication.

Tristan.....Even with instructors you get along with well, when do you tell them? Do you tell them the first day, or do you try to get to know them? Do you tell them a week before the exam, do you tell them a week before the first paper or do you tell them the day of the first paper, or when you hand it in? Or do you tell them when you get the mark back and you have all these grammar mistakes. That has happened to me and it was my own fault. So it is hard and I think it is a big barrier, how you deal with it.

Amy.....You know the teacher/student relationship depends a lot on communication. Once in a while, I would encounter a teacher with a

bad attitude or who didn't know how to communicate properly. One instructor was mad at me for something and we got in an argument. I was signing and the interpreter was voicing. The interpreter sounded mad with the interpretation. The instructor started having an argument with the interpreter and he was saying, "I didn't see that Amy was mad, so why did you sound mad when you interpreted"? The interpreter responded, "I was following her expression. That's my job. It has to be in her voice, what I see", but the teacher would not accept that explanation. That was an insult to me . . . teachers should respect the interpreter.

From instructors' perspectives, communication about the needs of students with disabilities is critical to building relationships that foster access to learning. Carl and Alicia explain how consultation and reciprocity between members of the educational community can inform positive outcomes related to access to learning for students with disabilities.

Carl.....If a student with a disability is going to require some special attention, then I think some clear communication with the instructors involved, some ground rules, and some expectations on both sides are important. That's not to say that it's all on the shoulders of DRC communicators. It's also about information that goes to the Associate Dean. Does it make it to instructors? In addition to that, if there could be some additional consultation with faculty, especially if there's some unique cases coming down the road.

Alicia.....Positive communication helps you feel that you're building relationships with people. In our day-to-day work lives, that's where

the emphasis is. It's finding out who is helpful and who can answer the questions when they need to be answered. That, in turn, helps you to navigate and understand the system.

The students in the study are extremely articulate about how interactions with faculty and DRC staff are pivotal in building relationships that support access to learning. Students' perspectives are concomitant with those of faculty in this respect. These relationships are built on positive experiences that communicate respect, trust, and encouragement – in other words, a welcoming environment.

Sandra.....Relationships with my teachers are really important. When you go and see them for help, you start to build a relationship with them and the more involved they get with you, the harder you try. The learning specialist has also given me a lot of support and encouraged me to keep going when times were tough. I can confide in all the people in the DRC and I feel close to them. Both the women there just give me power. Like, "You go girl!"

Tristan.....The program coordinator was incredibly supportive. He said, "Stick with it and it shouldn't be a problem". In the second year, you have more direct communication with instructors. I thought they did a great job at working you in, especially the LD disability. It was a lot more accommodating here than other colleges I looked into. The people in the DRC really stood out – the learning specialist, exam coordinator, and some of the others.

Carla..... One of my instructors sent the DRC a note and said that whatever they could do together to help me, that she would be there. I said, "Wow, you're kidding me! That's so awesome!" I like her because

she's real and has a good sense of humour. What's interesting is that I don't usually listen to other people. I always forge my own way, whether it's right, wrong, or indifferent. I've always been that way but, when the learning specialist speaks, I listen.

Ellen..... For me having someone to trust was really important, because I had been through it for so long and felt that people were just going to hurt me. If I had good communication with someone, I trusted that person and I felt that things were going to be okay. The learning specialist has helped me the most at the school . . . you need guidance through the darkness.

Terri's story represents how relationships flourish when instructors embrace multiple modes of presentation, instruction, and evaluation – the cornerstones of universal design for learning.

.....One instructor convinced me to come here. She wanted me to know that I wouldn't be told that I would never succeed in life here; the school has lots of students like me. There was another instructor who told me he would give me extra time and stay behind with me, as well as rephrase questions. I told another teacher that I just can't write. I explained that I can *tell* you so many ideas, but when it comes to writing, I can't do anything about it. And he said, "You know what? You write your mid-term and, if you do poorly, then in your final exam, I'll *ask* you questions and you can tell me the answers and I'll write them down for you". He was extremely supportive.

Perhaps the most unexpected finding in the study is that thirteen of fourteen participants (seven students and six instructors) express a lack of knowledge or experience with legislation related to access to post-secondary education, or of the institution's policy that evolved from these laws. The Accommodation for Students with Disabilities policy is intended to communicate the institution's commitment to the provision of academic access. The document reflects a functional definition of disability related to the learning environment, and the principles of universal design for learning related to accommodation and instruction. The development and implementation of the access policy has been given priority by administrators at all levels in the school. A wide ranging debate also arose between members of the educational community during the recent development process in 2005.

Patrick.....We vetted the policy through the faculty union. The initial response to it was fairly negative. There were some very strong objections, based on philosophy coming from some members. It was very surprising to me because I didn't expect as much pushback. It was a controversial policy.

Nevertheless, participants consistently dissociated the connections between the parameters of the legal framework in BC, policy, and academic access for students with disabilities. Carl's response was typical of faculty input related to the *BC Human Rights Code* (1996) and the institution's access policy.

.....I have not had any experiences related to human rights law or the access policy.

Similarly, Amy's feedback reflects students' responses to the legal and policy frameworks.

..... I didn't know that disability rights laws existed and I have no idea about what the laws are. At first I also didn't know there was an Accommodation for Students with Disabilities policy.

Tristan and Carla expand on this lack of information among students, and the need for enhanced communication, as well as the impact this would have on agency within the school's environment.

Tristan.....No one has ever said, "You have the right to do this, or you can't do that under this policy", or "Here is our policy—maybe this will help you in terms of understanding what is going on". Personally I would rather be given a copy so that you know what you can and can't do.

Carla..... I think it could have been useful when I first came here. Then I could have read it and I could have been more aware of some things.

Sandra relates how a lack of communication impacts her success at school.

.....I wasn't informed about the supports that exist for students like me at the beginning of the program so I didn't come to the DRC until part way through the program . . . in a sense, I didn't start off right.

Instructors also express the importance of ensuring that students are aware of the supports available to them. Rob describes the reciprocal nature of information sharing and disclosure of disabilities on the part of students.

.....There are some students with disabilities who just don't want to disclose their problems because they want to fit in and be perceived as the same as their peers. But there could be students who aren't aware that there are resources available for them. If they were aware of the resources that are available or of the assistance that could be made available, then they might be inclined to reveal their disability.

While faculty concur that communication and relationship building is critical to constructing a learning community that embraces differences, they do not perceive legal or policy frameworks as being helpful as stand-alone structures in promoting academic access for students with disabilities. A paucity of communication, information overload, lack of sanctions, and the perception that policy is used as a "stick" by administration are cited as reasons that policy is experienced as ineffective.

Carl..... I think the biggest issue is communication. We need to make sure that it's clearly communicated to all involved what the specific situation, what the accommodations are, and why. But anything that comes in from the outside has to be relevant at the time . . . I can't imagine any instructor saying, "I should know about all policies, let me spend a few hours or a day familiarizing myself with all of it" at the expense of what they could be doing in the classroom . . . until

something is important to you, that's when you thread it into your life.

Patrick.....The more we communicate issues around disabilities, the more comfortable faculty will feel in expressing their opinions and asking questions and all those kinds of things. The worst thing is when people don't know what's going on. The Associate Deans are the link in the policy to pass accommodation plans on to the faculty but sometimes communication is lacking.

.....Also, in this environment if you contravene a law there's usually a punitive outcome. However, there are no sanctions within the school. Within the laws of our culture, what's going to happen to you? If there was a human rights complaint that went forward through the courts that might be interpreted as, "I'd better not do that any more" but it would be more an act of compliance. If nobody's at risk, pushing the envelope a little bit will happen.

Abby.....I don't think laws or policies about disability access do much good. They do not deal with the issues in the most effective way. I think it's more of a mindset where people feel put upon. The school uses a "stick" rather than offer a support network. If you have rules that tell you that you have to do it and we are going to make you do it, nobody will respond positively to that approach. Policies don't need to exist if there's a common value system within the organization. If there's a vision and commitment to it, as well as respect for the inherent attributes we want in the environment, you don't need rules.

Policy can also exacerbate burdensome experiences for students related to some of the practices that evolve from the legal framework that shapes access to education in BC. Communication is once again raised as a critical element in supporting understanding and agency. As Tristan explains,

.....When I came here you needed documentation of your disability and they hesitated to take it because it was from Grade 12 which would have been 6 years ago. The learning specialist said, "Well maybe you have to re-test". One of the things that I did not understand at the time was why they needed it . . . "What we need is to cover our butts, or we need this to help us". It was never really explained.

Most of the students and faculty in the study emphasize how education can facilitate understanding and positive relationships, as well as enhance agency related to access to learning for students with disabilities. Instructors also reveal that they experience a constrained sense of agency unless they have access to information about disability issues. The following narratives are representative of students' (Terri and Ellen) and faculty's (Abby) perspectives on the need for training related to disabilities and academic access.

Terri.....Understanding is a matter of education. When you tell somebody that you have a learning disability and they have never heard of a learning disability, they won't understand. "Disability" is such a negative word and, because of that, they see it as a negative thing. If they've never come into contact with people with learning disabilities, they will see it that way, but if one of your peers understands what it is and how it affects you, they think differently.

Ellen.....I began to research living with dyslexia and that is when I learned about others with this problem. I learned that there were people worse off than I was. I met people who had different styles of learning and then I almost welcomed my disability, as if I opened out my closet and the situation was turned around. I give back to my secondary school by sharing my experiences. Many times I have spoken to parents about strategies that worked for me. I really enjoy it. I am also dealing with adults who were brought up through the system and who are educated about such things.

Abby.....Story telling is essential to building relationships and learning from what people have to say to us. Some of the most inspirational stories in history are those of people who have faced the greatest adversity.

Similarly, faculty members relate the need for collaboration and information related to disability and access issues.

Alicia..... Often the phrase, "duty to accommodate" will come up. It's great for the students to have that protection, but there isn't necessarily a lot of education that comes along with it for either instructors or fellow students, so it doesn't really create much more understanding necessarily.

Carl.....Sometimes we question the meaning of learning objectives and could benefit from more information from the DRC when it gets into situations like attendance, or the lab environment where you're unsure if the physical ability is going to allow a student to do certain things, or safety issues. Instructors often feel, "Well, you know, how do I proceed?"

Patrick.....The program and DRC working more together would help. It would be absolutely brilliant, if we could do that. The sooner DRC staff members attend a department meeting the better. The other thing too is some on-line presence where you could post “FAQs” for faculty. You need to let faculty know the services that you offer. I think that’s key.

Instructors point to the need for deliberation to increase understanding and commitment to providing academic access for students with disabilities. Faculty value the opportunity for input related to the supports required to facilitate changes in approaches to instruction and evaluation. Leaders must build an environment where members of the educational community can *hear* each other’s experiences.

Abby.....The discussion about why is it so difficult for faculty to accommodate students with disabilities does not take place. What we really need is someone to say, “What resources do you need to assist these students? How do we go about facilitating that?” We should be thinking about how to build on relationships that are ongoing between students and faculty. Administrators really should be saying, “Let’s talk about the positive aspects of providing access, about positive attributes and benefits for your program, benefits for you as an instructor, benefits all around”. What we need is a positive environment.

This discussion has analyzed how participants are situated within the social and cultural landscape of the institution related to practices that build supportive relationships, as well as the constraints that evolve through human interaction.

The primary finding is that positive social relationships within the educational community are central to addressing barriers to academic access for students with disabilities. As reflected in the last section, the historical stigma related to disability remains a reality for the students with disabilities in this study. The students' stories reveal how the demands that evolve through human interaction create barriers to academic access. In other words, it is not sufficient to view the issue of access to higher education for students with disabilities solely through a human rights and legal lens.

Liberalism focuses on individualism, competition, and success and these principles continue to hold considerable purchase within the broader post-secondary system in BC. The right to an equal opportunity to access education, firmly established within the context of human rights legislation and further shaped by case law in BC, reflects public higher education's legal duty to accommodate students with disabilities. Educational policies and procedures at public post-secondary institutions have been established to reflect this duty to accommodate. However, feedback from participants in this study indicates that a legal framework holds little purchase with regard to creating or sustaining respect for students with disabilities within the educational community. These findings reflect the opinion of some scholars and human rights lawyers that judicial decisions related to academic access can result in compliance on the part of faculty rather than a commitment to enhanced educational access (Hannah 1998; Sussel 1994; Price 2003, Soltan 2004).

Universal design for learning is built on a model where disability is considered part of a wide range of learner diversity. An important principle of the framework is to build a climate where differences are valued and diversity is anticipated as the norm in post-secondary institutions (Bowe 2000, Kalivoda & Totty 2003; McGuire et al. 2003; Scott et al. 2003b; Silver et al. 1998, 2003). Scholarly works suggest that students with disabilities' negative social experiences with faculty, as well as with their peers, result in a message that they are not equally valued members of the classroom community. These experiences can erode self-esteem, perpetuate feelings of marginalization, and result in poor communication and relationships (Beilke & Yssel. 1999; Neufeld & Hoskyn 200X; Long et al. 1999; Low 1996).

Students with disabilities and instructors hold a common view that communication and positive relationships are the foundation for providing access to learning. In addition, some practices that evolve from a legal model of educational access and a bureaucratic culture are burdensome for students. The influence of communication on action and agency was also explored. All participants in the study emphasize the need for consultation and deliberation among students, faculty, and DRC staff, as well as educational training opportunities related to academic access.

5.3.3 Teaching Practices Promote Accessible Learning

This section of the chapter furthers the discussion of the study's findings that answer the research question on how students with disabilities and faculty are situated within the social and cultural system of learning. The focus is on participants' experiences with the principles and practices of universal design for learning.²³ The first principle of universal design for learning is that instruction is accessible and fair where high expectations are held for all students. Alicia reflects this principle related to her teaching practices, while Amy speaks to the usefulness, from a student's perspective related to how the availability of class notes in electronic format supports varied learning strengths.

Alicia.....We make our lecture slides available in advance to *all* students so that they're able to read them, ask questions, and make notes before they even come to the lecture.

Amy.....Some instructors use PowerPoint and after the lecture, they'll post it and we can download it. It's much better because I'm watching the interpreter sign, I can't write notes on my handouts or look up at the overhead or the PowerPoint as much, so I have to pull it together after the class. When teachers give me handouts before the lecture, I can look through the material before the class and that helps me a lot with the context of the lecture.

²³ The following analysis of how participants are positioned within the organizational landscape related to universal design for learning is based on the principles and practices outlined in Table 3.1 on pages 88-89 of this document. Definitions are a composite of information gathered from UDL projects at Brown University (Ivy Access Initiative), the University of Guelph, and the University of Connecticut (FacultyWare).

Instruction that is flexible in presentation and participation is the second principle of universal design for learning. Both students and faculty in the study relate that varied instructional methods are central to academic access. Instructors in the study reflect on the related practices associated with universal design for learning.

Carl.....Given the size of our classes, fifty percent of our instruction is in lecture mode. I'm sure for a lot of students a lecture would not be their first choice as a way to receive information. But even in a lecture format you can do some different things that help learning.

Lindy.....Because we have such a diversity of people coming in with different skills, we can say, "Here's the curriculum. Here's what we're going to teach. If you're falling off at the top and you're bored, you need to ask for a more difficult assignment. And if you're falling off at the bottom because you have absolutely no experience and you're struggling to keep up, then you go in at 9:00 on Sunday morning and you can get some one-on-one assistance.

Rob.....With respect to teaching strategies, I think an important one that benefits *all* learners equally, not only students with disabilities, is to make the learning experience experiential. I try to have students doing things, because they're learning by doing. I think nobody, whether they have a disability or not, can stand to sit and take lecture notes for hours on end.

Patrick.....I expect students to electronically distribute information that they present beforehand. That works well for everyone, but can be especially beneficial for someone who has an auditory processing

problem. They are able to read the information first and formulate their ideas and questions. That is not doing anything different to accommodate students with disabilities. In fact, everybody benefits from a common strategy.

Tristan, Ellen, Sandra, and Terri describe how the students in the study experience varied instructional methods, such as lectures with a visual outline, as facilitating their learning strengths.

Tristan.....What works really well is when teachers give notes and they leave blanks in them. They have their PowerPoint presentations or their overheads and you can print them. So you are listening for the percentage of people, for example, and then when they speak about the percentage you fill it in. People are still following along and listening. They have to listen because the notes are not complete.

Ellen.....I think that the best thing is when teachers use PowerPoint and they make you write at the same time. That way, you have to focus. Giving us handouts is extremely helpful, too. The best way for me to learn is when the teacher has a handout and they explain and expand on each frame of the PowerPoint. It gives me something to build on especially when examples are included.

Sandra.....Part of the problem is that I can't always see the big picture when the teacher is lecturing. What helps in that case is when they provide us with copies of the notes. One instructor had booklets and we could also write our own notes during the lecture.

Terri.....Most of our classes are in lecture format and I often don't know what they're talking about. I can't focus because I find too many distractions. I really need to read the material myself, so that I can hear it inside my head.

The third principle of universal design for learning, simple and consistent instruction can be supported through practices that promote the development of clear learning outcomes and grades that are logically attached to these requirements. Both instructors' and students' narratives reflect on the importance of learning outcomes. From a faculty perspective, Phillip and Abby reflect the following:

Phillip.....If you have learning outcomes, you can evaluate on very specific things to determine if students meet the criteria. We're always going through a review of our course outlines to try to tighten up on that whole area. We want to make sure that the course outline that we give to the student is clear, and learning outcomes are met.

Abby.....I think you have to focus in on learning outcomes. You can modify your teaching but there are limitations on how far it can be adjusted. In fairness to students, you don't want to adjust to the point that you lead them to believe in their skill sets if they can't really do the work.

As a student, Sandra raises the important issue of evaluation that reflects stated learning outcomes.

..... One thing I don't like about a lot of courses is that I don't feel the material that they test is fair. They will bring up things that were not mentioned in the notes or perhaps, something that there had been just a quick word about. I think that they should test on material that was written down so that the students can read it themselves, because I often don't catch information that's passed on verbally. For me, I definitely need to see things written down.

Instruction that is explicit and easily perceived, where barriers to receiving and understanding are removed, reflects the fourth principle of universal design for learning. Rapidly evolving educational technology has allowed instructors to adapt delivery formats and provide instructional supports in digital and on-line formats. Amy comments on the use of technology from a student's perspective, while Rob and Carl reflect on the overall response of faculty participants to the power of technology within post-secondary classrooms.

Amy.....In my program, all the students have to have a laptop and technology really provides access. It's good.

Rob.....The world has become so much more integrated with technology, and it is going to play a bigger and bigger role. I think the move at the institution to increase the amount of technology that supports teaching and learning, is a good one.

Carl.....The new technology initiative at the school moves along the standard lecture format into something that is broad based for different learning styles.

Alicia reports that not all her colleagues have embraced technology in the classroom and this can create barriers to understanding for students. While faculty and students in the study make repeated references to the use of PowerPoint as an effective teaching tool, Carla's story provides a caution from a student's perspective related to the functional implications of a visual disability.

Alicia.....There are still instructors who scribble their chicken-scratch handwriting on an overhead, which is very difficult for anyone to read.

Carla.....If the instructor uses PowerPoint, I'm in trouble because I can't see it unless I'm right next to the instructor and I'm not about to do that. But if the teacher is talking through the PowerPoint as well, then I can follow. I learn by listening. I've had to because my sight has been the weak link.

..... I would like them to skip the PowerPoint and just use overheads, either hand-written or printed out in a decent size font, so that everybody could see, not just the special needs students. One of my instructors posts his notes on the Web. Some instructors have pre-printed notes and that works for me.

This principle of universal design for learning that embraces the consideration of sensory abilities and effective communication is raised by Amy in the context of her experience with multiple service providers.

.....Having the same interpreter through the whole program is a really good thing because they become familiar with the content. It's very

difficult if there are new people coming in throughout the course of the program. They get so lost with the content.

Universal design for learning is also intended to promote instruction that anticipates that learners will make errors but these situations provide valuable learning experiences. The value of the fifth principle, tolerance for error, is reflected in Carl's and Rob's instructional practices related to multiple modes of evaluation.

Carl.....I don't view extra time on exams as unfair. I think if the disability is accurately assessed, it is fair to give them extra time to put them on an equal footing with others. What may be unfair is if they have the same amount of time.

Rob.....If I was aware of a disability that would prevent a person from taking a particular exam, then I would look for another way to examine them which would still let me know if they had mastered the learning outcomes. For a student who's deaf, for example, certainly I'd say to myself, "Okay, how can I do an oral presentation differently so that this person can show me they have learned and understood the material?"

Tristan speaks to the opportunity to demonstrate what he has learned in a manner that considers whether spelling and grammar are essential course requirements; while Sandra reflects the experience of many students that variation in learning pace is not always addressed in the classroom.

Tristan.....If you said OK, I have this problem, some teachers said they would not grade as hard on grammar . . . they were more forgiving. Also, with extended time on exams, they say OK, not a problem. They want to help you in the best possible way. It was about the quality of what I knew.

Sandra.....Work is presented too quickly for me. At the start of the program, everybody is on a different playing field. So, the instructor picks a speed to present the work that is in between all of these variations and it's really intimidating for someone like me.

The elimination of non-essential physical effort, where maximum attention is paid to learning and instruction that considers environmental supports, are reflected in practices described by Lindy and Phillip as assisting not only students with disabilities, but also a faculty member.

Lindy.....Our programs have lent themselves to people with disabilities, particularly the on-line program if they can't get to the school. People who have had back problems have come into our program and been successful because we let them get up if they need to stretch or move around. In fact, one of the instructors was in pain due to acute arthritis and so she taught into the distance program. When her hands were really bad and she was in a lot of pain, she could stop for a while. It worked really well for her.

Phillip.....We had a young man that needed a special desk in the lab which was provided and this worked very well. When another student needed it, we moved the class to where we have the desk.

Finally, instructors emphasize that promoting a classroom climate that creates a community of learners and a welcoming environment are key to improving academic access. In a community of learners, instructional design encourages interaction and communication among students, and between students and faculty; a welcoming classroom climate promotes inclusion and the meaning of the term “disability” as a neutral difference.

Lindy.....It's really the team thing starting with our program assistant who used to work in the DRC. She focuses on students' access needs and then everybody around does what they can to help. You know, you have to give students with disabilities the chance. There's always something positive that comes out of it.

Phillip.....We had a student who is deaf in one of our programs. We interviewed her and there were some concerns, but the truth is, she had a lot of enthusiasm. She did take the program and there was absolutely no problem at all. The interpreters were there. She was there. She showed desire to learn in the whole program and she took it very seriously. After she graduated, she gained employment. This is one of our success stories. We have people without disabilities that don't get employment.

.....With another student, we let him try a course in Part Time Studies for a couple of weeks and didn't charge him. We just wanted him to try it out to see if it worked for him or not. He ended up taking the full course and applied for the fulltime program. I can't say it's always easy for him but he's taking it seriously. He needs extra one-on-one help. But, you know, we have lots of students without disabilities that need some extra help. I see no reason why people

with disabilities couldn't take these programs and become successful in school and in their careers.

Abby.....A student who is deaf interacted so well with the class that he was an integral part of the class. He had an interpreter signing for him and the other students just totally accepted him for who he was. He didn't feel left out because of the sign language.

One instructor promotes the practice of establishing team charters to build a welcoming climate within a community of learners.

Rob.....If members in a group project develop a team charter, each individual can identify what they are good at or what their strengths might be including students with disabilities and offer those to the group without necessarily having to reveal their weaknesses.

.....I realized that it's not all about me. It's about all of us, students and instructor together. I think that has helped in terms of my being able to assist with someone with a disability, as well. When I first started teaching, my mindset was still pretty much along the lines of "I have to tell the students what I know." Today, my mindset has changed. I've got information in my head that I can share with them, but I'm much more of a resource person for students who is setting up a set of learning activities for them. Now, it's "Let me see if I can be the catalyst for you guys to discuss and share and that sort of thing".

Amy's narrative reflects the stories of students related to a welcoming educational environment that promotes communication among students and faculty.

Amy.....There are discussion boards where information is shared with all the students. Technology like e-mail, text messaging, and MSN also help because then I can read, rather than having to hear. It's not always fun to read for a long time but in the classroom I can communicate directly with another student using MSN, rather than the interpreter, especially when we're talking about projects. It's really important for me to be able to be included in the group and to know what's going on with the class.

In this section, the analysis, multiple modes of presentation, instruction, and evaluation are viewed as effective teaching practices that promote access to learning, while singular approaches create barriers to academic access. In fact, students with disabilities in this study identify the principles and practices of universal design for learning as central to academic access. These findings are also concomitant with the experiences of faculty who embrace universal design for learning and post related practices to web sites devoted to this model of access (University of Guelph 2006; University of Connecticut 2006; Brown University 2006).

The findings in this study bolster the claims of scholars that universal design for learning has the potential to increase empowerment, reduce the stigma and the bureaucracy associated with individual accommodations, improve the academic

performance of students with disabilities, and increase collaboration among students, DSS coordinators, and faculty. Related practices can often prevent pitfalls such as a poor match with a dominant teaching style, inappropriate levels of challenge, and lack of personal relevance (Hatch et al. 2003; Hatfield 2003; Maudaus et al. 2003a, 2003b; McGuire et al. 2003; Scott et al. 2003a, 2003b; Silver et al. 1998; Silver 2003).

According to ten participants interviewed for this study, identifying and communicating essential course requirements is a key determinant in whether students achieve their educational goals. In the experience of most instructors and students, identifying and communicating the essential requirements of courses supports students in achieving their educational goals. The practices of universal design for learning are considered supportive for *all* students, not just those with disabilities. Educational technology is described by participants as providing an enhanced learning experience. However, a number of structural barriers related to the use of technology, such as lack of technical support, are also identified. Finally, practices that reflect the principles of building “a community of learners” and a “welcoming instructional climate” are experienced by students with disabilities as being central to academic access. Teacher-centered educational practices create a number of barriers that are not always resolved through support services.

5.3.4 Barriers to Agency Abound

Chapter 2 presented the argument that human agency is grounded in biological and socio-cultural factors, but evolves from self-determination (Martin et al. 2003). A relational approach to social justice also laid the foundation for the inquiry process in terms of respect for human dignity and a concept of “equality” that embraces the range of variation in students’ learning strengths (Christensen & Dorn 1997). In this section of the chapter, findings bring to light participants’ understandings of supports and barriers to implementing universal design for learning, how their experiences influence their thoughts and actions, and thus how they can act as agents of change within the social and cultural system of learning.

Although participants value the principles and practices of universal design for learning, teacher-centered practices remain common. Participants in the study speak to how some faculty members become entrenched in their approaches to teaching, while others have limited background in instructional skills. Both students and faculty relate that change requires self-reflection, new understandings, and intentional action. Carl, Rob, and Alicia reflect faculty experiences.

Carl.....People get comfortable with the way they do things and, if it’s been working for them, they would have to see the advantages to switching over.

Rob..... With respect to teaching skills, things do change and an instructor can get rusty or stale. However, some instructors feel that their methods have been effective and they've been doing it that way for six or seven years. But, in fact, it's time to change, to freshen it up.

Alicia..... Many instructors have little teaching background. We have to take a week-long course before we teach our first classes. But that's quite a new requirement and the average age of instructors is quite high so a lot of those instructors never did take that course.

The students in the study are also cautiously optimistic about faculty changing their instructional practices.

Sandra..... I would hope that instructors are open to changing their teaching style but I'm not sure that they are. I think a lot of them have been teaching here for so long, it is unlikely.

Tristan..... I think it really depends on the person. It seems like some people are natural teachers and some people aren't. Other teachers say this is how I have always done it, and this is how I always will do it, and you don't get it.

Terri..... A lot depends on how excited the instructor is to teach you. Some teachers who have been teaching for twenty years can be somewhat uninspiring. I'm not sure that they will change.

The difficulties that arise as a result of instructors who believe that educational success is achieved through competition were also identified by faculty as barriers to implementing universal design for learning. Alicia speaks to the

notion that, to warrant receiving their diploma, students must demonstrate standards that may not be related to essential learning essential learning outcomes. Merit is not contextualized within an inclusive, accommodating environment but rather on competitive behaviour believed to be central to success in the world of work.

.....Some conservative instructors think, “This is how I learned and this is how you’ve got to learn. You need to do well in the environment you’ll be working in and I’m not going to accommodate you at all”.

.....I prefer not to fail a student just because of poor spelling. The problem is that the standards in the department are such that, if a student doesn’t spell well, they probably will fail.

Faculty participants identify supports that may encourage their colleagues to interpret their experiences differently, discover new understandings related to students with disabilities, and ultimately construct a framework for action that embraces universal design for learning.

Rob.....I think that it would be a great help if there were some kind of coaching in the area of disabilities for instructors. It would be good for the DRC to give a presentation at one of our instructor meetings to deal with that issue, because much of the difficulty relates to a lack of familiarity or a fear of the unknown.

Carl.....One of my colleagues inspired me and helped me find my way in a new teaching environment. There’s going to be a lot of new people

teaching here, and that kind of mentoring becomes more and more critical.

Alicia.....I think it would be helpful for new instructors coming in, to have something included on disabilities in the week-long course that instructors take. At this point, there's absolutely nothing on disabilities. There's nothing on the DRC, what its role is, how it works. I think the focus of training needs to change a bit.

.....We also need to have ongoing training. It would be interesting to hear what the students with disabilities who've successfully gone through BCIT would have to say. I'm sure they've got ideas about how the system could better change. It would also raise awareness because some instructors' perception of students with learning disabilities is very different from reality.

The students in this study also speak to the value of professional development opportunities for instructors. Tristan and Carla reflect on the benefits of information and education related to the practices associated with universal design for learning.

Tristan.....This is how it is going to be taught well - instructors will teach so that people can understand by presenting information in a different way to get around the obstacles. If we manipulate delivery, people can pick it up and learn it. Education for teachers may help accomplish this.

Carla.....I wonder if new instructors get any kind of information on how to present their work? That should be part of the policy or procedure

or the protocol. In that way, no student would feel singled out, no-one would feel different, no-one's going to feel, "I have to disclose and I don't want to." It would not be about accommodating anybody differently or making special concessions. That's the thing that bothers me. I hate those words, 'special concessions'.

Faculty in the study also acknowledge some movement toward practices that reflect the principles of universal design for learning as a result of the significant attrition rate currently being experienced in the public post-secondary system. Lindy speaks to how self-determination plays a central role in organizational change related to academic access.

David.....There is some change with the newer teachers coming in.

Alicia.....When I first came into the department, the average age was probably 55 and almost all male and that's a very different mind-set generally than the mind-set of many of the new instructors who've come in, so yes, I think things are changing.

Lindy.....I feel that we have to extend the duty to accommodate to students with disabilities. Our first line is the DRC because they're the people most experienced. But I wouldn't hesitate to go to anyone in the institution to get support for someone who I felt we could make a difference for.

In contrast, instructors' narratives also reveal a scale tipped with significant barriers to change related to institutional culture, leadership practices, and a lack of resources. As Alicia's narrative uncovers,

.....Workload, number of students – those are barriers. Lack of coordination between colleagues, isolation – I think instructors at the school are extremely isolated. It's definitely an environment with many barriers to effective teaching.

Rob, Alicia, and Carl speak to the lack of importance and attention paid to skill building as a significant barrier to moving universal design for learning forward.

Rob.....I'm not sure that we have done a very good job of creating a culture in which faculty are encouraged to continue to develop themselves and to grow. I'm not saying that the resources and the support aren't there for instructors. What I'm saying is that there isn't a culture of *expectation* that instructors will address that issue.

Alicia.....The focus is not on building skills. It's a sink-or-swim situation. "If you don't have the teaching skills to be here in first term, we're not hiring you back for second term." The emphasis is not on mentoring and training. Then, once instructors get through that probation period, there's no "stick"—they are regularized and that is it. Also, there's not a lot of extra time to build the relationships that would be needed before team conferencing could take place.

Carl.....I think that a lot of instructors would say, "Well, if I don't have a student with a disability, it might be interesting, but I might not remember when I do have one."

Tristan echoes these concerns from a student's perspective.

.....I don't know how you deal with that change as an institution. It is really hard and I honestly don't know how you can. First of all, you have to find the instructors that are teaching in an inaccessible way and that is easier said than done. Then how do you change someone's teaching style, you know other than give them hints? Also, they would need to actually *go* for training.

At the same time, Rob and Amy reveal practices that are unwelcoming and create an environment that impedes students' feeling that they are equally valued members of the educational community.

Rob.....My perception is that the school accommodates students who have disabilities but isn't necessarily proactively encouraging them to come here.

Amy.....When the school advertises their events it's really focused towards hearing people. They don't do anything to indicate that students who are deaf or hard of hearing would be welcome and included. They don't say that interpreters will be provided and I wouldn't have to do something special in order to go.

.....Most of the time we're doing group projects in class so I am involved with the social aspects of that. But, after class or at lunch or breaks I'm alone without an interpreter. It's so hard to be involved in a group chat. I just can't keep up with the conversation. The students are really nice to me. I don't mean that they exclude me but it is hard to integrate. The other students talk about their projects or what they feel about the teachers and, of course, I miss all that information and that can be a problem.

In contrast, Sandra's story reflects how a part-time program intended to accommodate her disability can result in diminished peer relationships.

Sandra.....I think the reason I haven't bonded with many of my peers is because I have been in a few different sets.²⁴ I probably would have graduated last year, a couple of semesters earlier, but I'm doing the course over a three-year period.

Difficulty integrating technology into the learning process was also raised as a concern related to implementing some of the practices of universal design for learning. Instructors' narratives reveal barriers to agency and cite a lack of motivation on the part of some faculty to learn new technological teaching strategies, as well as the burdensome infra-structure that hampers access to learning. Other roadblocks reflect in downtime, lack of technical support, and multiple online communication programs. These structural barriers encumber students' abilities to easily navigate the learning process.

Alicia.....As far as making use of technology, I think that it's not just a matter of instructors' technical abilities, it's their motivations. I can overcome a lot of technical difficulties if I want to and there are people at the school who can help. It is especially difficult for instructors who didn't grow up with technology.

Rob.....There have been occasions when technology has not performed as well as it's supposed to perform, or when we haven't had the

²⁴ Full-time programs at the institution are structured in such a way that students generally remain with the same cohort over the course of their studies.

technology available that we needed. For example, we require more wireless capability.

.....We are also making access to information more complex and, by doing so, we're adding to the burden. In one class, students use Share In and Share Out because they submit their assignment that way. In another class, the instructor could say, "No, I want you to use MySchool and go there to submit your assignments", and then another instructor might say, "No, we have a Web CT site for this course and you need to go there".

Carl.....Another initiative is to require that students and instructors have laptops. But who provides technical support? You need a dedicated person just to look after those things.

Students in the study describe both benefits and challenges related to technology and academic access. Tristan's narrative reflects how technology can support enhanced agency. Although Amy speaks to the benefits of technology that are reported earlier in this chapter, she also describes how access to learning was diminished because she was provided with a technological service that did not meet her communication needs.

Tristan.....I feel a lot more confident with what I can do than when I came. What I walk away with is the fact that now when I am writing on a computer, there may be the same amount of mistakes but there is a lot more confidence in the product and there is a lot more pride and I think that is big.

Amy.....There was one course where there was no interpreter available and so I had real-time captioning. The same as they use at the law courts. It was not very helpful at all. They type every sound that comes out of someone's mouth, every "um" and "ah". I did so much work trying to read that stuff. The transcriptions were like 90 pages from 3 hours of class. I'm not going to read 90 pages to review a lecture . . . that was not helpful at all. There's no expression from the transcriber in class. If I don't know what it means – what's typed there – there's no way I can get an explanation or get something clarified. And I'm just so busy reading, I can't really absorb it.

Situational and organizational constraints within a bureaucratic culture create challenges related to agency, as well as social and cultural change. A number of faculty members expressed their frustration with the top-down leadership style and lack of reciprocity within the school's bureaucratic structure. The focus on profit, costs, and efficiencies has had a powerful impact on instructors' sense of agency.

Rob.....Administration is taking steps to take control of activities to ensure conformity. Basically what the institution wants is a contribution from part-time studies operations. They're looking for money. In the past, as long as you could provide a financial contribution, then you could do basically whatever you wanted to do. Now, we have a continually decreasing amount of freedom. We are not asked, we are told "You will change your course prices by this amount". Now I need VP Education Office approval to make any change to a program. These are two examples of the kind of top-down control.

Patrick.....I perceive that administrators want to see change happen and lead change but, on the other side of that coin staff within the organization are having their wings clipped. I think instructors are having less and less freedom to have their course the way they want it, and to do what they want to do within their course. They're experiencing less flexibility, less freedom. There is more supervision and more influence on what they're doing. Only recently, instructors have had to have their course outlines signed off.

Abby The school is hierarchical and we have always been hierarchical. There's this notion that, "We're going to do this, and we did not ask you because you're below us, but we are changing our path". A large part of the problem is economic. We are just totally focused on the almighty buck and short term gains. But we also don't have a system for "grass roots" up communication.

Alicia.....I've seen, from the top, that there's a lot more interest in creating programs and raising the profile of programs than in helping students.

Patrick.....Based on the current structure we have here, something has to change. If the VP Education's mandate is for change the issue then becomes, who's managing the social process? There is a gap there. I would say there's no connection between the higher end at the school and the departments that have become individual entities. There is a "black hole" in leadership here. Change must be managed properly. Otherwise, you lose the synergy that should happen in an effective organization between departments, if there is no leadership and communication. They can't exist independently of each other.

The highly rationalized nature of bureaucracy creates formidable barriers for students, not all of which are attributable to the institution but to the system of which it is a part. Participants' stories also reveal experiences that reflect a lack of responsiveness on the part of administrators to institute changes proposed by students.

Ellen..... I use technology to transfer my textbooks to my laptop which has a voice program. I applied for a disability grant to cover the cost but they wouldn't believe that I had a disability. It went back and forth with people here saying "She does have a disability", and then they would say, "Well she is functioning" and then it would go the other way and so it took about four months.

Carla.....The biggest barrier is the fact that there is just so much red tape to go through. I believe it's typical of the bureaucracy. They have to have their fix of paperwork and rules or they just can't function and that's counterproductive. I don't know why it has to take so long for things to change. Administrators have got to talk about it for a couple of years, to figure out whether they're actually going to do anything with it, and then they've got to modify it and that takes another year.

Carla.....I have heard of students who have tried to challenge something and the school basically dragged its heels so long that their window of opportunity closed. They were really choked and I understand that they decided not to pursue it because they still wanted to attend here and they didn't want to suffer any repercussions. I've also got the impression that the school's Student Council is not active and does not do anything about changes that are needed. If something

isn't working, and five students in the past six months have reported problems, then something's obviously not right in that area. That's when administration should look at it and try to fix it. And actually do it, not just talk about it.

Tristan.....Some faculty and administrators are open to change and some aren't. I would say no one likes change especially in a place like this. It is hard to go, "this doesn't work for me and it probably doesn't work for other people". They go, "we will change it for next year". Everything is always "we will change it for next year". It is never "we will change it now". It is discouraging and I think it discourages people from going to administration and communicating what the problems are. Even small changes are hard to make. Also, as students, it is really hard to get to the right person to communicate the problem to and it is not really laid out who the right person is. I think the biggest thing in administration is more communication.

Administrators' focus on cost efficiencies and competing demands, as opposed to investing in changes to teaching practices that may further access to learning for students with disabilities, is captured in Abby's dialogue.

..... I think administrators pay lip service to change. If you went to a few people and said, "I've got something to improve teaching", they'd make it happen. Most people seem to have so many other things on their plate and competing demands for resources, it would not be a priority. How do you afford the extra time to revise their curricula? It requires resources and extra compensation which is never offered – they prefer you do things as a professional volunteer.

.....Change takes a long time. You need time to get people to that place, to experience it, reflect on it, and commit to models that work. As an organization, we have a mentality that we don't have the time. There's also a desire within the bureaucratic structure, to keep the status quo. But if you invest time and money now for students with disabilities to be successful, then, in the long term, the cost to society is going to be considerably less.

This final theme emerging from participants' transcripts indicates that barriers to agency abound within this public post-secondary institution. Teacher-centered instruction remains common. Faculty members believe that a shift to a learner-centered approach will require self-reflection, new understandings of students with disabilities and academic access, as well as intentional action on the part of students, instructors, disability services coordinators, and administrators. Access to training is cited by faculty and students as a support that would facilitate movement toward embracing the principles and practices of universal design for learning. Coaching and mentorship opportunities were also noted by faculty as bolstering accessible teaching and evaluation practices. The findings in this study are concomitant with the factors that Bourke et al. (2000) identified as supporting the implementation of universal design for learning: strong collaborative relationships between administrators, faculty, and service providers; opportunities for faculty to learn more about disability issues and instruction; social and financial support for the practice; as well as the need to look past attitudes at situational variables (31-32).

Instructors relate barriers to agency such as workload and large class sizes, a lack of importance attached to skill building, and difficulties related to educational technology. Students report practices that impede becoming equally valued members of a community of learners within a welcoming instructional environment. These practices diminish students' sense of empowerment and create barriers that prevent them from acting as agents of change within the institution. In the words of one student, it is critical that faculty recognize her potential to succeed:

Ellen.....I am still mad at the instructor that refused to accommodate that exam. You know the sad thing about it is I just took the paper and asked him if he was sure he didn't want it and he said he didn't need it because I was "special". Finally, I went to him and said, "You know what? I will make it in society and when I do make it in society I am going to come back and tell you that I made it."

A top-down leadership style with minimal, if any, opportunity for deliberation over academic access issues, a focus on economic success at the school, and a lack of response to suggested changes in access practices create further challenges to change agency, as interviews with faculty and students with disabilities reveal. These findings reflect the challenges of relational social justice identified by Mendes (2000), educational communities built on dialogue promoted by Beck and Foster (1999) and Gutmann (1985), and the dialogical agency of Martin et al. (2003).

5.4 Contextualizing Community Voices

The purpose of this section is to collectively analyze the themes that evolved through interviews with students with disabilities and faculty. How do linkages between the common categories identified in participants' narratives inform understandings of universal design for learning? How do participants' stories inform theory and how are they informed by theory? In the words of Maxwell (1996), the researcher commences a search for "relationships that connect statements and events within a context into a coherent whole" (79). In order to deepen the understanding of the impact of universal design for learning, the objective is to integrate the answers to the research questions with the goals of the study. Participants' narratives are further analyzed within the context of human rights legislation, institutional policy, models of disability, and learner-centered teaching practices including the principles and practices of universal design for learning, as well as cultural and leadership issues related to public post-secondary settings.

One central purpose of this study is to understand how educational practices impact the experiences of students with disabilities and faculty, and how participants' interpretations influence the construction of access to learning, as well as their actions. The principles and practices of universal design for learning were used as a framework for examining participants' social experiences. This scaffolding also provided the descriptive categories of a socio-cultural model of disability to identify the impact of a range of social interactions and instructional

practices that support or create barriers to academic access. The nexus between human agency, bureaucratic structure, and situational factors was also used to analyze current access practices.

What is the overall nature and impact of universal design for learning on the experiences of participants? When the answers to the three research objectives in the categorizing analysis are considered collectively, quality of communication and social relationships is revealed as the most significant factor in creating a learning community that is accessible for students with disabilities. Students are more inclined to disclose their disabilities as a result of positive social experiences rooted in a construction of the term “disability” as a neutral difference. In turn, faculty members who adopt this view are situated in such a way that they create a welcoming environment for students with disabilities, within a community of learners. Students and instructors also reveal that clearly communicating the essential learning outcomes of courses and programs, and providing multiple modes of presentation, instruction, and evaluation enhance educational access. Finally, participants act as effective change agents when they benefit from strong collaborative relationships including those with disability service coordinators and administrators.

These findings reveal the importance of the principles and practices of UDL, particularly those related to creating a community of learners and a welcoming learning environment (Bowe 2000; Johnson & Fox 2003; McGuire & Scott 2002; McGuire et al. 2003; Scott et al. 2003b). Participants’ narratives also support the

value of the concepts underpinning the socio-cultural model of disability that informs the study where disability is viewed as a neutral difference and derives from the interaction between the individual person and society (Barnes et al. 1999, Barnes & Mercer 2001, 2003; Gill 2001; Kelly 2001, Turner 2001; Wasserman 2001; Zola 1991). In turn, the theory that informs learner-centered education resonates with both students with disabilities and faculty as good teaching practices that promote academic access (Clough & Corbett 2000; Harrison 2004; Merriam & Caffarella 1999; Griffen 1991; Lawson 1991; Mittler 2000; Pratt 1998; Weimer 2002). Finally, the relationships between discourse, social structures, and the theory of dialogical agency conceptualized by Martin et al. (2003) critiqued in Chapter 2 appear to hold purchase for students and faculty in the study.

However, it is also important to consider how participants' experiences of academic access are embedded within situational, structural, and cultural factors that impact the meaning of academic access. These influences emerge from a range of contexts including the school's environment, the post-secondary education system in BC, and society in general. One of the most powerful impacts on access to the post-secondary system over the past twenty years has been the evolution of case law related to human rights legislation in BC. "Grismer" (1999) and "Meiorin" (1999) set important new precedents that compel institutions to objectively establish essential course requirements and individually assess students to determine if their disabilities can be accommodated without imposing undue hardship on the institution (Price 2003, Soltan 2004).

These precedents reflect significant movement toward to achieving Rawls' principle of equal opportunity in public post-secondary settings (Rawls 1971; see also Hannah 1998; Held 1989; Scharpe et al. 2002). Given the long history of oppression faced by people with disabilities including their struggle to access education (Braddock & Parish 2001; Clapton & Fitzgerald 1997; Fleischer & Zames 2001; Goffman 1963; McCarthy 2003; Szasz 1974; Ravaud & Stiker 2001; Winzer 1999) human rights legislation serves an important purpose. However, legal precedents in BC do not reflect the notion of universal relational social justice or the communitarian value of the importance of building community promoted by Beck & Foster (1999), Etzioni (1993), Mendes (2000), and Bickenbach (2001).

An analysis of the Accommodation for Students with Disabilities policy adopted by the Board of Governors in 2005 indicates definitions of accommodation that are consistent with the principles of universal design for learning. However, the content was developed through costly legal counsel rather than being driven by members of the educational community.

A student who is given accommodation should meet the same or functionally equivalent admission requirements and course pre-requisites as other students;

A student who is given accommodation should be able to demonstrate acquisition and mastery of the body of knowledge or skills ordinarily required for passing a course and/or completing a program;

An accommodation could potentially involve one or more of the following measures designed to meet the particular needs of a student who has

sought accommodation for a disability: a. Adaptation to or modification of the manner of instruction or presentation of materials in [the school's] course or program; b. adaptation to or modification of the manner of evaluation or examination in [the school's] course or program, or a test or examination offered or administered by [the school]; c. provision of support services; d. relocation of classes or other services provided by [the school], or, if reasonable in the circumstances, alteration of the physical environment on a campus. (3, 7)

My professional experience within the research site, particularly during the policy development process, reveals that the notion of determining essential learning outcomes and reasonable accommodations in an objective manner is also diminished by the power of negative language related to disability issues, and a meritocratic view of equality as described in Chapters 2 and 3 (Christensen 1996; Christensen & Dorn 1997). This may be partly due to an institutional culture that prides itself on preparing job-ready graduates with the skills to survive in a rapidly changing labour market environment. Demonstrated competitiveness is not reflected as an outcome on course outlines; nor would it reflect the principles of a “community of learners” or a “welcoming instructional climate”. In addition, while faculty in this study embrace learner-centered instruction, other instructors agree to individual support services, but maintain what Harrison (2004) refers to as teacher-centered practices rooted in centuries of tradition where faculty are trained as content experts.

The Accommodation for Students with Disabilities policy also requires medical documentation of disability specific to individual deficits, assigning authority for developing accommodation plans, to which instructors are held accountable, to faculty in the Disability Resource Centre. This approach is consistent with a

medical model of disability and can evoke the negative impact of non-disclosure on the part of students, as well as professionals as intervention agents, as opposed to the individual with a disability being the agent of intervention (Barnes et al. 1999; Embry et al. 2005; Kalivoda & Totty 2003; McGuire & Scott 2002; Romereim-Holmes & Schade 2003; Silver et al. 1998; Strauss & Kroeger 2003). Finally, while the findings of this study indicate that students and most faculty members are unfamiliar with the access policy, they clearly express the importance of consultation and relationship building with regard to implementing accommodations. These aspects are not incorporated in the policy document. In fact, it is the Associate Dean who sign off on accommodation plans. This approach works well in an institutional culture that values conformity and discourages controversy, but is not conducive to building a sense of community.

Systemic factors such as the rising cost of meeting the access needs of students with disabilities within status quo budgets, and the current individualistic, profit-oriented political agenda in BC, also contribute to barriers to academic access for students with disabilities. Provincial economic and social policies reflect a greater demand for accountability through cost efficiencies and increased numbers of students served, while funding has been re-directed from enhancing teaching practices. In a climate of heightened competition for resources, less attention is being paid by government to the access needs of students with disabilities. These findings support the concerns related to the commercialization of post-secondary institutions and attention to cost efficiencies found in scholarly literature (CPRN 2002; Immerwahr 2000; McBride 2001; Molnar 2002; Stein

2001; Turk 2000). The Ministry of Advanced Education's Service Plans clearly reflect that these new directions are embedded in provincial public policy (Government of BC 2002a, 2003a, 2004a, 2005a).

Finally the findings of this study indicate the perils of transactional leadership practices within a bureaucratic culture that has a vested interest in maintaining the status quo. The students with disabilities and faculty who participated in the interview process consistently expressed their frustration as a result of the barriers to agency created by a top-down leadership style. In addition, there is a lack of support and resources that would bolster faculty members' motivation to adopt a new approach to the teaching-learning process that confirm the findings of past research and scholarly literature related to UDL (Embry et al. 2005; Parker et al. 2003; Scott et al. 2003a; Schuck & Larson 2003; Silver 2003). It seems that a valuational approach to leadership practices is at best adopted by pockets of administrators within the educational community. This creates significant barriers to implementing universal design for learning at the institution and is consistent with concerns expressed by scholars committed to ethical, transformational leadership practices (Bates 1989; Burns 1978; Codd 1989; Eckel 2002; Foster 1989; Forester 1999; Franklin 1999; Garofalo & Geuras 1999; Gutmann & Thompson 1996; Harris 2003; Samier 2002).

The meaning of diversity on a societal level is another important contextual factor that plays out against access to post-secondary learning. A recent article in the *Globe and Mail* on how diversity plays out in the workplace, notes that "In

Canada . . . our diversity is sometimes referred to as our strength . . . Diversity then, is seen by some as broad enough to include all Canadians, and something to be proud of". However, the authors go on to purport that "in some workplaces the term diversity . . . has come to mean its exact opposite . . . a term that values us all is being used to mean only a few" (*Globe and Mail*, "Diversity at work: How it plays out depends on what it means", Reyes and Grange, C1, February 10, 2006). The article addresses the difference between employers embracing diversity as a source of new ideas and insights into the needs of their customers and staff, and reacting with simple window dressing in order to comply with provincial laws (Ibid, C2). In the same way, the meaning generally attached by many in Canadian society to diversity determines access practices within public post-secondary institutions. The following chapter will further consider these relationships between meaning, structure, and agency with a focus on implications for educational leaders committed to promoting academic access and the empowerment of students with disabilities and faculty.

CHAPTER 6 CONCLUSION

*We might . . . think of leadership in the same way as
Habermas encourages us to think about the law: as a
process of mediation between interests and values.
(Bates 1989, 155)*

6.1 Introduction

This final chapter integrates the study's findings in conclusions and recommendations regarding the central research question:

.....What is the nature of a universal design model of access to learning as it relates to the experiences of students with disabilities and faculty, and what is its impact on the shape of educational leadership oriented toward supporting access for students through instructional practices?

While this study focused on academic access for students with disabilities, the teaching practices associated with universal design for learning hold potential to enhance the social and learning experiences of *all* students. The discussion in the first section focuses on the implications of this study's findings for educational re-design in the areas of professional practice, professional development, and academic access policies. The second section recommends areas for further

research related to universal design for learning, educational leadership, and social justice.

6.2 Professional Implications and Recommendations

*[Understanding] involves an attitude of assuming a relation that is as close as possible while retaining a hermeneutic alertness to situations that allows us to constantly step back and reflect on the meaning of those situations.
(van Manen 2001, 69)*

An understanding of how the practices associated with universal design for learning shape educational leadership reflects the hermeneutic process of this study. The analysis that evolved from participants' experiences and perceptions and the institution's Accommodation for Students with Disabilities policy is integrated with where I situate myself within the cultural landscape of access to higher education for students with disabilities. Insights gleaned from the inquiry process relate to the contextual relationships developed in Chapters One, Two, and Three: constructions of disability, social justice related to equality, access to learning; public post-secondary culture; and leadership practices. Educational leaders need to hear compelling arguments to promote and implement universal design for learning. How can we encourage them to listen? What types of evidence will accomplish this? The conclusions drawn in this section do not provide all the answers but are intended as a springboard from which to launch educational leaders on their journey to champion academic access for post-secondary students with disabilities through universal design for learning.

There were many roads not taken during the formulation of my thesis topic, research design, data collection, and subsequent analysis. As Wallace and Poulson (2003) point out, these choices have a concomitant impact on the complexion of contributions to new research knowledge (23-24). In the same way, the lessons learned about improving my professional practice reflect the socially constructed nature of this project. The decision to focus on human relationships related to teaching practices and to adopt a hermeneutic approach that informed the project, as opposed to a positivistic approach, reflects how I chose to situate access to learning for students with disabilities.

6.2.1 Professional Practice

The primary purpose of this study was to contribute to a better understanding of the underlying social experiences, beliefs, and values that underpin the practices that provide academic access for students with disabilities in a public post-secondary setting in BC. The dynamics related to social meaning and order that evolved from the research process opened a window on how educators might begin to enhance academic access for students with disabilities attending the institution. The implications of these findings also revealed that instructional design for the diverse needs of students with disabilities on-site, on-line, and at a distance, reduces the need for individual accommodations, supports a sense of equity and fairness between students, and better meets the needs of *all* learners.

The first implication of the study's findings indicates that members of the educational community must be encouraged to *co-create* accessible instructional plans. In this way, the focus of accommodation is not solely on the student with a disability or students defined by any other form of diversity, but on the symbiotic relationship between teaching and learning. There is a danger in becoming entrenched in a position that focuses on the needs of bureaucracy, power, and authority as opposed to the human interactions that inform access to learning. Central to realizing this shift in educational practices, the growth of new understandings regarding the human condition and a commitment to adhere to them would require positive social relationships between students, faculty, disability services coordinators, and administrators. While the circumstances necessary for individuals to self-actualize are clearly an important determinant of social justice, the implications of this study indicate that individuals *and* the community must flourish to benefit from a whole that is greater than the sum of its parts.

The possibilities for promoting the educational community's acceptance of the diverse needs of learners, as well as realizing a shift in teaching practices, would require enhancing relationships through an ongoing discourse among members of the educational community. Dialogue is required about Canadian legal culture that supports individualism, and an ethic of care that supports social relationships and forms the basis of community. The research outcomes of this study indicate that justice requires barriers to positive human relationships be removed if students with disabilities are to participate to the fullest extent possible in public

post-secondary education. There is also a need to explore the perspectives from which the term “disability” is socially constructed to mean a biological or mental limitation, as opposed to the response of the social environment to the range of human variation. Ineffective educational practices could be understood and transformed through the interpretation of the day-to-day realities of the individuals who form the educational community. Change is achieved through some degree of collective insight into the processes through which social reality related to access to learning is constructed, managed, and sustained. In this way, the similarities between the conditions that contribute to the good of the community and those that contribute to individual self-development would become clear.

The findings in this study and ongoing interactions with students with disabilities and faculty indicate the potential for change to practices related to academic access. However, no single individual is situated within the power structure of the institution in such a way to effect widespread cultural change. The collective voices of students, faculty, disability coordinators, and administrators are required to overcome a focus on human rights compliance and individual support services, in favour of providing access through the practices related to universal design for learning. Through ongoing inquiry cycles, educational community members could question and find solutions to meeting the diverse access needs of students. For example, *is* the cost prohibitive of providing accessible instruction on-line? Discussion could reveal that many access solutions are inexpensive if incorporated at the design stage and can benefit all learners.

Disability services coordinators would be well positioned to encourage students to disclose to their instructors the impact of their disabilities on learning, and to promote consultation between students and faculty related to access to learning. Dialogue and collaboration would contribute to a welcoming educational climate where students with disabilities interpret their social experiences in a manner that evokes neutral differences, as opposed to deficits. The stigma related to the term “disability” may be reduced, students may be more inclined to disclose their disabilities, and faculty would be better able to meet their learning needs, while administrators would be better positioned to develop policies that reflect the collective voice of the educational community. The core of universal design for learning is respect for the variation in the human condition. However, respect can only be earned through a dialogical process that embraces new understandings on the part of all members of the educational community.

Faculty would need to reflect on their current professional practices. They could benefit from exploring the value of learner-centered teaching and a commitment to learn new ways of navigating the teaching and learning process. Faculty who value practices that support active learning, collaboration among students, the accommodation of different learning styles, and the communication of high expectations, will be positioned to implement the principles and practices of universal design for learning. However, the findings from this study indicate that once faculty members have met the criteria for evaluation of teaching skills at the institution, they are free to teach as they see fit. In other words, motivation to

explore this approach to instruction and evaluation would be the key to action on the part of faculty.

Disability services coordinators must also be willing to give up a professional identity rooted in a power base that allows them to make accommodation decisions in isolation of the individuals involved, and move toward collaborative practices with students and faculty that support instructional access. This would require a shift away from a biological model of disability where medical and legal practices have permeated the provision of academic access for students through individualized support services. While service-based accommodations would still be necessary in some situations, coordinators would promote academic access through multiple approaches to instruction and evaluation that benefit all students. As the results of the focus group conducted to formulate the University of Connecticut's Technical Report on Disability service provider's perceptions of universal design for learning indicate, their lack of expertise in these matters could be problematic with regard to promoting this approach to access (Parker et al. 2003, 9). However, there must be a focus on problem solving academic access issues rather than using human rights legislation as a "stick" to encourage compliance.

In order to expand our capacity to move universal design for learning forward, educational leaders would have to promote the conditions that allow individuals, as well as the educational community, to flourish. A relational approach to leadership could foster understandings of the common experiences that result

from having a disability, provide a foundation for a welcoming educational environment for students with disabilities, and temper the need for litigious approaches to conflict resolution related to academic access. Positive relationships can also grow from evolving interpretations of how the socio-cultural context of public higher education impacts individual and collective agency related to access for students with disabilities. This approach could lead to action related to current educational practices on the part of students, faculty, disability services coordinators, and administrators as agents of change.

Interpretations of access to post-secondary education for students with disabilities would continue to evolve as educational leaders better understand the quality of relationships and the structures that shape them. Dialogue that reflects considered judgments based on past experiences, current ideologies, and new understandings could facilitate a positive response to academic access. As Burns (1978) maintains, transformational leadership involves raising the social consciousness of both followers and leaders. Educational leaders need to use their creative potential in order to affect the shape of social systems so that social order exists through the consent of educational community members rather than by the control of the most organizationally powerful. Dialogue is the touchstone by which leaders can transform disability access. If mutual recognition is extended to all members of the educational community - along with equal participation in analyzing related social problems - the merits, challenges, and solutions that would implement universal design for learning through related policies will gain legitimacy.

6.2.2 Professional Development

The second implication of the study's findings is that access to information is central to shifting professional practices. The mutual respect required for a shared sense of community that would support movement toward the practices associated with universal design for learning requires new understandings on the part of students, faculty, DSS coordinators, and administrators. Members of the educational community need to focus on human similarities rather than differences because, while we may prefer to interact with people with similar characteristics as ourselves, the community of people with disabilities can be joined involuntarily at any time. Better understanding the commonalities in difference is a prerequisite to emancipation from discrimination toward students with disabilities and students from other diversity groups, as well as meritocratic practices in higher education. Our common humanity, desire for self-determination, need for community, as well as freedom from poverty and illness, create the foundation for adopting a socio-cultural model of disability in post-secondary institutions. This would require a focus on changes to social interaction and instructional practices as the catalyst for improving access to public post-secondary education in BC.

Professional development opportunities that are consistent with maximizing academic access should offer instructors support in planning, developing, and delivering instruction, as well as in evaluating learning outcomes. For example, faculty must learn to articulate learning objectives as a guiding framework in

instructional design. This approach is an integral part of good teaching for *all* students. Course outlines must clearly communicate what students are expected to learn and demonstrate, as well as identifying the resources available to them to meet their academic goals. Assessments must be consistent with stated learning objectives and offered in flexible formats. Course materials and websites must be made as accessible as possible for a wide range of learning strengths, while multiple learning activities are built into course design to maximize student learning. Students should be provided with an orientation to the course that includes an explanation of the organization and structure. Faculty must also learn to assess students' prior knowledge, experience, and learning styles, use interactive approaches to instruction, as well as provide clear feedback on students' performance throughout the course. Providing examples of specific practices related to universal design that faculty have found successful in a range of subject areas will also strengthen the instructional development process. In this way, faculty will be positioned to better assist students in developing their learning skills.

Participants in this study report that there are few supports within the institution related to re-conceptualizing disability as part of a range of variation in the human condition, or how to embrace learner-centered teaching practices. While the Teaching and Learning Centre offers a range of educational opportunities focused on learner-centered teaching practices, there is a need for professional development opportunities that address how universal design for learning relates to providing academic access for diverse learners, the rapidly changing

landscape in public post-secondary education, and unique issues related to specific academic disciplines.

As some faculty in the study argued, their colleagues would benefit from attention paid to these principles and practices as part of New Instructors' Orientation sessions, as well as ongoing professional development opportunities. In other words, as Shaw and Scott (2003) purport, faculty education is a developmental process that takes place over time and instructors would benefit from addressing needs specific to different career stages (7). The findings from this study related to professional development are consistent with the conclusions drawn in related studies reviewed in Chapter Three, such as Leyser et al. (1998), as well as Hill (1996), Scott and Gregg (2000), and Shaw and Scott (2003). For example, these authors imply that faculty members still require initiatives that address understanding disabilities, human rights legislation, and disability services, and that information provided on-line would move academic access for students with disabilities forward because it would be available when required.

While access to training is necessary, experience in the field reported by the instructors interviewed indicates that past offerings have been poorly attended. Some faculty members in this study considered workload and a lack of release time as factors that inhibit participating in professional development activities that would help them improve their teaching and evaluation practices. However, instructors in institutions across BC benefit from four to six weeks free of teaching to pursue professional development activities of their choice. There is

also significant funding available to faculty at the research site to support skill development and enhance practice, while many learning opportunities are offered at no cost to participants. Investment of time in professional development workshops related to learner-centered teaching practices will require a targeted effort on the part of faculty leaders. If administrators champion change through a top-down approach, their efforts will in all likelihood be unsuccessful. To facilitate social and cultural change, faculty leaders need to promote reflection on the part of other instructors related to their willingness to devote release time to the creation of more learner friendly teaching practices. Mentoring and coaching related to universal design for learning would require an orientation to change on the part of educational leaders.

The findings from this study also indicate that some faculty members consider a lack of access to technology and technical support as a barrier to enhancing their teaching practices. Access to resources related to educational and adaptive technology as a catalyst for change in educational access practices should already be a priority despite the significant short-term cost of these initiatives. Every institution will be transformed on some level by changes in information, educational, and adaptive technologies. Technology impacts the core of practices related to teaching and learning and requires that faculty re-consider practices that do not meet the needs of some learners. A framework for adult education that embraces the use of technology is one perspective from which to begin exploring the principles and practices of universal design for learning and how this framework can benefit all learners.

Professional development opportunities are also required for disability services coordinators. Over the past ten years, the approach to educational access has almost exclusively focused on human rights law in BC and on individualized support services. Some service coordinators are not particularly skilled in the kinds of educational changes needed to realize access to learning through instructional design. As discussed in Chapters Two and Three, many disability services coordinators have limited or no instructional expertise, are inured to a legal approach to providing access to learning, and may feel threatened by changes in their role within the institution. However, just as Weimer (2002) and Harrison (2004) argue, personal reflection is the core of adopting learner-centered teaching practices and that is also true for disability services coordinators and administrators.

Leaders need to regularly question their values and ideologies by thinking about the past, reflecting on the structure of the present, penetrating defences, and re-examining their motives. As Beck and Foster (1999), Codd (1989), and Foster (1989) argue, as a result of critical reflection educational initiatives could be re-aligned so that internal values and external experiences are in balance. This would require taking risks in order to maintain integrity in uncertain situations. Disrupting the status quo in the public post-secondary environment would present a significant challenge. As Foster (1989) purports, change is possible when individuals apprehend the need for it; quite often, it requires a critical incident for people to revisit their ideological positions. If educational leaders are

to construct a foundation for higher education that reflects the integrity of human concerns, introspection and action would become ongoing priorities.

Education and support for self-responsibility as the foundation of empowerment for students would also be necessary to enable them to take the action necessary to help ensure that their learning needs are met. By examining their responses to past social experiences, students could learn to be proactive in communicating with instructors and disability services staff regarding teaching and evaluation practices that support their learning strengths. Better understanding institutional policy and procedures related to academic access would also further their ability to become proactive with regard to meeting their educational needs. Students' views of what constitutes a good education have shifted, including their expectation of having access to technology.

6.2.3 Access Policies

The third implication of the study's findings is that educational leaders must attend to issues related to governance and academic access policies. Over the years I have spent in the field working with students with disabilities, I have experienced situations in which the impacts of situational and environmental factors have given rise to non-inclusive practices toward students with disabilities. For example, the cost of support services is often cited by administrators as detracting from the needs of other students. Therefore, students with disabilities are often not actively recruited by the institution. During

the past decade, the focus on competition for market position has resulted in an erosion of commitment in public higher education to providing access for all members of the community who support it. It is not surprising that many members of the educational community view the forces of the market and globalization as inevitable in shaping our economic, political, cultural, social and personal lives in the twenty-first century. We are faced with the demands of a new and complex world, in which these forces have taken on accelerated levels of power resulting in institutional priorities that can create barriers for students described by many forms of diversity. One example is the move away from programming that supports academic upgrading or tutorial support, in favour of courses that meet the needs of the market.

However, if corporate sponsorship has become an irreversible reality in some institutions, then it is incumbent on administrators to work toward balancing corporate interests with social responsibility by insisting on adequate levels of funding to support educational access for all students, including students with disabilities. Social structural changes are required to create space for providing access through instruction for students who experience learning challenges, including students with disabilities, which move away from meritocratic views of educational success. For example, educational leaders would need to promote the establishment of outcomes based on *essential* learning requirements and move away from a “survival of the fittest” ideology. This would be a particularly sound approach if these social changes can increase access for more than an individual person.

Shifts in ideologies that impinge on academic access for diverse learners would require a strong vision, common goals, shared leadership, and a commitment to building positive relationships within the educational community. In other words, the institution needs to take a stand on academic access by promoting excellence in teaching that meets the needs of all learners. Explicit implementation plans, as well as formative evaluation of learner-centered approaches to teaching and the practices of universal design for learning, are also necessary to achieve social change of this nature.

A more humanistic approach to leadership anchored in human interaction provides the foundation from which positive relationships between members of the educational community can develop, along with environmental and situational supports (Bates 1989; Burns 1978; Forester 1999; Gutmann & Thompson 1996; Samier 2002). This approach includes recommendations for establishing and implementing access policies, as well as providing resources to support the value, development, and implementation of universal design for learning. Leaders must encourage dialogue between members of the educational community regarding all forms of diversity, approaches to access, professional development for faculty, disability service coordinators, and administrators, along with the provision of mentoring opportunities for students with disabilities and faculty.

What are the connections between the promotion of positive relationships between members of the educational community and the ability to overcome the

situational constraints that emerge through human interaction? The views of students with disabilities and educational community members who support access to learning through universal design for learning may not be consistent with the current attitudes of many faculty, administrators, and government personnel in the short-term. While a human rights framework remains central to reflecting Canadian values related to equal respect for all, a central issue is how access policies that flow from this legislation are developed and implemented. A focus on educational access while maintaining the integrity of learning outcomes, as opposed to the legal “rights” of students with disabilities, may bolster efforts to incorporate these values into our educational communities.

At the same time, it is important not to relax the high standard of undue hardship established in jurisprudence that is used to ensure that public post-secondary institutions meet their obligation to provide academic access. Ideological barriers related to the cost of access to post-secondary education can result from other pressing concerns that create competing demands for limited resources. In some situations, excessively high cost may be a legitimate limit on justice, but only if the same standard is applied to all students described by a range of diversity. While there is a perception that high costs related to educational access for students with disabilities hinder other social policy initiatives, academic access for the majority of students with disabilities has not been demonstrated to be financially inaccessible. Universal design for learning will require a broader, long-term view of costs and benefits, given the realities of the cultural landscape within public institutions of higher education.

Establishing essential course requirements and providing multiple approaches to presentation, instruction, and evaluation in the context of meeting learning outcomes for *all* students must become a priority for educators and leaders. Curriculum developers will need to consider the compatibility of graphics, video streaming, and audio components with the adaptive technology that many students with disabilities use to access communication. There is a high cost associated with designing web-based and on-campus courses that are accessible for students with disabilities. However, in the same way that access to the physical environment through ramps and electronic doors, and the attention paid to classroom acoustics, are less expensive at the design stage, a pro-active approach to accessible, online teaching practices is less prohibitive than retrofitting platforms.

The educational community will need to break free from the instrumental approaches to policy development and resource allocation that are currently pervasive in the institution and are a fundamental part of organizational culture. This would be critical to successful policy implementation related to learner-centered access practices. A focus on risk management and cost-benefit analysis to the exclusion of promoting human relationships will only reinforce the instrumental rationality of bureaucracy. Risk management creates three primary constraints to administrative and leadership practice. First, it may distract educational leaders from focusing on pedagogical enhancements that may further inclusive practices and the success of students with disabilities. Second, while the cost of litigation can exceed hundreds of thousands of dollars, the legal

fees associated with risk management advice can be exponentially higher than the costs of providing the support services students require. Finally, the admissibility of students with disabilities can be negatively influenced by the manner in which the essential educational requirements of courses and programs are determined. Risk management can promote practices where students' accommodation requests are contained rather than considered as a vehicle for promoting learner-centered approaches to academic access. As Soltan (2004) argues, when institutions develop academic access policies, they tend to use language that reflects existing human rights laws and avoid language that could be interpreted as broadening their legal obligations in a manner that is neither intended nor contemplated.

Educational leaders who set a transformational tone (e.g., Burns 1978; Forester 1999; Gutmann & Thompson 1996; Smyth 1989) would be responsive to diversity on a values-based level and facilitate the mutual understanding of competing paradigms. Policy development that reflects socio-cultural definitions of disability and academic access, rather than maintaining a focus on the physical and mental limitations of individual students, is central to moving universal design for learning forward. Policy documents must explicitly refer to the need to determine objective learning outcomes and essential requirements, as well as the use of multiple modes of presentation, delivery, and evaluation as vehicles to provide access to instruction. Effective dialogue on policy development with community involvement, including students with disabilities, may be the answer to finding harmony in paradox. The expensive and

acrimonious outcomes related to legal practices related to resolving academic access issues would be diminished because the approach requires the formulation of public policy as determined by *all* members of the educational community regardless of income, ethnicity, language, age, gender, health, or disability. In order to achieve this organizational culture, a balance is required between the interests of students, faculty, service coordinators, and administrators. Left in isolation, values within the educational community do not change, inclusive practices are diminished, and the situation remains political. In other words, some groups would have their interests met, while others would not, to the detriment of those with less power.

6.3 Recommendations for Further Research

The future . . . asks that the social sciences and the humanities become sites for critical conversations about democracy, race, gender, class . . . globalization, freedom, and community. (Denzin & Lincoln 2000, 3)

This project has contributed to a body of knowledge on universal design for learning that is just beginning to emerge in pedagogical disciplines. The findings from the inquiry process reveal a multitude of questions deserving further research. Questions for further reflection, deliberation, and research, based on gaps in understandings that emerged from this project but were beyond the scope of the project to explore, are presented in this section. Further studies that support or refine this study's findings could identify additional factors rooted in instructional design that impinge on educational access and the shape of

educational leadership. Better understanding the potential of universal design for learning for students identified by a range of diversity, as well as those with disabilities, and issues related to educational leadership and social justice, could begin to fill these holes in current research knowledge.

For example, classroom observation could expand on the understandings provided through participants' reported experiences during the interview process through a focus on interactions among students with disabilities, their peers without disabilities, and faculty. This study also focused on one organization, while further studies could pursue comparative studies that would allow for more generalized conclusions to be drawn about students and faculty in a variety of public post-secondary settings. Another important aspect to consider is the impact of universal design for learning on groups of students with a specific disability, and with students who have multiple disabilities. Finally, the relationship between students with disabilities, faculty, and disability services coordinators related to universal design for learning merits further research. Examples of research questions based on these topics include:

Q1.What would be the impact of universal design for learning on participation in classroom activities, and formal and informal social interactions with faculty and other students?

Q2.....What would be the impact of universal design for learning on students with disabilities and faculty in rural colleges, university-colleges, and institutes, as well as in university settings?

Q3.....What would be the impact of universal design for learning on the experiences of students described as having a specific disability?

Q4.....What would be the impact of universal design for learning on students with multiple disabilities?

Q5.....How could the relationship between students with disabilities, faculty, and disability services coordinators promote universal design for learning?

Q6.....How could students with disabilities, faculty, and disability services coordinators best work together to implement universal design for learning in post-secondary settings?

It would also be fruitful to address research questions specific to students identified by a range of diversity. The students with disabilities and faculty members in this study consistently valued teaching strategies that benefit all learners. Their narratives made reference to other types of diversity, such as students with English as a Second Language (ESL), older students, and students from other cultural and ethnic backgrounds, requiring support within the traditional post-secondary environment of the school. Acquiring a better understanding of the benefits and challenges of universal design for learning as an academic access model for students described by other forms of diversity is an important theme for future research. Similarly, determining how students who are not identified by diversity status may also benefit from the practices

associated with universal design for learning requires further research. Research questions based on these issues could include:

Q7.....What supports and barriers to academic access are identified by students described by gender, race, ethnicity, language, age, and socio-economic class?

Q8.....How do educational leaders advocate for academic access for students from a range of diversity groups?

Q9.....How do educational leaders navigate resource limitations related to students identified as diverse through disability, gender, race, ethnicity, language, age, and socio-economic class?

Q10.....What would be the impact of universal design for learning on students who are not identified by a form of diversity?

If universal design for learning is going to be accepted and used as a dominant curricular model, then research must address issues related to educational leadership. It is time for leaders to advocate for the enrollment and educational success of students with disabilities. Future inquiries will need to explore the resolution of competing priorities, and notions of social justice within institutions to support the implementation of universal design for learning. Researchers must also attend to the historical resistance to change, sensitivities regarding shifts in power structures, as well as a reluctance to re-allocate resources. Research questions could include:

- Q11.....How can educators influence the norms and practices of public post-secondary institutions in BC with regard to valuing access to learning for students representing the range of human diversity?
- Q12.....How can administrators balance fiduciary responsibility for cost efficiencies and competing priorities, including those of future generations, with justice, equity, and fairness for *all* students?
- Q13.....What forms of governance would support the vision and implementation of universal design for learning?
- Q14.....How can educational leaders best navigate potential areas of resistance to the transformational, social, and cultural changes required to realize universal design for learning?
- Q15..... How can social and financial compensation systems be configured to reward increased workloads related to changing instructional and assessment practices related to universal design for learning?

Developing new interpretations of access to learning for students with disabilities is a significant challenge. However, this study has led to understandings that I could barely imagine at the beginning of the project. Universal design for learning provides a framework for students, faculty, disability services coordinators, and administrators to become agents of change. If further research is pursued related to this model, our understandings will continue to evolve. My hope is that the lessons learned from the transformational process in this project in support of

enhanced academic access for students with disabilities will also benefit others in their quest to empower members of the educational community.

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APPENDICES

Appendix A
Legislation and Post-Secondary Access in BC

National Framework	
Legislation	Guiding Principles
Canadian Charter of Rights and Freedoms	<i>Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability (15.1).</i>
	<p>Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability (15.2).</p> <p>http://lois.justice.gc.ca/en/charter/</p>
Canadian Human Rights Act	<i>All individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted (2).</i>

National Framework	
Legislation	Guiding Principles
<p>Canadian Human Rights Act Continued</p>	<p>For a request for accommodation to be considered unreasonable,</p> <p><i>It must be established that accommodation of the needs of an individual or a class of individuals affected would impose undue hardship on the person who would have to accommodate those needs, considering health, safety and cost (15.2).</i></p> <p><i>A person who proposes to implement a plan for adapting any services, facilities, premises, equipment or operations to meet the needs of persons arising from a disability may apply to the Canadian Human Rights Commission for approval of the plan (17.1).</i></p> <p>http://lois.justice.gc.ca/en/H-6/28526.html</p>

Provincial Framework	
Legislation	Guiding Principles
British Columbia Human Rights Code	<p><i>The purposes of this Code are as follows:</i></p> <p>a) <i>To foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia;</i></p> <p>b) <i>To promote a climate of understanding and mutual respect where all are equal in dignity and rights (3).</i></p>
British Columbia Human Rights Code Continued	<p><i>A person must not, without a bona fide and reasonable justification,</i></p> <p>a) <i>Deny to a person or class of persons any accommodation, service or facility customarily available to the public, or</i></p> <p>b) <i>Discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public</i></p> <p><i>Because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex or sexual orientation of that person or class of persons (8.1).</i></p> <p>http://www.qp.gov.bc.ca/statreg/stat/H/96210_01.htm</p>
The Workers Compensation Board of BC's Occupational Health and Safety Regulation	<p><i>A worker must not be assigned to activities where a reported or observed impairment may create an undue risk to the worker or anyone else (1.4.19).</i></p> <p>http://www.qp.gov.bc.ca/statreg/stat/F/96165_01.htm</p>

Provincial Framework	
Legislation	Guiding Principles
<i>The British Columbia Building Code</i>	<p><i>It is the intent of Clause 3.8.2.17(1) (a) to have the buildings (including portables) of a school or college accessible. Where a complex has several buildings with parking areas, parking stalls should be designated to accommodate students or staff with disabilities at any or all buildings. In addition, parking stalls to accommodate visitors with disabilities should be considered.</i></p> <p>http://www.marh.gov.bc.ca/ACCESS/HANDBOOK</p>
<i>The Access to Education Act</i>	<p><i>The government of British Columbia is committed to providing affordable and accessible post-secondary education to British Columbians.</i></p> <p>Although much of this document details funding and tuition issues, the Act remains an important affirmation of the rights to accessibility in the education system.</p> <p>http://www.legis.gov.bc.ca/2001/1st_read/gov09-1.htm</p>
<i>BC Freedom of Information and Protection of Privacy Act</i>	<p><i>The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy (22 (1)).</i></p> <p><i>If a public body uses an individual's personal information to make a decision that directly affects the individual, the public body must retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it. (31)</i></p> <p>http://www.qp.gov.bc.ca/statreg/stat/F/96165_01.htm</p>

Provincial Framework	
Legislation	Guiding Principles
<p><i>Employability Assistance for People with Disabilities</i></p>	<p>A bilateral agreement between the Federal Government and provincial governments,</p> <p><i>To support measures which will enhance the economic participation in the labour market of working age persons with disabilities by helping them to prepare for, attain and retain employment.</i></p> <p>http://www.hrdc-drhc.gc.ca/hrib/sdd-dds/odi/content/eapd.shtml</p>

Source: Government of BC 2003b, Ministry of Advanced Education. *The disability services framework: Guidelines for the accommodation of students with disabilities attending post-secondary education in British Columbia*, Unpublished manuscript.

Appendix B
Contact Consent Letter

Dear _____

Shirley Coomber is a doctoral candidate in Educational Leadership at Simon Fraser University, and is conducting a research study titled: *Post-Secondary Students with Disabilities: A Critical Case Study Exploring Universal Design for Learning*. She hopes to gain a better understanding of how students and instructors view disabilities and the impact of accessing learning through adaptations to curricula. The results of the study will contribute to her dissertation.

I am writing to ask you if you would be willing to be contacted by Shirley to discuss your possible interest in participating in the study. Your involvement would entail an interview of 1 to 1.5 hours and approximately 1 hour to review the transcript and the context in which your input is utilized in the dissertation. Your participation is voluntary and you may withdraw at any time with no negative consequences. Your input will be kept strictly confidential and only Shirley will have access to the data. You will be assured of not being identified by name in any documents related to the study. Prior to the interview you will be given a consent form to sign which will describe the research in detail and provide an assurance of confidentiality.

If you agree to have me forward your permission for Shirley to contact you, please complete the information below. You can return to me at the Disability Resource Centre or by e-mail at _____. When I receive your permission, Shirley will send you an invitation to participate in the study. Please feel free to contact me at _____ if you have any questions.

Sincerely,

Learning Specialist [Vocational Rehabilitation Specialist]
Disability Resource Centre

Contact Consent Letter (Continued)

I am willing to have my contact information provided to Shirley Coomber.

Signature: _____

Address: _____

Telephone Number: _____

Email Address: _____

Appendix C
Letter of Invitation – Students

Dear “Student”

I am following-up on the letter sent by _____, Learning Specialist [Vocational Rehabilitation Specialist] in the Disability Resource Centre. As you know, I am currently a doctoral student in Educational Leadership at SFU. My dissertation is titled: *Post-Secondary Students with Disabilities: A Critical Case Study Exploring Universal Design for Learning*. The purpose of the study is to explore your experiences regarding access to learning in the classroom, approaches to teaching that have been helpful for all students and also accommodate your learning needs, and what you believe could be approached differently to best serve the needs of students with disabilities and faculty. Your participation in this exploration of access to post-secondary learning will contribute to insights regarding alternate approaches that could be considered for teaching essential outcomes of courses and programs. Particular attention will be paid to your input regarding how the educational community can best support barrier-free learning.

If you agree to participate in the study, I will ask you questions in an interview of 1 to 1.5 hours. With your permission, I will tape record the interview and provide you with a transcript for your review and feedback. You will also be given an opportunity to review the context in which your input is utilized in the dissertation. Your participation is voluntary and you may withdraw at any time with no negative consequences. Prior to the interview I will review a consent form that you will be asked to sign which will describe the research in detail and provide an assurance of confidentiality. You will not be named in any documents related to the study and you will receive a copy of the consent form for your records.

I appreciate your interest in this study. Please call me at 604-947-2593 to discuss your participation in this research. If I do not hear from you within a week, I will call you. If you have further questions, please contact me or my supervisor, Dr. Eugenie Samier at 604-291-4483.

Sincerely, Shirley Coomber, Ed.D. Candidate, SFU

Appendix D Letter of Invitation - Faculty

Dear "Faculty Member"

I am following-up on the letter sent by _____, Learning Specialist [vocational Rehabilitation Specialist] in the Disability Resource Centre. As you know, I am currently a doctoral student in Educational Leadership at SFU. My dissertation is titled: *Post-Secondary Students with Disabilities: A Critical Case Study Exploring Universal Design for Learning*. The purpose of the study is to explore your experiences providing access to learning in the classroom, approaches to teaching that have been helpful for all students and also accommodate the learning needs of students with disabilities, and what you believe could be approached differently to best serve the needs of students with disabilities and faculty. Your participation in this exploration of access to post-secondary learning will contribute to insights regarding alternate approaches that could be considered for teaching essential outcomes of courses and programs. Particular attention will be paid to your input regarding how the educational community can best support barrier-free learning.

If you agree to participate in the study, I will ask you questions in an interview of 1 to 1.5 hours. With your permission, I will tape record the interview and provide you with a transcript for your review and feedback. You will also be given an opportunity to review the context in which your input is utilized in the dissertation. Your participation is voluntary and you may withdraw at any time with no negative consequences. Prior to the interview I will review a consent form that you will be asked to sign which will describe the research in detail and provide an assurance of confidentiality. You will not be named in any documents related to the study and you will receive a copy of the consent form for your records.

I appreciate your interest in this study. Please call me at 604-947-2593 to discuss your participation in this research. If I do not hear from you within a week, I will call you. If you have further questions, please contact me or my supervisor, Dr. Eugenie Samier at 604-291-4483.

Sincerely, Shirley Coomber, Ed.D. Candidate

Appendix E

Interview Consent Form

Title: Post-Secondary students with disabilities: exploring academic access through exploring universal design

Principal Investigator: Shirley Coomber, Phone: 604-947-2593

Study Coordinator/Supervisor: Dr. Eugenie Samier, SFU, Phone: 604-291-4483

Invitation

You are being invited to take part in a research study. Before you decide, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with other people if you wish. Ask us questions if there is anything that is not clear or if you would like more information.

1. What is the purpose of the study?

The purpose of this research is to examine how well educational leaders understand, and are able to respond to, the learning needs of students with disabilities. The inquiry process will study the experiences and insights of students with disabilities and instructors regarding academic accommodations and accessing curricula. Participants' perceptions of supports and barriers to accessing curricula, and how the educational community could enhance inclusive practices will be of particular interest.

This project aims to give voice to the lived experience of students who require academic accommodations, and how they view resolving the access issues that affect their lives. The data will also hopefully provide information that will aid faculty in better understanding their approaches to teaching and evaluation, particularly in light of changing delivery modes. In addition, it is hoped that formal and informal educational leaders will gain knowledge regarding how: to best shape disability policy and allocate resources; enhance teaching, evaluation and accommodation practices; and provide support for students, teaching faculty, disability services coordinators and administrators.

2. Why are you being invited?

You are being invited to participate in this study because of your experience with disability issues at the post-secondary level in BC.

3. Do you have to take part?

It is up to you to decide whether or not to take part. If you do decide to take part you will be asked to sign this consent form. If you do decide to take part, you are still free to withdraw at any time and without giving any reason.

4. Can you be asked to leave the study?

If you are not complying with the requirements of the study or for any other reason, the researchers may withdraw you from the study.

5. What will you need to do if you take part?

Student [instructor] involvement in the study will require an interview of 1-1.5 hours at your convenience. You will be asked a number of open-ended questions to learn more about your experiences accessing, and providing learning through academic accommodations. Your thinking regarding what supports are required to provide barrier-free learning will also be explored.

With your permission, the interviews will be audio-recorded. You will be given the opportunity to review your transcript for accuracy. Involvement in the study will require approximately 2.5 hours of time including scheduling, contributing to the interview, reviewing interview transcripts for accuracy, and the context of your input in the dissertation draft.

Data will be analyzed to develop themes for understanding both students' and faculty members' perspectives regarding the adaptation of curricula in order to provide accommodations for students with disabilities. Particular attention will be paid to input regarding how the educational community can best support access to learning.

You may obtain copies of the results of this study, upon its completion by contacting: Shirley Coomber, U. 38, R.R. #1, Bowen Island, BC, V0N 1G0

6. What are the possible disadvantages and risks of taking part?

There are no known risks that could reasonably be anticipated as a result of this study.

7. What are the benefits of taking part?

The field of disability studies is just beginning to explore a new model of access for students with disabilities in higher education based on the principles of universal design for learning. There have been very few studies completed that specifically examine the provision of access to learning for students with disabilities through adapting curricula design and delivery. Research findings will contribute to this emerging body of scholarly literature on the efficacy and implementation of this approach.

The project will illuminate educational community members' conceptualizations of disabilities and their perceptions of the accommodation process related to curricula-based access. Study results will also identify the supports required to identify essential program requirements and whether these requirements could be met in new ways.

It is hoped that new knowledge will be generated regarding how to: best shape disability policy and allocate resources; enhance teaching, evaluation and accommodation practices; and provide support for students, faculty and administrators.

8. What happens if something goes wrong?

In case of an emergency, the following people can be contacted for further information:

BCIT Research Ethics Board Chair, Dr. Bill Graham, at 604-432-8841 or email Research_Ethics@bcit.ca and/or

Dr. Phil Winne, Research Director, Faculty of Education, 8888 University Way, Simon Fraser University, Burnaby, British Columbia, V5A 1S6, Canada.

9. Will my taking part in this study be kept confidential?

Every effort will be made every to keep any information that identifies you strictly confidential. All documents will be identified only by code number and kept in a locked filing cabinet. You will not be identified by name in any reports, publications or presentations resulting from this study. Your coded research records may, however, be inspected by a representative of the Researcher's dissertation committee for audit purposes but only in the presence of the Researcher. Copies of relevant data which identify you only by code number may be required by SFU or BCIT, but you will not be identified by name unless required by law.

10. Who is organizing and funding the research?

This is a non-funded research project for the purposes of a doctoral dissertation in Educational Leadership at Simon Fraser University.

11. Will you be paid for being in this study?

You will not be paid for participating in the study and there will be no costs to you for participating in this study.

Thank you for reading this. Please do not hesitate to ask further questions regarding the study or your participation in the research.

12. Contact for further information

If you have any questions or desire further information with respect to this study, or if you experience any adverse effects, you should contact Shirley Coomber at 604-947-2593 or by email at Shirley_coomber@bcit.ca, and/or her supervisor, Dr. Eugenie Samier at 604-291-4483 or by email at esamier@sfu.ca.

If you have any concerns about your treatment or rights as a research subject, you may contact the Chair of the BCIT Research Ethics Board, Dr. Bill Graham, PhD, at 604-432-8841 or email Research_Ethics@bcit.ca and/or Dr. Phil Winne, Research Director, Faculty of Education, 8888 University Way, Simon Fraser University, Burnaby, British Columbia, V5A 1S6, Canada.

13. Why are you signing this consent form?

By signing this consent form, you agree that:

- You have read and understood the information in the consent form dated January 31, 2005 and have had the opportunity to ask questions.
- The principal investigator or research coordinator has answered your questions to your satisfaction.
- You understand your participation is voluntary and that you may refuse to participate or you are free to withdraw at any time.
- You are not giving up your legal rights nor do you release neither the research investigator, BCIT nor the study sponsor from their legal and professional responsibilities.
- You agree to take part in this study.
- You will receive a copy of the signed consent form for your records.

SIGNATURES

Signature of subject	Date (per participant)
Signature of witness	Date (per witness)
Signature of person conducting informed consent discussion	Date (per person conducting discussion)
Signature of researcher	Date (per researcher)

Appendix F

Interview Protocol - Students

Introduce the research project and purpose of the interview

I am a doctoral student at SFU and I am researching access to post-secondary learning for students with disabilities. I am interested in how instruction and evaluation can accommodate students with disabilities. You can assist me by sharing some of your experiences related to classroom access. I am particularly interested in learning and evaluation approaches that may have benefited all students. Most importantly, I am interested about your ideas about how to create barrier-free learning. All identifying information will be kept strictly confidential and you will have an opportunity to review and revise the transcript of the interview. You will also have an opportunity to review the context within which your comments were used in the dissertation.

Construction of the term “disability”

1. I'd like to start by asking you to describe the program or course(s) that you are enrolled in?

Probe: You are in the second year of your course/program...please describe how long you have been attending the institution?

2. How would you define disability?
3. How is “disability” defined at the school?

Probe: How do you think your peers and faculty might define disability?

Cultural Landscape

4. Tell me about your learning and social interactions at school.

Probe: Describe your experiences with practices that provide support.

5. Who is the person who has influenced you the most at school? Why?
6. Describe the practices at school that assist you with learning
 - Instructional activities (including communication, delivery and evaluation)
 - Interactions and experiences with faculty and staff
 - Social interactions with your peers
 - Access related to the physical environment

7. Tell me about your social interactions at school regarding

- Instructional activities
- Communication with faculty and staff
- Social activities with your peers
- Practices related to the physical environment

Probe: Describe your experiences with practices that provide support

8. How useful have laws related to disability access been to you at the institution?

Probe: Describe any experiences that directly relate to Human Rights law in BC?

9. Describe how the new “Accommodation for Students with Disabilities” policy impacts your educational life?

Agents of Change

10. What barriers to learning have you experienced? What was your response?

11. What barriers to social interaction at the institution have you experienced? How have you overcome these barriers, or do they still exist?

12. What changes to the system of learning at the school that would be helpful for you?

13. Tell me about the most challenging experiences that you have encountered related to instruction and evaluation? What could be done to improve this?

14. Do you think that the faculty and administration at the school are open to change?

Summary

15. Overall, how do you feel about your experiences at the school?

16. Is there anything that you would like to add that we haven't covered?

Appendix G

Interview Protocol - Faculty

Introduce the research project and purpose of the interview

I am a doctoral student at SFU and I am researching access to post-secondary learning for students with disabilities. I am interested in how instruction and evaluation can accommodate students with disabilities, while benefiting all students. You can assist me by sharing some of your experiences providing classroom accommodations and your ideas about how to create barrier-free learning. All identifying information will be kept strictly confidential and you will have an opportunity to review and revise the transcript of the interview. You will also have an opportunity to review the context within which your comments were used in the dissertation.

Construction of the term “disability”

1. I'd like to start by asking you to describe the program or course(s) that you teach?

Probe: How long that you have you been teaching at the school? In what capacities have you been involved in the instructional process?

2. How would you define disability?
3. How is “disability” defined at the school?

Probe: How do you think your colleagues and students might define disability?

Cultural Landscape

4. Tell me about your experiences teaching students with disabilities.
Probe: How inclusive are the educational practices at the school?
5. Who is the person who has influenced your teaching the most at the institution . . . Why?
6. Describe the practices in your teaching that relate to students with disabilities
 - Instructional activities (including communication, delivery and evaluation)
 - Interactions and experiences with students and staff

- Interactions with your colleagues
- Practices related to the physical environment

7. Describe your social interactions with students with disabilities

- In your role as an instructor
- In social activities with students

Probe: Describe your experiences with practices that provide support

8. How useful have BC laws about disability access been to you as an instructor?

Probe: Do you have any experiences that directly relate to Human Rights law in BC?

9. Describe how the new Accommodation for Students with Disabilities policy impacts your educational life.

Agents of Change

10. What barriers to teaching effectiveness have you experienced?

Probe: What was your response to these barriers?

11. What barriers to social interactions related to disability access have you experienced? How have you overcome these barriers, or do they still exist?

12. What changes to the system of learning and teaching do you feel would be helpful for learners? For yourself as an instructor?

13. Tell me about the most challenging experiences that you have encountered related to instruction and evaluation?

Probe: What could be done to improve this?

14. Do you think that the faculty and administration at the school are open to change?

Summary

15. Overall, how do you feel about your teaching experiences at the institution?

16. Is there anything that you would like to add that we haven't covered?

Appendix H Contact Summary Form

Contact summary

Contact type:

Interview
Phone

Site:
Date:

1. Main issues or themes
2. Summary of information and observations from target questions
 - Construction of the term 'disability
 - Cultural landscape
 - Agents of change
3. Additional information
4. New or remaining questions for follow-up

Appendix I Coding Protocols

Coding categories: Student interviews

Category	Code	Category	Code
Medical model of disability	MEDMD	Learner-centered teaching practices - communication, delivery and evaluation	TPLNC
Socio-cultural construction of disability	SOCMD	Human rights laws and Access Policy - knowledge and usefulness	LGLPOLKN
Disclosure of disability (emic)	DISCL	Situational and environmental supports and barriers	ENVSUPBAR
Documentation of disability (emic)	DOCU	Agency -response to barriers to social interactions	CHGSOC
Social interactions with students and colleagues (communication)	PFACSOC	Agency – response to teaching, learning and evaluation barriers	CHGCTL
Social interactions with disability service coordinators (emic)	DSSSOC	Agency - response to systemic barriers	CHGSYS

Coding categories: Faculty interviews

Category	Code	Category	Code
Medical model of disability	MEDMD	Learner-centered teaching practices - communication, delivery and evaluation	TPLNC
Socio-cultural construction of disability	SOCMD	Human rights laws and Access Policy - knowledge and usefulness	LGLPOLKN
Disclosure of disability (emic)	DISCL	Situational and environmental supports and barriers	ENVSUPBAR
Documentation of disability (emic)	DOCU	Agency -response to barriers to social interactions	CHGSOC
Social interactions with students and colleagues (communication)	PFACSOC	Agency – response to teaching, learning and evaluation barriers	CHGCTL
Social interactions with disability service coordinators (emic)	DSSSOC	Agency - response to systemic barriers	CHGSYS

Coding categories: Accommodation for Students with Disabilities policy

Category	Code	Category	Code
Medical model of disability	MEDMD	Universal design for learning - design, delivery and evaluation	UDLDDE
Socio-cultural construction of disability	SOCMD	BC human rights legislation	HRLEG
Disclosure of disability	DISCL	Freedom of Information and Protection of Privacy legislation	FOIPOP
Documentation of disability	DOCU	Response to barriers to social interactions	CHGSOC
Social interactions with Disability Services coordinators and faculty	DSFACSOC	Response to teaching, learning and evaluation barriers	CHGCTL
Situational and environmental supports	ENVSUP	Response to systemic barriers	CHGSYS