

Disability, Diversity and Civil Rights

Katharina Heyer, Ph.D.

Assistant Professor of Political Science

William S. Richardson School of Law

Center on Disability Studies

UH Center on Disability Studies

- 3 year grant from DOE Office of Postsecondary Education
- Support Faculty to support students
Teaching All Students, Reaching All Learners: Innovative Ways to Address Disability and Diversity in the University Classroom

Disability as Diversity

- Focus on markers:
 - race, ethnicity, religion, gender, sexual orientation, disability
- Focus on discrimination:
 - we may not treat people differently on the basis of these differences
- Focus on the law:
 - Discrimination on the basis of disability is like discrimination on the basis of race
 - Disability is a civil rights issue

Why Begin with a Focus on Law?

- To inspire, not to intimidate
- Legal concepts that guide our thinking
 - Equal opportunity
 - Respect for difference
 - Individual inquiry
- Understand sources of discrimination and stereotypes

Sources of Discrimination

- Discomfort
 - Fear of disease and death, embarrassment
 - “I got served in a separate room of restaurant”
- Prejudice
 - urge to create in and out groups
 - Assumptions about superiority/inferiority
- Patronization and Pity
 - Charity; benevolent paternalism
 - “Your life must be horrible and worse than death”

(more) Sources of Discrimination

- **Stereotyping**

- See the disability before you see the person
- “the disabled,” the retarded,” “the autistic”
 - People first Language: “people with disabilities,” “people with mental disabilities,” “people with autism.”
- Most common stereotypes (Wolfensberger)
 - the subhuman, the menace, the poster child, the object of pity, the “supercrip”

- **Stigmatization**

- difference from the norm, physically & mentally
- Value judgment: this difference is undesired, negative

Forms of Discrimination

- **Employment**
 - Only one-third of pwds qualified to work can find jobs
 - Low-level jobs, no advancement
- **Transportation**
 - Pwds have disproportionately high need for public transportation
 - In 1990 only one-third of public buses were accessible
 - Handi-vans still segregate
- **Education**
 - students with disabilities drop out three times the rate of nondisabled peers
- **Public Accommodations**
 - Testimony to Congress: pwds ejected from movie theatres because “disgusting to look at”

Emphasis on the Public Sphere

- “It makes no sense to bar discrimination against people with disabilities in theaters, restaurants and places of entertainment but not in regard to such important things as doctors’ offices. It makes no sense for a law to say that people with disabilities cannot be discriminated against if they want to buy a pastrami sandwich at the local deli but that they can be discriminated against next door at the pharmacy where they need to fill a prescription. There is no sense to that distinction.”
 - Robert Burgdorf, testifying before Congress

1990 ADA

- *Americans with Disabilities Act*
- First comprehensive civil rights law that outlawed disability discrimination in public and private areas.
- Emphasis on defining discrimination broadly
 - In employment (Title I)
 - In public services (Title II)
 - In public accommodations (Title III)

Title II: Public Services

- people with disabilities have the right to access and participate in public programs and services that people without disabilities participate in.
- Affects all activities of state and local governments
 - Public universities, voting, public meetings, public libraries, state parks.
- Public transportation
- Public buildings
 - Most libraries are covered under Title II if they are public entities and part of state or local government

Title III: Public Accommodations

- Privately owned public accommodations and services
- Restaurants, stores, hotels, theatres, privately owned transportation, private schools, gym, taxis, doctor's offices, zoos, sport stadiums, funeral homes
- Not residential facilities
- Exempt: religious entities, private clubs

Disability as Civil Rights?

- Product of 1960s CR movement
- Isolation and segregation are not a natural result of disability, but because of physical and attitudinal barriers
- Old model: fix the person to better accommodate the environment
- New Model: fix the environment to better accommodate the person

Disability as Civil Rights?

- Disability discrimination is like discrimination on the basis of race and gender
- Focus on stereotypes and fears
 - Living with a disability is tragic
 - “Wheelchair-bound;” “suffering from” CP;
 - Change our Language
 - “people-first”

Disability as Civil Rights?

- The Preamble to the Constitution does not say, “We the able-bodied people.” It says, “We the People.”
- Mike Auberger, ADAPT leader during a rally in support of the ADA bill in March 1990, “Wheels of Justice”

“Access is a Civil Right”



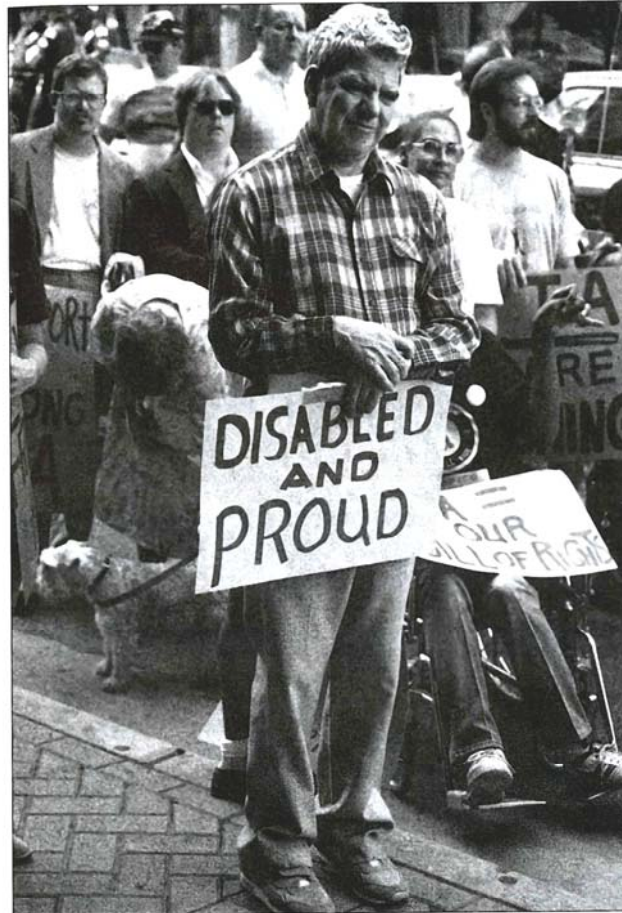
In a rally in Washington, D.C., before the passage of the ADA, demonstrators extend the frame of civil rights by incorporating slogans from the civil rights movement.

“I can’t even get to the back of the bus!”



A demonstrator's sign at a New Jersey public transit accessibility protest illustrates the core civil rights issue for people with impairments: accessibility.

“Disabled and Proud”



The development of a minority group consciousness has given rise to a disability culture, which seeks to promote pride in the history, activities, and cultural identity of people with impairments throughout the world.

Remember

- Disability rights are civil rights
- People with disabilities have the right to enjoy all aspects of public life that people without disabilities can.
- They are part of the public.



Disability Etiquette

Teaching All Students, Reaching All Learners:

Innovative Ways to Address
Disability and Diversity in
Postsecondary Education

**The Office of Postsecondary Education
Innovative and Sustainable Teaching
Methods
and
Strategies to Ensure Students with
Disabilities
Receive a
Quality Higher Education**

<http://www.ist.hawaii.edu>

Disability Etiquette: Language

Why is Language important?

- Language reflects the way we think
- Language requires us to pay attention
- Language is power

Disability Etiquette: Person First Language

Preferred US etiquette

Say:

Don't say:

Student using a wheelchair

Wheelchair student

Person who is deaf

The deaf one

Person who has

Afflicted, suffers from,
victim

Disability Etiquette: Person First Language Guiding Rule

Focus on ability, rather than perceived weakness

Example:

Say: Professor with a disability

Don't Say: Wheelchair-bound professor

Disability Etiquette: Simple Thoughts

WHAT TO DO:

DO ask if someone needs assistance

DO expect patrons to know what they need or to be
able to ask for assistance

DO understand that the individual is a library patron first and foremost

Disability Etiquette: Simple Thoughts

(continued)

WHAT NOT TO DO:

Don't assume

Don't avoid

Don't believe your library is perfect

Some Aspects of Library Accessibility

- Can someone get in the building?
- Are restrooms accessible?
- Are workstations, information, checkout, and security areas accessible?
- Are computers accessible?
- Can a person with a disability be have access to Library areas as an employee?

The Tech Act: Technology-Related Assistance Act for Persons with Disabilities (1988)

(1) ASSISTIVE TECHNOLOGY DEVICE.- The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain,, or improve functional capabilities of individuals with disabilities.

<http://www.ata.org/pl108.asp>

An Introduction to Assistive Technology (AT)

Assistive technology, also called "adapted equipment/technology," is any item, piece of equipment, or system commonly used to increase, maintain, or improve functional capabilities of people with disabilities. Examples include adapted eating utensils, picture communication boards, radios with special switch devices, screen readers, wheelchairs, electric van lifts, software programs and communication devices.

Ohio Legal Rights Service

http://olrs.ohio.gov/ASP/olrs_FAQ_AT.asp

TYPES OF ASSISTIVE TECHNOLOGY (AT) LOW TECH

- Stool
- LoTTIE KIT

<http://www.onionmountaintech.com>

- Calendar
- Paper and pen
- Door pulls

TYPES OF ASSISTIVE TECHNOLOGY (AT) HIGH TECH

(Universal):

- Keyboards: ergonomic, natural, adjustable, on-screen, eg

<http://198.178.200.166/abledata.cfm?pageid=19327&top=159833&productid=86516&trail=0>

- MP3 player/CD player/Tape Player

<http://enablingdevices.com/viewproduct.aspx?id=24>

TYPES OF ASSISTIVE TECHNOLOGY (AT) HIGH TECH

- Screen readers: JAWS; Window-Eyes
<http://www.freedomscientific.com/>
<http://www.gwmicro.com/Window-Eyes/>
- Voice recognition: Dragon Naturally Speaking;
iListen (Mac)
<http://www.nuance.com/>

Resource

ABLEDATA:

<http://www.abledata.com/>

LOCAL RESOURCE: ATRC

Assistive Technology Resource Centers of Hawaii

414 Kuwili St., Ste. 104

Honolulu, Hawaii 96817

808.532.7110, 800.645.3007,

FAX: 800.532.7120

EMAIL: info@atrc.org,

www.atrc.org

Contact Information

Steven E. Brown

Center on Disability Studies

1776 University Ave., UA4-6

University of Hawai'i

Honolulu, HI 96822

sebrown@hawaii.edu

www.ist.hawaii.edu

What is Section 508?

Barbara Fischlowitz-Leong

Executive Director

Assistive Technology Resource Centers of Hawaii

The Law: Section 508

- Section 508 requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

The Law: Section 508

- Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

Section 508 standards apply to...

- The full range of “electronic and information technologies” which is defined as
 - Any equipment or interconnected system or subsystem of equipment, that is used in the creation, conversion, or duplication of data or information.

Section 508 standards apply to...

- Software applications
- Web-based information or applications
- Telecommunication products
- Video and multimedia products
- Self contained, closed products
(information kiosks, calculators, fax machines)
- Desktop and portable computers

Examples for software applications...

- When software is designed to run on a system that has a keyboard, product functions shall be executable from a keyboard where the function itself or the result of performing a function can be discerned textually.
- Applications shall not disrupt or disable activated features of other products that are identified as accessibility features
- Software shall not use flashing or blinking text, objects

Examples for web based information...

- A text equivalent for every non-text element shall be provided (e.g., via "alt", "longdesc", or in element content).
- Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.
- Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.
- Documents shall be organized so they are readable without requiring an associated style sheet.
- Redundant text links shall be provided for each active region of a server-side image map.

Examples for telecommunications products

- Telecommunications products which include voice communication functionality shall support all commonly used cross-manufacturer non-proprietary standard TTY signal protocols.
- Voice mail, auto-attendant, and interactive voice response telecommunications systems shall be usable by TTY users with their TTYs.
- Where provided, caller identification and similar telecommunications functions shall also be available for users of TTYs, and for users who cannot see displays.

Examples for video and multimedia applications...

- All analog television displays 13 inches and larger, and computer equipment that includes analog television receiver or display circuitry, shall be equipped with caption decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD signals.
- Display or presentation of alternate text presentation or audio descriptions shall be user-selectable unless permanent.
- All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain visual information necessary for the comprehension of the content, shall be audio described

Examples for self contained products...

- Self contained products shall be usable by people with disabilities without requiring an end-user to attach assistive technology to the product. Personal headsets for private listening are not assistive technology.
- When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.
- Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

Examples for desktop and portable computers...

- If a product utilizes touchscreens or touch-operated controls, an alternative input method shall be provided.
- Where provided, at least one of each type of expansion slots, ports and connectors shall comply with publicly available industry standards.

Where can you go to ensure compliance...

- Websites that explain Section 508 law and standards
 - <http://www.access-board.gov/sec508/>
 - <http://www.section508.gov>

Who can you contact for technical assistance with Section 508...

- The Assistive Technology Resource Centers of Hawaii can assist with:
 - Section 508 information
 - Assessing information and electronic technology implementations
 - Providing technical assistance in remediation of non-compliance

ATRC Contact Info

- Barbara Fischlowitz-Leong
- Executive Director
- 414 Kuwili Street, Suite 104, Honolulu, HI 96817
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- 800-645-3007
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- <http://www.atrc.org>