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ABSTRACT

Abelism, like the many other 'isms,' pervades the rules and norms within the U.S. higher education system. Through a first person narrative, this article explores one person's perspective and experience with the accommodation process - first, as a person without a dis/ability serving as an Americans with Dis/abilities coordinator and then as a faculty member with a dis/ability. It also documents the miraculous ability to institute telework accommodations within weeks when people without dis/abilities needed it due to COVID-19 and consequently exposes one form of ableism in the U.S. post-secondary educational system. The article concludes with a call to anti-ableism and intersectional activism to expand higher education.

I began my career in academia as a person without a dis/ability[1] and an Americans with Dis/abilities Act Coordinator for a U.S. public university in 2003. The two most common and challenging barriers created for people with dis/abilities were denied reasonable accommodations for telework and denied reasonable accommodations for flexibility in classroom attendance. It was a constant and never-ending battle with non-dis/abled people in positions of power.

I explained the local, state, and federal legislation that requires reasonable accommodations for qualified individuals with dis/abilities to professors and supervisors. I cited research that telework can actually increase productivity (Naylor 2020) and that employees with dis/abilities save organizations money because they have lower turnover rates (United Nations 2007). In the end, if the work was completed, wasn't that proof that they were meeting their work responsibilities? I explained that just because professors could not see the students sitting in a classroom, that did not mean they were not engaged in learning and their course. After all, if they successfully completed the

assignments tied to the student learning outcomes, wasn't that proof of their competency in the material? I tried to reinforce the value of having diverse perspectives and lived experiences in the classroom and the workplace – all of this all too frequently to no avail. Administrators and professors used the discretion afforded to them in their leadership positions to justify their rigid and ableist policy and practice.

I have been reflecting on this work, in the wake of COVID-19 and now as a faculty member with a dis/ability in the U.S. Since August 2019, I have sought my own reasonable accommodations – perhaps not surprisingly – to work from home. I have had small victories along the way with many hoops to jump through and unfortunately just as many roadblocks. In February 2020, I had three meetings with three different decision makers to discuss my reasonable accommodation request. The tone of each meeting was sympathetic and polite but ultimately resulted in 'no.' At the end of my accommodation scavenger hunt, I felt hopeless, humiliated, and disposable.

Within weeks, my university, like many others, moved to a remote format allowing the majority of employees to telecommute. The glaring hypocrisy was undeniable.

This pandemic has both emphasized the inequities in our society, and it has brought empathy and reflection. That was the underlying message of the running joke – we are all BBC dad. We all need accommodations, flexibility, and grace to do our work. This has been part of the equalizing impact of COVID-19. We have shifted our perceptions of professionalism as toilets are heard flushing during U.S. supreme court live-streamed hearings. We have bent the rules and adjusted both policy and practice that previously were deemed immutable. In this way, the pandemic has inadvertently combatted ableist supremacy (Taylor and Shallish 2019). But for how long?

During a recent webinar, a member of the public asked the Equal Employment Opportunity Commission (EEOC 2020) if employers will be required automatically to continue telework for employees with dis/abilities post-pandemic. They responded simply and clearly, 'The answer is of course no.' Certainly, this can be a complicated issue and many variables need to be evaluated. But can we ethically and logically argue to go back to business as usual?

Most readers, can likely and easily explain that business as usual leaves the one in five adults who live with a dis/ability to battle attitudinal, communication, physical, policy, programmatic, social, and transportation barriers, and this translates into different life outcomes (Centers for Disease Control and Prevention 2019). We can speak generally about how in the U.S., people with dis/abilities experience a 45% employment gap compared to individuals without dis/abilities, and they are more likely to be underemployed working part-time rather than full-time (Bureau of Labor Statistics 2020; U.S. Department of Labor, n.d.). We may sound the alarm that individuals with

dis/abilities are further devalued making approximately $10,000 less a year than their privileged non-dis/abled counterparts (Bialik 2017). We use these quantifiable examples of institutionalized ableism to discuss what happens in our society, and we acknowledge not all populations are affected equally. Just as COVID-19 disproportionately impacts the Navajo Nation, we know Indigenous Americans are more likely to have a dis/ability (Bialik 2017; Navajo Nation Government 2020). Consequently, we argue ableism is another way we further disenfranchise valuable members of our society with important contributions to make and untapped potential. But we talk about this as if it only happens in some mystical place off in the distance.

But what is happening in our universities, our colleges, our departments, our classrooms? Are we so enlightened that we have figured out how to eliminate ableism? Our record merits a sympathetic and polite 'no.' In the U.S., students with dis/abilities are both underrepresented in higher education and less likely to complete a higher education credential (Ingram 2017; National Center for Education Statistics 2019). Similarly and perhaps not surprisingly, employees with dis/abilities are underrepresented domestically and internationally in tertiary education (University of California, Berkeley 2017; Higher Education Statistics Agency 2018).

Truthfully, we are not meaningfully invested in recruiting and retaining individuals with dis/abilities within higher education, and we have largely overlooked the importance of employees with dis/abilities. Instead, employees with dis/abilities are left to confront the daily frustrations of institutional ableism. The same scavenger hunt for accommodations I faced is the reality of many others – if they can even get in the door. This is unacceptable. We require the presence and participation of people with dis/abilities to dismantle discriminatory practice, policy, and environments in higher education (Merchant 2020).

In the not so distant past, we invested significant time and energy in evaluating reasonable accommodations related to in-person work and learning. The EEOC, Job Accommodation Network, and the Office for Civil Rights (OCR) have provided guidance since dis/ability rights legislation was enacted, but the landscape is continually evolving. The regulations are adjusted each time OCR investigates a claim filed by an individual with a dis/ability and makes a case determination or issues a letter of finding and these can vary from institution to institution. Students with dis/abilities may face any number of processes for requesting flexible attendance including professor discretion or dean approval (Hope 2020). For employees with dis/abilities, many have been denied the reasonable accommodation to work from home over the past many years, even decades, with the courts overwhelmingly siding with employers (Iafolla 2019).

All of these purported thoughtful, strategic, regimented, strictly adhered to guidance, regulations, and rulings went completely out the window in

March 2020, and now it is as if we have awoken in a parallel universe to find, like magic, we can all successfully telecommute for work and studies, in some cases, for the foreseeable future.

This says something about who we value. We could not grant *accommodations* for individuals with dis/abilities, but we can complete an overhaul of the system for people without dis/abilities. While flexible attendance and telework are convenient examples given our current circumstances, my argument is not limited to them. My goal is to shift our view of reasonable accommodations processes in our own institutions – which can ironically be rather unreasonable. Additionally, I want to draw attention to the arbitrary nature with which we make decisions that disproportionately impact the dis/ability community, keep individuals with dis/abilities from fully participating in the workplace and higher education, and reproduce historical inequities (Annamma, Connor, and Ferri 2015).

While I speak about my personal and professional experience in the U.S. system of higher education, I pose these questions to academics across the globe reading this piece:

- How do you actively challenge ableism in your institution?
- How have you changed historical practice that excludes individuals with dis/abilities and racialized individuals with dis/abilities?
- What policies reinforce institutionalized ableism at your institution and what are you doing to eliminate them?
- Would your students and colleagues with dis/abilities describe you as an anti-ableism activist?
- How do you contribute to recruiting and retaining students and employees with dis/abilities?
- Do you seek out authors with dis/abilities for course readings and host them as compensated guest lecturers?
- When have you made the sacrifice to skip writing an article and instead focused on practical advocacy to improve conditions for people with dis/abilities in your institution?
- All of this is to say, how do you actively contribute to including and excluding people with dis/abilities in your workplace?

I certainly direct these questions to my colleagues without dis/abilities who have more time and energy by the virtue that our institutions were created with them in mind, but we all need to be in this fight.

We have evidence staring us in the face that when we want to make accommodations, we can, and we can do it successfully. Barriers that have been suspended, need to be permanently removed, and we need to conduct a complete overhaul of our ableist policies and procedures in post-secondary education. There have already been calls to executive

level leadership to avoid reconstructing inaccessible practices and move forward in an equitable way. Now that we know better. We need to do better. And we need to do better in the not so distant places where we live and work.

Will guidance from the EEOC and OCR shift as telework continues into the 2020–2021 academic year? Maybe. Will court rulings change post-COVID-19? Perhaps. But here's the thing – we do not have to wait to discover the ending to this story. We have the power to write it ourselves.

Note

1.   While language is limited, I use dis/ability to disrupt and highlight the social construction of abilities (Annamma, Connor, and Ferri 2015).

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