INCLUSIVE EDUCATION AND DISABILITY: COMPARING TERTIARY EDUCATION
ACCOMMODATIONS IN METROPOLITAN CANADA AND JAMAICA

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Abstract

In this paper a comparison of two universities' accommodations for disabled students was conducted. This comparison looked at governmental legislation and laws that shape university policies and practices. To understand the utilization of the policies and practices, this paper employed personal perspective or testimonials to garner a better understanding of the intersection of disability and tertiary education in two different countries. The universities selected for this comparative study are York University in Canada and the University of the West Indies, Mona campus, Jamaica. This paper applied a three tier approach - Macro, Meso and Micro level- in analyzing the intersection of disability and education. This paper also looks at the cultural influence on legislation, university policies and the individual experience. Through this research a greater depth of understanding of how these accommodation guidelines intersect with disability services was achieved.

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Introduction

This cross-cultural study examines the implementation of the United Nations Convention on the Rights of Persons with Disabilities in two countries, Jamaica and Canada, in order to shed light on the factors that influence a disabled person's access to tertiary education. This idea of university accommodation is still in its developing stages. By writing this paper I add another approach to the scope of understanding the intersectionality of disability and education in a global context. Research is readily available in developed countries like Canada and the success or failures of their accessible education initiatives are easily accessible. Though a developing country like Jamaica endorses the same conventions as Canada there is a perceived difference in the deliverance of accommodations and accessibility to inclusive education. Both Canada and Jamaica are considered common law and are both influenced by British colonialism and therefore it could be theorized that their governmental practices and policy development should be similar. It is prudent to look at disability and education within these spheres in that it provides a good look into the interpretation of disability and disability rights and the resulting range of what is considered reasonable accommodation. This paper looks at the barriers to inclusive education from a critical theoretical standpoint. One of the possible outcomes of the analysis is recommendations regarding the reform of the tertiary educational system in Metropolitan Jamaica to bring about universal access to education for all, regardless of ability. This MRP represents an important step in closing the gap between the lived experience of students with

disabilities and the rest of the academic community and ensuring that students with disabilities

finally have every opportunity to fully participate in the social, cultural and economic life of

tertiary education.

The central question in my research was how does a country's socio-political and cultural

framework impact the implementation of an accessible tertiary education system? To garner the

answer to this I looked at what global conventions are already in place in regards to disability

and the intersection of education. For example, looking at the UN convention on disability and

tracing the development of policies. This agreement sets out what countries have to do to make

sure that disabled people have the same rights as everybody else. The convention recognizes the

fundamental rights for all such as freedom to make your own choice, and to not be discriminated

against. The convention outlines the fact that disabled people have the same rights to be included

in society as anybody else.   The Convention identifies general and specific responsibilities on

participating countries in relation to the rights of persons with disabilities. In terms of general

obligations, countries have to adopt legislation and administrative measures to promote the

human rights of persons with disabilities and abolish discrimination. Also, they need to protect

and promote the rights of persons with disabilities in all policies and programs and stop any

practice that infringes on a disabled person's rights. Moreover, countries need to ensure that both

the public and private sector respect the rights of disabled persons. There also needs to be a

commitment to undertake research and development of accessible goods, services and

technology for persons with disabilities and encourage others to undertake such research. Lastly,

the convention endorses the requirement to consult with and involve persons with disabilities in

developing and implementing legislation and policies and in decision-making processes that

concern them.

The UN convention and respective domestic laws at the global macro level, university

accommodation policies at the meso level and individual experience at the micro level serve as a

framework to analyze inclusive education from the Macro to the Micro levels through a critical

disability lens. The addition of culture to the analytical process endorses open discourse on key

issues that affect the disabled person's success in accessing higher education in varied

geographic areas. Furthermore, the research questions allowed for a brief historical review of

the path to the 2006 International UN Convention on the Rights of Persons with Disabilities. In

addition, my research question aided in summarizing the studies conducted on disability and

education and its impact on education systems in the 10 years since ratification in general and in

the case of accessible tertiary education in a metropolitan setting. Furthermore, these questions

allow for the discussion of what has been achieved and what hasn't been achieved. By looking

at studies that have examined the socio-political and cultural framework (if any) and its impact

on education – in developed and developing countries – the questions assisted in deducing what

factors appear to influence access and how is success defined/measured? This direction of

questions helped me conclude what few, if any, studies on Jamaica are relatable? Also, what is

particularly unique about the Jamaican context as compared to Canada?

This discourse focuses on critically comparing and contrasting the intersectionality of being disabled in a developed country like Canada and a developing country like Jamaica in regards to accessing tertiary education in a metropolitan area. In order to research this I chose to look at York University in Toronto and the University of The West Indies campus in Jamaica. To determine how these universities manage to accommodate disability issues within the framework of their legislative boundaries, I conducted a qualitative literature review through a critical disability, legal and sociological lens. In order to facilitate this research I used the disability convention law as a platform to compare how the implementations of these laws are executed in a developed country like Canada and a developing country like Jamaica. The international law (i.e. UN convention) frames the understanding of how domestic laws are developed within Canada and Jamaica. I briefly explain what each country has done to show how and why compliance was achieved.   This particular orientation of the work is necessary for this paper in that the use of an intersectional lens provided the opportunity to bring clarity to the issues, highlighting the disabled person's experiences and interpretations of the legislation and laws; and secondly, it allows the investigation to identify the impact of discriminatory practices against disabled persons and, as well, navigate the issues that surfaces within the framework of a "human rights" model.

To aid in my organization I analyzed documents and publicly available data and through the usage of key term search on the Internet to determine how laws have shaped the Jamaican and Canadian societal views on disability, disabled persons and accessibility. Looking through

an intersectional lens, there will be an historical overview of disability education rights at the macro level. This level is considered for the purpose of this paper to be the overall governmental policies, laws and global conventions that influence the development of educational accommodations and the advancement of inclusive education. The paper looked at the meso-level intersection of disability and education. The meso- level for this paper is considered to be the university policies and their compliance with macro level policies, laws and guidelines regarding the duty to accommodate. There was an incorporation of the micro level which for my purposes will be the individual. This viewpoint is expressed through already documented literature and the examination of case laws and rulings.   From this vantage point a section on limitations and recommendations was presented.

The importance of this paper can be assessed by the quality and quantity of data gathered, and the ability for the gathered data to generate further research possibilities. The point of this paper is not to exhaust its direction, but to ascertain the validity of this paper in its approach to further the disability rights movement and bring awareness to the issues of accessing higher education within the global realm of tertiary education. I utilized statistical data to ascertain the prevalence of disabled students within each university to determine the disparity (if any), which lent support to the significance of this paper. Specifically, I looked at the disabled student enrolment rate and completion rate over the last 10 years at York University and the University of the West Indies (Mona Campus). I also looked at how many disabled students apply in comparison to how many are actually accepted.

As a disabled student who has experienced tertiary education at York University, I have first-hand knowledge of the university's accommodation policies. Therefore, using it as my primary source is viable. Culturally, as a Jamaican-Canadian I was led to question what is disability like in my native country. On further introspection, I felt it would be beneficial to determine if accommodation policies at York are duplicated or comparable within University of West Indies (Mona campus) as well. By drawing this comparison, it can be shown that what works for one country might not necessarily work in another, so the study looked for similarities and differences in socio-political and cultural frameworks.

The intersection disability and education

Intersectionality as an effective research strategy

The multifaceted nature of disability creates a dynamic context for understanding the lived experience and social identity of persons with disabilities. These disabled individuals are also members of other identity groups, for example, gender, race, and religion (Minear, 2011). A major lived experience that warrants research is that of disabled students pursuing and accessing higher education. Social perspective on disability insists that a large number of persons with disabilities struggle to lead a "normal" life because of stereotypical attitudes, social stigma, discrimination and neglect (Pal, 2011; Fine & Asch, 1988). How much more so is this perspective repeated in the able dominated tertiary education environment? There is a great deal of research into the relationship between education and disability, what is missing is an analytical comparison of equivalent tertiary institutions. This gap will be addressed in this paper

by looking at the accommodation practices between two universities, York University in Canada and The University of the West Indies, Mona Campus in Jamaica and how their practices intersect with disabled persons. Each of these universities' perceptions and understanding are influenced differently by culture, geographical location and economic status. These various and demanding methodological influences can be addressed qualitatively, for example, by approaching them with an intersectional lens.

Intersectionality (or intersectional theory) lays a foundation that can be used to build an understanding of how systemic injustice and social inequality occur on a multifaceted basis (Choo & Ferree, 2010). Intersectionality studies the intersecting social identities and associated systems of oppression, domination, or discrimination to determine systemic injustices and social inequality (Crenshaw, 1989). This theory works under the premise that various biological, social and cultural categories such as gender, race, class and ability interact on many and often simultaneous levels (Crenshaw, 1989; Collins, 2015). This paper will look at the importance of using an intersectional lens to highlight the intersect of disability and access to higher education. I seek to move away from the traditional understanding of intersectionality as a framework researching oppression. My approach to intersectionality is broad in that I acknowledge the capacity of the theory to be versatile, fluid and adaptable to any application whether oppressive, privileged or marginalized.

In order to formulate an understanding, this paper will look at what is the intersectionality theory. Secondly, how should such a methodology be employed radically outside its normative usage? Lastly, I will look at overlapping intersectionality within disability in regards to

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education. This paper holds with the understanding that intersectionality is to be appreciated as dynamic and fluid, rather than a static process. It is rooted in the belief that understanding disability is a path, one that changes through different times in history and transforms within different spaces (Bhopal and Preston 2011).

Established theories of inequality or discrimination tend to be based on single elements: racism, sexism, classism, ableism, sexual orientation, and sexual identity. For example, theories such as status attainment models, the Davis—Moore theory, power elite studies, Lenski's evolutionary theory, Habermas' analysis of distorted communications, and world-systems theory all take a singular viewpoint (Milner, 1987).   Intersectionality refers to the understanding that the diverse factors do not function independently of one another, but are interrelated and act together (Cho, Crenshaw & McCall, 2013).   In its formative years, the Intersectional theory began as an exploration to address the oppression of women of color within society (Crenshaw, 1989).   The term "intersectionality" was first made popular in 1989 by critical legal and race scholar Kimberlé Williams Crenshaw in a paper titled, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrines, Feminist Theory and Antiracist Politics," published in the University of Chicago Legal Forum. In this paper, Crenshaw reviewed legal proceedings to demonstrate how it is the intersection or overlapping of race and gender that shapes how black men and women experience the legal system (Crenshaw, 1989).

In Crenshaw's 1991 article, "Mapping the Margins", she proposed that the intersectional theory development was influenced by the problem she perceived with identity politics being

that it failed to transcend difference; but rather the opposite - that it frequently conflates or ignores intra group differences (Crenshaw, 1991).   The term "intersectionality" was used to describe how different forms of discrimination are intertwined, and why it was necessary to take into account the needs of individuals from a variety of backgrounds when considering social questions and issues to advocate (Cho, Crenshaw & McCall, 2013). Intersectionality theory came about specifically to address a particular problem, the term was used to capture the applicability of black feminism to anti-discrimination laws (Crenshaw 1989).

In recent years, intersectionality has become a dominant model in which to analyze how differences intersect on individual lives (Bhopal and Preston, 2011). However, I have found that intersectionality can be used to assess more than just differences, but also as a way of determining similarities and to illustrate the interconnected pathways between disparate experiences. With the advancement of time, "Intersectionality" can be potentially applied to all categories, including identities typically seen as separate or independent such as disability.

Though the significance of intersectionality was initially for feminist researchers, intersectionality can be utilized as a key procedural approach to understanding disability. Utilizing this approach is important because many issues that are faced within feminism and disability are overlapping. With the emergence of intersectionality a new arena for understanding disability has developed. Overviews of the concept of intersectionality have increased over the years, historical reviews have aided to emphasize both the different theoretical needs that led to the emergence of the concept of intersectionality in the first place and the variation that remains in how it is understood and applied today (Choo &Ferree, 2010).

The intersectional theory provides the opportunity for one to think of each aspect of a disabled person as inseparably linked with all of the other aspects in order to fully understand one's identity. Intersectionality provides the framework to examine the multiple and shifting ways in which disability intersects with other sources of social disadvantage and advantage. Intersectional constructions of disability reveal the various aspects that influence the construction of the disabled students' identities (Liasidou, 2013).

Similar to Choo and Ferree's feminist usage of intersectionality, disability's intersectionality can also be viewed as a process, highlighting power as relational, seeing the interactions among main effects as multiplying oppressions at various points of intersection, and drawing attention to unidentified issues (Choo and Ferree, 2010). Foucault would argue that this could be seen as the power struggle between the disabled person and ablest society (Foucault, 1984). Choo and Ferree's viewpoint can be applied to disability and the main effect of education with multiplying influences of race, culture, gender, experience, perceptions, interpretations and severity of disability. Intersectional understandings of disability, drawn from intersectional feminism and disability studies, serve to weaken minimalist explanations of individual pathology and privilege resulting in new forms of academic thinking and acting that prioritize a social justice framework in tackling wider systemic rigidities and inconsistent educational regimes (Liasidou, 2013).

The intersection of disability in regards to education is compounded by coinciding political, social and structural barriers (Erevelles, N. 2011). Additional factors such as legislation, policy development, accommodation, technology, service, culture and socioeconomic

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status intersect with disability and require further research. Moreover, various socio-cultural conditions intersect with different types of disability in a complex manner to make the overall educational experience of disabled/ abled students qualitatively different. (Pal, 2011; Erevelles, 2011).

The confines of this paper limit my ability to cover all intersections regarding disability and education but I will illustrate a few to show the importance and versatility of an intersectional methodology. Examining these overlapping intersections will aid in getting a broader understanding of disability and provide insight into the educational aspect of the disabled person's experience.

Firstly, I would like to focus on the political intersection of policies and accommodation. According to Cho et al. (2013; Foucault, 2010), political intersectionality provides an applied dimension to the insights of structural intersectionality by offering a framework for contesting power and thereby linking theory to existent and emergent social and political struggles. There are inclusive education clauses outlined in the UN Convention (2011) that can be tailored to a country's specific needs but must still comply with the expected standard. The UN Convention on human rights in regards to disability can be interpreted differently due to cultural beliefs and historical views of different geographical areas. For example, universities such as York University (Toronto) and the University of The West Indies (Mona campus), share similar political governance as both were colonized by the British. However, cultural beliefs have influenced their policy development and implementation.

Disabled individuals' struggle to be included is still apparent; the education system's broad definition of disability while theoretically inclusive, still utilizes exclusionary tactics in practicality. Intersectionality has the capacity to span levels of analysis, from the micro-level experiences of the individual to the macro-level structural, organizational, and institutional contexts in which interactions and experiences are established. At the Macro level or Governmental level, laws are drafted for inclusive education including a duty to accommodate. In Ontario, inclusive education policies often existed before the UN Convention; and are structured more around the Ontario Human Rights Code and the Accessibility for Ontarians with Disability Act (AODA) and compliance is determined by meeting its most minimal criteria. At the Meso Level Institutions such as York University (Toronto) or The University of West Indies (Mona Campus), there is an effort to adopt policies to reasonably accommodate disabled persons.

In the formative years, for people with disabilities living in Canada, concepts of discrimination and equality were new, unformed and relatively untested (Brodsky et al, 2012). The acknowledgement of disability related barriers as a matter for human rights concern and analysis represented a qualitative transformation in the understanding of the disability experience. In 1999, the Supreme Court of Canada issued two rulings, Meiorin and Grismer which have contributed to the principle of the duty to accommodate. The Court's aim in Meiorin was to create an interpretative framework that would progress the fundamental equality goals of human rights legislation. The significance of legal disputes cannot be underestimated. According to Susan J. Peters, most policy documents on Inclusive Education begin with the

recommendation that a policy framework and legislative support must be in place to ensure access to and equal participation in Inclusive Education programs (Peters, 2003).

Disability accommodations are meant to provide assistance that allows a person with a disability to have the opportunity to equally participate within tertiary education. University policies are not always congruent with the individual accommodation needs. Sadly, in application, not all policies implemented actually accommodate or give equality to the disabled individual. Interpretation is a key policy development strategy that allows for service providers and institutions to justify minimal effort by claiming changes will produce undue hardship on their system. In Section 11 of the Ontario Human Rights Commission, The Code proposes three considerations in gauging whether an accommodation would cause undue hardship. These are:

- cost
- outside sources of funding, if any
- health and safety requirements, if any.

(OHRC, 2016)

Undue hardship associated with costs under the Ontario law is only proven if the costs are quantifiable, shown to be linked to the accommodation and so considerable that they would change the crucial characteristics of the organization, or so substantial that they would markedly affect the organization's sustainability. Institutions are required to seek out outside sources of funding to possibly ease accommodation costs. Institutions can make use of outside resources to meet their duty to accommodate and must first do so before claiming undue hardship. Three potential sources of funding to consider are funds to assist individuals, funds to assist businesses

and service providers and funds to assist disabled persons as a group. Health and safety risk requirements may be included in a law or regulation, or result from rules, practices or procedures that have been established independently or in conjunction with other businesses or services engaged in similar kinds of activity (OHRC, 2016). Undue hardship in regards to health and safety risks is only substantiated if the amount of risk that remains after the accommodation has been made overshadows the benefits of improving equality for persons with disabilities. The OHRC sets out only the three mentioned considerations. This is to ensure no other considerations, other than those that can be conveyed into those three criteria, can be appropriately considered under Ontario law. The generalized and specific understanding of these criteria ensures the equality of disability rights and unambiguous defenses to those rights (OHRC, 2016). This rationale is what supports the minimal effort to accommodate at the meso level giving educational institutions the ability to generalize their accommodation policies, thereby impeding accessibility for disabled individuals who do not benefit from such generalized accommodation practices.

Policies have been developed and implemented to match university standards and program completion at the tertiary level. The effect of interpretation of the standards has resulted in what is termed "reasonable accommodation". A "reasonable accommodation" is any modification or adjustment that allows an individual with a disability to enjoy an equal opportunity. (York University, 2016; UWI, 2016; OHRC, 2016). The Human rights code outlines qualification for reasonable accommodation. The code states that

"No tribunal or court shall find that a qualification under clause (1) (b) is reasonable and bona fide unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. R.S.O. 1990, c. H.19, s. 24 (2); 1994, c. 27, s. 65 (4); 2002, c. 18, Sched. C, s. 4 (1); 2006, c. 30, s. 3 (1)."

(Human Rights Code, 2016)

The influence of interpretation for some students may result in minimal or not beneficial accommodations being provided. For example, the implementation of accommodations that only address main disabilities but lack the scope for meeting individual needs. Section 10 (1) of the human rights code defines "disability" in broad terms. This broad definition of disability is emulated in the education system, For example, at York University "disabilities shall be defined as those conditions so designated under the Ontario Human Rights Code in force from time to time, and will in any event include physical, medical, learning, and psychiatric disabilities" (York University, 2016). It is only through intersectional methodology that the shortcomings of implemented policies influenced by such broad definitions are revealed. By mapping the framework of education and disability, disconnects are made more apparent when one is looking at specific intersections.

The overlapping intersection of technology is another aspect of the disabled person's educational experience. Technological advances can be seen both positively and negatively.

The development of various electronic devices, such as talking computers, speech controlled devices and assistive software have opened doors allowing many disabled individuals to access higher education. However, technological advances can be disabling to a disabled individual who has not been exposed to the rapidly changing technology. A person's age and technological knowledge prior to disability could impede their success in the current online based delivery system that universities have adopted. For example, a 60 year old visually impaired student who did not evolve with the technological advancements is at a disadvantage. How accessible is it really, if you are unable to type, not used to sending an email, manipulating a search engine or using state of the art technology?

These limitations hinder these students in successfully completing their course requirements. These advancements have proven ineffective for some students, thereby causing emotional and mental distress. I'm not saying technological advances are negative, but it is in my opinion that the unilateral mentality that "what works for one works for all" needs to be addressed. If we had not applied an intersectional approach to the use of technology, we would not have been able to so readily determine specific issues, therefore leading to a quicker turn around in changes to accommodation policies.

Another coinciding intersection that needs to be looked at is service.   By service I am specifically discussing how are disabled students treated within tertiary education. One would think with the amount of higher learning achieved on campus the simple act of treating someone with dignity would be easily accomplished, especially by a service provider whose mandated focus is disabled students. I feel that negative interactions between the abled and disabled are a

result of personal biases and lack of training of the service provider. By personal biases, I mean, if you view a disabled person as a bother or an annoyance, though you may not verbally speak the words, your non-verbal language clearly states your position.

A lack of adequate training leads to disparities in understanding the needs of disabled individuals. Without training, policy development and application is determined by others who do not have intimate knowledge of the disabled person's need. This lack of understanding results in as A.J. Wither said regarding the abled, "They do things for us but not with us" (Withers, 2012). This phenomenon of helping but not helping is very prevalent in the able-disabled interactions. Changes in the regulatory frameworks to include a training component facilitated by persons with disabilities would be required to guarantee fair access for all students. Moreover, there needs to be a paradigm shift in tertiary education towards inclusive education as part of the social justice issue within an intersectional approach (Liasidou, 2013).

The final intersection I would like to bring to attention is the influence of culture. Culture is a pattern of ideas, customs and behaviors shared by a particular people or society. It is constantly evolving and intersects with disability, and influences a particular ethnic group or geographical area's understanding of disability. In cultures where disabled people are not seen as a priority for higher education nor included in most mainstream educational initiatives, an awareness of cultural issues surrounding disability is a key part of the process of achieving inclusive education at the tertiary levels.

Disability plays an integral part in the inclusion or exclusion of certain persons with disability. Inclusion is based on a hierarchical classification of disabilities. The understanding is

that the lower you are in estimation the less value or effort is placed on your existence. In tertiary education this is evident in that the number of disabled students is significantly lower than that of the able bodied students. It's understood that there are fewer people with disabilities than non-disabled in the general population, however it can be assumed of the overall disabled population the amount of capable students that access higher education is lower. Is this a direct result of cultural stigmatisms and biases which marginalize the disabled as non-contributory to the economic growth of a country? In asking this question I am specifically addressing a developing country's perception. Intersectionality allows us to delve into this issue by allowing comparisons within cultures. These comparisons will allow for the determination of where advocacy and teaching regarding disability should be focused.

A disabled person's educational experience is a multitude of inequalities and influenced by vastly different yet similar experiences. This paper presents another perspective, one that attempts to expand the understanding of disability and the intersection of tertiary education within the confines of the educational sphere. Utilizing an overlapping political, institutional, sociological and cultural approach shows the sustainability of an intersection methodology. The flexibility of the intersectional theory allows for this paper to formulate a comprehensive look by looking at specific intersects such as policy, service and accommodation; and collectively utilizes these specific intersects to produce a broad scale understanding of inclusive tertiary education. The full understanding of disability's intersectionality cannot necessarily be encapsulated by one theoretical perspective alone. Therefore, this paper relied on practical and theoretical research to examine the intersection of education and disability.

The recognition that understanding the intersections of multiple forms has a powerful social significance for inclusion is the basis on which my arguments were founded. The outlined individual intersections matter equally; the relationship between the intersections shows a dynamic interaction between individual and institutional factors. The dynamic nature of intersectionality allowed for comparison of different theoretical approaches. For example, in disability research, by applying the intersect of education and overlapping intersects such as culture, law, race or gender; one is able to gain specific individualistic insight. For the purposes of my research it would involve a comparative understanding of accommodation policies at York University and the University of the West Indies at the meso-level and the disabled person at the micro-level. Applying Intersectional theory at each level facilitates a comparison of insights from a diverse range, which provides a broadened understanding of disability and education at the Macro level where changes need to be made. While intersectionality is by no means unique in its applications, the ways in which it conceptualizes the constitution of, relationship between and multi-level analysis of categories of difference is in fact unique (Hancock, 2007). In this sense, intersectionality as an approach to conducting research answers questions that traditional approaches have left unanswered.

York University

Overview

York University was founded in 1959 as a non-denominational institution and is considered Canada's third-largest university with over 50, 000 students, 7,000 faculty and staff, and 295,000 alumni worldwide (York University, 2016). When looking at enrollment data it was ascertained from the center for disability services that of the current 50, 000+ enrolled students five percent are identified as disabled students.   York University has eleven faculties, including the Faculty of Liberal Arts & Professional Studies, Faculty of Science, Lassonde School of Engineering, Schulich School of Business, Osgoode Hall Law School, Glendon College, Faculty of Education, Faculty of Health, Faculty of Environmental Studies, Faculty of Graduate Studies, the School of the Arts, Media, Performance and Design (formerly the Faculty of Fine Arts), and 25 research centres (York University, 2016). According to the York University website, the Keele Campus is an offshoot of the original Glendon Campus and was founded in the 1960's.

The policy of university education introduced in the 1960s was a response to the increase in population pressure and the belief that higher education was a key to social justice and economic productivity for individuals and for society (Anisef & Lennards, 2016). "The governance was modelled on the provincial University of Toronto Act of 1906, which established a bicameral system of university government consisting of a senate (faculty), responsible for academic policy, and a board of governors (citizens) exercising exclusive control over financial policy and having formal authority in all other matters. The president, appointed

by the board, was to provide a link between the two bodies and to perform institutional

leadership" (Anisef & Lennards, 2016).

Disability accommodation at York University was approved by Senate 1991/06; Revised

by Senate 2005/02/24 as "Policy Regarding Academic Accommodation for Students with

Disabilities"(York University, 2016). This began the evolution of a center for disability services.

According to York University's website, "Counselling & Disability Services (CDS) provides a

comprehensive package of psychological and academic support services to members of the York

Community" (York University, 2016).   Clients of CDS are students registered at the university,

but consultations with faculty and staff also occur as necessary. Some of the services provided

are personal counselling (individual, group, and couples counselling as appropriate), crisis

response and support, assistance in the development of learning skills, specialized support to

students with learning, mental health, physical, sensory or medical disabilities, and various

consultative and outreach activities to the York University community (York University, 2016).

Analysis

I would like to turn the focus to York University's accommodation policies through

educational and legal lenses, in order to understand the development of these policies. I

examined the intersection of disability and education and its processes that serve to marginalize

persons with disabilities, thereby rendering them marginal in post-secondary educational

contexts.   In particular, I critically analyzed the policies that are in place for disabled students at

York University that foster or hinder inclusive education. Moreover, I would like to address the

question of how effectively is York University applying its disability policies and do they meet

the legal criteria established under Canada's anti-discrimination statutes? I take a multifaceted approach; utilizing a critical analysis lens, I have looked at Canadian law and York University policies. Additionally, I have examined the practical application of these regulations, drawing from documented case law as they have been applied to persons with disabilities. By taking these approaches, I was able to explore the respective government's policies and laws on the "Duty to Accommodate" and the reasonable accommodation of students with impairments as implemented by York University.

Canadian education policies are geared toward the 'ideal' of inclusive education. Canada has endorsed the United Nations (U.N.) conventions in regards to disabled persons (UN GAOR, 2006). Canada has an obligation to fulfill the requirements of the U.N. treaty. One of the most notable onuses for the context of this paper is Article 24, which recognizes the right of people with disabilities to education and obligates signatories to provide inclusive education systems (Joffe & Lattanzio, 2010). It has been argued that ratification of the Convention on the Rights of Persons with Disabilities (CRPD) was only agreed to by Canada because existing Canadian law and policy conforms to and complies with the treaty. This is where criticism is first drawn for ratification, in that the CRPD is unlikely to result in large-scale changes or improvements in accessibility and inclusion for Canadians with disabilities. (Joffe & Lattanzio, 2010). This leads one to question that if the framework was not already in place, would Canada have been so quick to agree to the treaty? The understanding of inclusive education, as expressed in the CRPD, is shown in Canadian Provincial legislation, such as Ontario's Human Rights Code and the Accessible Ontario Disability Act (AODA) of 2005 which will be discussed later.

The Ontario's Human Rights Code (*The Code*) was first legislated in 1962 (OHRC, 2016). The Code prohibits actions that discriminate against people based on 'protected grounds'. For example, the revised statute states, "everyone has the right to be free from discrimination because of disability or perceived disability in the social areas of employment, services, goods, facilities, housing, contracts and membership in trade and vocational associations" (*OHRC*, 2016). Therefore, persons with disabilities have the right to equal access to public areas of society. This includes but is not limited to the right to accessible workplaces, public transit, health services, restaurants, shops and housing. The OHRC states that on average, 30–50% of human rights claims cite the grounds of disability (OHRC, 2016). According to Opini's article, *Strengths and limitations of Ontario post-secondary education accessibility plans: a review of one university accessibility plan,* "statistics are important, knowledge of numbers of disabled students and provision of services and accessible facilities alone cannot challenge the prevailing ablest hegemony in post-secondary education institutions. There is a need to work towards changing societal attitudes and move towards a more positive understanding of disability and in a holistic way without negating the nitty gritty aspects of being that make up an individual, i.e. identity (Opini, 2008)

In 1989, guidelines on Assessing Accommodation Requirements for Persons with Disabilities (AARPD) were introduced (*OHRC*, 2016). These guidelines formed a paradigm for the interpretation of "undue hardship." From an educational perspective undue hardship can be deemed as any accommodating action that can be proven to place significant difficulty or

expense on an institution. However, from a legal perspective as pointed out earlier in the paper, proving undue hardship is more stringent and harder to meet than claiming significant difficulty

The Code sets out only three elements that may be considered in assessing whether an accommodation would cause undue hardship: cost, outside sources of funding, if any and /or health and safety requirements, if any (Ontario Human Rights Code, s.11).   It is not simply enough to say that cost in and of itself causes undue hardship. An institution has to show documented and verifiable proof that a requested accommodation will cause undue hardship to the institution to provide. The education provider must provide facts, figures and scientific data or opinion to support a claim that the proposed accommodation in fact causes undue hardship (*OHRC*, 2016).

The AARPD guidelines are a vital interpretative tool, and can act as a catalyst in significant legal conclusions regarding the grounds of disability and the duty to accommodate. Moreover, the AARPD guidelines advanced the disability rights movement and aided in the evolving understanding of equality for persons with disabilities. One of the most significant recommendations came from the Supreme Court of Canada as stated by the OHRC, which "noted the need to adapt society so that its structures and attitudes include persons with disabilities" (OHRC, 2016). The OHRC encourages a change in our attitude, putting the focus on the centrality of human dignity in achieving equality.

In 1999, the Ontario Human Rights Commission made revisions to the Guidelines. Stakeholders were consulted and several themes emerged from these consultations to influence the revisions. Themes such as the redefinition of undue hardship, the ideal of reasonable

accommodation that is a benefit rather than a deterrent, and the acknowledgement of individual

accommodation were included. These particular revisions are important because they support

the individual's right to autonomy not just for a particular group but for everyone. The

stakeholders also outlined the exclusionary areas and offered suggestions to minimize their

influence. Themes they introduced were: a need for more guidance, a redesign of the principle

of inclusion, barrier removal, and the acknowledgement of the priority of mental disabilities.

Additionally, the revised guidelines now incorporated policies with added sections such as

references to case law and international human rights obligations, as well as a resource section

(*OHRC*, 2016).

Now that I have looked at the progression of the Code chronologically, I turn my focus to

what is in the Code. Specifically, I'm looking at what disability is and the duty to accommodate

it. Understanding the context in which disability is defined aids in comprehending the legal

responsibility of the duty to accommodate. Section 10 (1) of the *Code* defines "disability" as

follows:

> *"because of disability" means for the reason that the person has or has*
>
> *had, or is believed to have or have had,*
>
> 1. *any degree of physical disability, infirmity, malformation or*
>
>   *disfigurement that is caused by bodily injury, birth defect or illness and,*
>
>   *without limiting the generality of the foregoing, includes diabetes*
>
>   *mellitus, epilepsy, a brain injury, any degree of paralysis, amputation,*
>
>   *lack of physical co-ordination, blindness or visual impediment, deafness*

or hearing impediment, muteness or speech impediment, or physical

reliance on a guide dog or other animal or on a wheelchair or other

remedial appliance or device,

2. *a condition of mental impairment or a developmental disability,*

3. *a learning disability, or a dysfunction in one or more of the processes*

   involved in understanding or using symbols or spoken language,

4. *a mental disorder, or*

5. *an injury or disability for which benefits were claimed or received*

   under the insurance plan established under the Workplace Safety and

   Insurance Act, 1997

(OHRC, 2016; AODA, 2005)

The construct of "disability" should be understood in a generalized way. The Code's definition of disability includes both present and past conditions, as well as an individual section based on perception of disability. Although section 10(a) to (e) set out various types of conditions, it is not limited to only those types, but is merely illustrative and not complete. The Supreme Court of Canada has recommended a broader approach to understanding the social perspective of disability (*Mercier*). In Mercier, the courts have deemed that "understanding can be attained by focusing on the exclusionary ability of social handicapping," (OHRC, 2016). For example, society's response to a real or perceived disability. This approach presents a broad and open-minded explanation and upholds the objectives of the human rights code.

The Code also covers invisible or non-evident disabilities. This is a crucial piece to the Code because this is what supports the inclusionary aspect of the broad definition noted above. According to the Human Rights Commission (2016), based on the type or level, certain disabilities are considered "non-evident" to others. Some examples of this given by the Ontario Human Rights Commission are conditions like chronic fatigue syndrome, back pain, or episodic ones like Epilepsy. "Similarly, environmental sensitivities can flare up from one day to the next, resulting in significant impairment to a person's health and the capacity to function, while at other times, this disability may be entirely non-evident" (OHRC, 2016). Moreover, there are disabilities that only become apparent through interaction. Vision and hearing disabilities fall within this category as well as learning disabilities and mental health.

Many students with disabilities have invisible disabilities that require tailoring to the types of accommodations that are available. Mullin & Preyde (2013) attest that although some researchers have evaluated the needs of students with disabilities in higher education, the unique needs of students with invisible disabilities have received less attention. This is an instance where only through direct consultation with persons with invisible disabilities will comprehension of how these persons believe that they are perceived within the university context be ascertained. Having a disability that is invisible can make it easier for these students to be treated normally; it also means, however, that the validity of the disability can be questioned and that others may not understand the full extent of their limitations (Mullin & Preyde, 2013).

With a generalized definition of disability being presented, how has the duty to accommodate evolved from this definition?

"The duty to accommodate persons with disabilities means

accommodation must be provided in a manner that most respects the dignity

of the person, if to do so does not create undue hardship. Dignity includes

consideration of how accommodation is provided and the individual's own

participation in the process. (OHRC, 2016)

The core principle of accommodating people with disabilities is individualization. The Supreme

Court of Canada and re-affirmed by the Ontario Court of Appeal in *Entrop*, proposed a three-step

test which resulted in the determination that each person with a disability must be considered,

assessed and accommodated individually.

To garner a complete understanding of the Duty to Accommodate it would be beneficial

to outline what kinds of accommodations fall within its framework.   To illustrate these

acceptable accommodations this analysis draws reference from David Lepofsky (1992). Several

accommodations within the educational context are the provision of adaptive technologies,

altering physical spaces, modifying learning objectives, altered time schedules for writing tests

or submitting assignments. Lepofsky attests that categories of accommodation are not static

concepts, needs change, therefore the duty to accommodate should be viewed as an ongoing

obligation involving trial and error (Lepofsky, 1992).

Under the Ontario Human Rights Code, the general principles of the duty to

accommodate are centered on the individual. The principles include the respect for dignity,

individualized accommodation, integration and full participation. The Ontario Human Rights

Commission further explains that with these principles in mind, integration and full participation

for persons with disabilities requires new projects to include barrier-free, inclusive design, while existing projects necessitate removal of existing barriers (OHRC, 2016). Accessibility is defined as access to your environment with dignity and without barriers wherever possible or as much as possible if barriers make it impossible to do so. The Ontario Human Rights Commission (2016) also contends it is well established in human rights law that equality may sometimes require different treatment that does not offend the individual's dignity. In some circumstances, the best way to ensure the dignity of persons with disabilities may be to provide separate or specialized services.

In addition to the general principles, there are legal principles incorporated into the Code as well. Section 11 of the Ontario Human Rights Code applies to persons with disabilities and outlines the legal principles. Section 11 prohibits discrimination that results from requirements, qualifications, or factors that may appear neutral but which have an adverse effect on persons with disabilities. This is often called "adverse effect or "constructive" discrimination". (OHRC, 2016). Section 11 can be argued in the case of Navi Dhanota's human rights claim in 2013. Dhanota filed a complaint with the Ontario's Human Rights Tribunal in 2013, after she went through the academic accommodation process at two Ontario universities. Originally, York University students who wanted accommodations had to be diagnosed by a psychiatrist as having a specific mental illness. The student would then have to disclose their diagnosis to the university to receive academic accommodation. By labeling her disability, the policy took away the individualism of her accommodation and she would be accommodated based on her disability and not her actual individual needs. The requirement to disclose her disability seems neutral,

however, it infringed her right to privacy and had the potential to adversely influence her success in her program. In contrast, the University could argue, that by requiring a person to disclose their disability, the university could defend that it is not meant as an exclusionary practice but as a way to understand the needs of the university as a whole and tailor services so that those needs are met. After a two-year of litigation the case ended with intervention from the Ontario Human Rights Commission, and a settlement was reached. Effective immediately, students seeking supports at York won't have to label their illness to get accommodations. The school still requires an assessment from a licensed doctor to confirm that there is a disability present that may require faculty flexibility or other supports, but the focus is now on determining how the disability affects their learning. The Code recognizes that discrimination against persons with disabilities is not always grounded in the negative; however, interpretation has the ability to skew any reasoning. One factor that contributes to the persistence of these skewed understandings is that the dialogue surrounding inclusive education and the accommodation of students with disabilities transpires within a framework of services that are already available. (Joffe & Lattanzio, 2010).

The OHRC is principally reactive and responds to complaints after a breach has occurred. In contrast AODA is meant to be proactive setting standards in advance that all must follow in order to prevent discrimination or disabled rights being infringed upon. This cyclic relationship between the AODA and the OHRC helps to ensure that policies, laws and guidelines are all in compliance and issues addressed more importantly that the disabled person's rights are respected. In order to meet the legal responsibility to accommodate the Accessibility for

Ontarians with Disabilities Act (AODA) was enacted in June of 2005. According to the
Accessibility for Ontarians with Disabilities Act, the purpose of the act is to:

    1. Recognizing the history of discrimination against persons with disabilities in Ontario, the purpose of this Act is to benefit all Ontarians by,

(a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025; and

(b) Providing for the involvement of persons with disabilities, of the Government of Ontario and of representatives of industries and of various sectors of the economy in the development of the accessibility standards. 2005, c. 11, s. 1

                                             (AODA, 2005)

The Accessibility for Ontarians with Disabilities Act applies to every person or organization in the public and private sectors of the Province of Ontario (AODA, 2005). This Act established the accessibility standards for all of Ontario. The standards set out measures, policies, practices or other requirements for the detection and elimination of barriers with respect to goods, services, facilities, accommodation, employment, buildings, structures, premises or such other things as may be prescribed. This standard also considers the long term and sets standards to promote the prevention of the erection of barriers. One important feature of this Act is the requirement that persons or organizations named or described in the standard comply within the specified time.

Even with these developments, fully inclusive education in Canada, and in Ontario, is still elusive. When traversing the maze of disability accommodation at the university level one needs a guide and often times there isn't one readily available. Many supports spout autonomy and self-determination of disabled individuals, however many of their processes do the opposite. In Joffe and Latanzio's paper (2010) states that there is a disconnection between the disabled person and academia that can be attributed to the interpretation of individual versus collective rights, limited funding and resource allocation, and what is deemed reasonable accommodation (Joffe & Lattanzio, 2010). Even at this juncture interpretation of the definition of inclusive education and how it is implemented can, in and of itself, be a reason for the disconnection between disabled persons and the academic environment. Opini (2008) argues that the issue of institutional bureaucracies when dealing with planning may unwittingly contribute to the marginality of disabled students. One way of subverting this marginality is to involve more disabled students in decision-making, planning and development of concrete strategies to address their needs (Opini, 2008).

In my opinion, York University adopts a universal model of education systems and structures which can be reformed to meet the needs of the most expansive possible community of learners. Understanding York University's policies and its compliance with both Accessibility for Ontarians with Disabilities Act and the Ontario Human Rights Code aids in comprehending the universal approach. True Universal design offers an alternative approach, which focuses on ensuring that education systems are inclusive and accessible at the outset, without the need for after-the-fact modification (Joffe & Lattanzio, 2010). Indubitably, disability is present, but is

mostly expressed through a lens of how technology can improve physical access for the disabled students while negating intersectionalities and the implications for access to and participation in education (Opini, 2008). For example, the issue of classroom design and the inherent physical barriers that can be rectified such as widening doors and ramp accessible classrooms etc.

> *To form York University's policies, disabilities"' shall be defined as those conditions so designated under the Ontario Human Rights Code in force from time to time, and will in any event include physical, medical, learning, and psychiatric disabilities (York University)."*

By utilizing the same definition as government initiatives, this allows York University to make reasonable and appropriate accommodations and adaptations in order to promote the ability of students with disabilities to fulfill the academic requirements of their programs (York University). This statement is on the university website and based on the university's wording has met compliance. York University agrees to make accommodations but uses the undue hardship clause to allow them to utilize reasonable accommodation. As a disabled person I can attest that reasonable is not always beneficial. In order to aid disabled students York has implemented a very strong online training forum for the university community to learn how to interact with various types of disabled persons. York's policies incorporate already established practices and guidelines of other institutions and cover the most prevalent and easily identifiable barriers and facilitate their removal. York University has recognized that persons with

disabilities may require reasonable accommodation to enable them to satisfy the requirements of their program of study.

York University's Disability Services documented mandate is to make reasonable and appropriate accommodations and adaptations in order to promote the ability of students with disabilities to fulfill the academic requirements of their programs. What is not expressed is how that is going to be accomplished at first glance. The nature and extent of accommodations should be consistent with and supportive of the integrity of the curriculum and of the academic standards of programs or courses. The University's offices for students with disabilities should assist students in the identification of particular aspects of courses that might present barriers to them and will work with them to identify the appropriate accommodations, provide supportive documentation, and assist the students and instructors in providing/obtaining accommodations. Whether that is achieved is varied among individual experiences given the array of disabilities and needs of individuals.

One barrier that many disabled individuals face is that the offered resources and supports are tied to the student's connection with OSAP funding. If you are unable to obtain OSAP funding many resources become closed to the individual forcing them to ascertain other resource opportunities or drop out. The other resources that are not tied to OSAP are less available, less well known, and are often times usually learned about by word of mouth amongst disabled students who have traversed that maze of funding and academic accommodations for disabled

students. The lack of transparency of offered services can negatively impact student life, resulting in missed opportunities and an increase in dropout percentage.

York University is very good at providing the necessary physical and environmental accommodations that are needed to overcome most physical disabilities. For example, accommodations such as making the university wheelchair accessible. What is less easy to do is meeting the specific complex and diverse needs of each individual. The term reasonable accommodation is the result, for realistically meeting every need all the time is not achievable or sustainable at this juncture. York's policies are fluid and subject to interpretation. York's policies are compliant but by no means exhaustive. York's ability to fully achieve its duty to accommodate falls short due to the diverse needs of the individual person with disabilities.

In researching academic accommodation policies and procedures, it would be remiss not to examine the issues of equality and accommodation for disabilities in an academic setting from individual experiences. Vera Chouinard's article (1995), Like Alice Through the Looking Glass: Accommodation in Academia, is a strong reference for this. Her article showed the struggles faced by many disabled persons. Her experiences in achieving equality in Canadian academia are poignant in establishing the validity of the policies that are meant to "implement structures and policies that would not put her at a disadvantage" (Chouinard, 1995).

A full understanding of the experiences of post-secondary students with diverse abilities is needed. To gain this full understanding, a stronger inclusion of the disabled voice in policy and decision making needs to be implemented. Further support of this is in Peter's article,

Inclusive education: Achieving education for all by including those with disabilities and special education needs. Peter's article points out that one significant part of policy implementation that many proposals have in common is the need to include persons with disabilities and special education needs as full participants in the bodies and procedures by which both laws and policies, and provision of services are formulated, implemented and evaluated (Peters, 2013). Engaging the disabled person in decision making and policy development, shows the potential in persuading university and legislative administration to recognize the needs of persons with disabilities and to take positive steps toward meeting these by improving services.

In Hutcheon and Wolbring's 2012 article, Voices of "Disabled" Post-Secondary Students: Examining Higher Education "Disability" Policy Using an Ableism Lens, discussed the issue of the missing disabled voice. They attested that for the most part, "disabled students are largely absent from discourse in the domains of higher education scholarship, research, and practice and are underrepresented in higher education faculty. This remains the case, despite a growth in inclusive policies (Hutcheon and Wolbring, 2012). For example, even though York University has made great gains in their accommodation policy it is still the subject of 41 human rights allegations in regards to disability and accommodation claims. However, through these claims, changes are implemented and the progression of inclusive education continues, I feel that in order to pre-empt these claims like Hutcheon and Wolbring, the dialogue needs to happen before with disabled persons having a stronger presence "to make meaning of their experiences in postsecondary education" (2012).

Accessible tertiary education is as important for disabled persons as it is for the able-bodied. Evidently, considerable improvement has been made, yet much is still left to be accomplished to realize an inclusive society and universal rights to Inclusive Education within society. Additionally, although efforts have been made to improve access to and participation in tertiary education for disabled people, progress has often been slow. This slow progression results in disabled people continuing to face obstacles in their struggle for equal access to existing tertiary educational opportunities. Overall, York University has made commendable progress in accommodating disabled students. It is understood that although York may not be able to modify all the barriers that constrain a disabled person's options, it can be a salient site, which challenges and disrupts the dominant political, cultural and societal notions that endorse those barriers.

At this juncture, an important question for further research and concern as well has to do with the sustainability of York University's access plan. The official theoretical documentation appears very encouraging and promising. However, minimal compliance, such as holding disability training sessions or campaign or awareness once a year to placate the government is not enough. Such practices serve to highlight the actions taken and intended but fail to point at requests from disabled students or voice the University's limitation to provide sufficient action to meet particular needs and expectations of disabled students. By obscuring limitations and limiting requests, the real need is avoided and York is able to accommodate at its discretion.

York University's institutional policies on disability warrant re-examination given their potentially far-reaching implications. The provision of accommodations and adaptive

technologies are built on the assumption that these are sufficient to 'level the playing field' for those with presumed disabilities (Devlin & Pothier, 2006). This assumption is what causes human rights claims to be made. The grouping of individuals based on disability disregards the individual needs and in some cases causes the infringement of individual rights. Finally, York needs to research what other universities are doing in addressing issues of access for disabled students. My analysis is limited in that it is based on policies from one university. To attain a true comprehensive understanding of tertiary education accommodations a comparative analysis of other tertiary institutions both domestically and internationally would be of interest.

This critical analysis of York University's policies has examined disability and the intersection of accommodation at macro-, meso-, and micro-levels. At the macro level global and governmental initiatives were introduced. The discourse showed the theoretical framework that was outlined for the lower levels to adopt their policies. The legal status of disability and the duty to accommodate is defined within the macro level and ratified for all to follow. The meso level can be considered for the purpose of this analysis to be the university policies. At this level, policies adopted by the university are influenced by the macro level framework. Policies and practices are developed in compliance with the legislative paradigms set forth in the Human rights code and AODA. The micro level can be considered the disabled person. The analysis examined the involvement and interaction of the disabled person with the educational system. This examination helped to determine the practicality of implemented policies by the university. The hierarchical nature of the three levels is not static, it is a fluid interaction amongst all levels. Each level does not operate as an isolated entity but allows for continuous movement between

and within all levels. Overall, this analysis provides strong support for policy/practice implications to address next steps.

In undertaking this analysis, it was found that there are many resources on accommodation and education. It was clearly seen that to fully understand this intersect is not easily achievable given the array of interpretation of authoritative case law and the different approaches that are developed in the statutes. As case law develops, it would be beneficial if the different approaches would be reconciled. This reconciliation will be a long and drawn out process which will require legislative clarification. Moreover, it would be prudent for tertiary education institutions to do more than write policies that are theoretically compliant and be more proactive in writing policies that are congruent with the practical needs of the disabled person. The university experience of disabled individuals is dynamic and multifaceted. Specifically, the students' and faculties' experiences with their impairment varied in its impact on their education and their accessibility to accommodation.

Caution should be noted regarding the interpretations presented in this paper as they reflect individual perception of the experience at university. Being a disabled student in tertiary education has given me a personal perspective of York University's accommodation policies. I have had the opportunity to be subject to the university's policy in 1996 when pursuing my undergraduate degree and again in 2015 while undertaking my master's degree. In theory much advancement has been made and the engagement of disabled persons in policy development has made a positive impact in the underwriting process.

Having experienced these policies first-hand, I am of the mind that in practicality for me the university was more accessible in 1996. In my opinion, in 1996 York University was more individualized in its academic accommodation of disabled students. I had assistive devices and tutors specific to each course and was able to have a more hands on approach in aiding my understanding of course materials. There was never a cookie cutter feel to the accommodations I received. Moreover, my ability to navigate the campus on my own was much easier and encouraged and was assisted through the March of Dimes. With the advancement of time and technology, it was a vast learning curve that I was faced with when I re-entered the tertiary education system. The digitalization of the university and the sheer structural growth of the campus have posed a struggle for me. However, the knowledge and experience I have has aided me in writing this paper. I have been able to accurately see the improvements or lack thereof that legislation has enacted and assess York University's compliance with those legislations in the context of my own experiences. Moreover, I have been afforded the opportunity to voice my perspective on the duty to accommodate and the intersection of education.

University of the West Indies

Overview

The University of the West Indies was formed in 1947 and is split into four different campuses on four islands; Barbados, Trinidad and Tobago, Antigua, and Jamaica (Sherlock, & Nettleford, 1990). Collectively, there is a student population of approximately 36,000 (The

University of West Indies, 2016). The University of West Indies has implemented an institution wide policy for the inclusion of students with disabilities in 2007 to conform to government mandated equality legislation passed in Trinidad and Tobago (The University of West Indies, 2016.) The Mona campus in Jamaica will be the comparative subject of this paper. This campus has a current enrolment of 16,000 students with only 40 students with an identified disability thereby comprising less than 1% of the student population.

Analysis

In this portion I follow the same framework used in the York section of the paper. Once again, I will begin by looking at the accommodation policies through an educational and legal viewpoint, within which those policies are developed. Moreover, I will once again examine the intersection of disability and education and its processes that serve to accommodate persons with disabilities thereby giving them the opportunity to be successful in post-secondary educational contexts. In particular, I will be judiciously analyzing the policies that are in place for disabled students at The University of the West Indies Mona Campus that foster or hinder inclusive education. In order to do a thorough comparison, there will be a need to address the question of how effective The University of the West Indies Mona Campus polices are in implementing inclusive participation towards persons with disabilities and if they meet the legal criteria established under Jamaica law. I will take a multifaceted approach; utilizing a critical analysis lens, I will look at Jamaica's law and The University of the West Indies Mona Campus policies and practices. Additionally, I will examine the practical application of these regulations, drawing

from documented, published materials that have applied to persons with disabilities. By taking these approaches, I will explore the governmental legislation on reasonable accommodation of students with impairments as implemented by The University of the West Indies Mona Campus.

Jamaican education right policies are geared toward the 'ideal' of inclusive education by having people with disabilities effectively integrated into society. Jamaica has endorsed the United Nations Convention on the Rights of Persons with Disabilities (UN GAOR, 2006). Jamaica must fulfill the requirements set by the U.N. treaty. One of the most notable onuses for the context of this paper is the right of people with disabilities to education that obligates signatories to provide an inclusive education system (Jamaica focus, 2002). The Jamaican government's interpretation of the UN convention on disability rights led the government of Jamaica to create a committee of forty men and women to facilitate workshops, on the ideas put forth by the Jamaica council for persons with disability (Jamaica focus, 2002). Prior to the formation of the Convention on the Rights of Persons with Disabilities (CRPD), disability was largely addressed though health care, rehabilitation or charity system. It was the perception that persons with disabilities needed only simple basic physical care, food, shelter and clothing and should be kept isolated (Jamaica focus, 2002). The need for tertiary education in Jamaica became an issue in 1834, when slavery was abolished. They receive some form of education that local educators provided. Due to financial difficulties these programs closed (Evans & Burke, 2006).Therefore, there was a greater need to create programs that could sustain growth in the Jamaican economy.

Since 1981, the government policies were focused in promoting "service delivery, advocacy, dissemination of information, concerning disabilities, organization development, of human resources and research" (Jamaica focus, 2002, p. 1). The governmental interventions have greatly improved the lives of persons with disabilities. The existing Jamaican law and policy complies with the U.N. treaty. The Jamaica Human Rights Report prohibits actions that discriminate against a person based on 'protected grounds'. For example, the Jamaican law states, everyone has the right to be free from discrimination because of disability or perceived disability in the social areas of employment, services, goods, facilities, housing, contracts and membership in trade, vocational associations and relationship (Jamaica focus, 2002). This ensures persons with disabilities have the right to equal access to all areas of society. This includes, but is not limited to the right to accessible workplaces, public transit, health services, restaurants, shops and housing (Evans & Burke, 2006; Jamaica focus, 2002). These laws and concessions ensure that people with disabilities are treated fairly and equally. Jamaican society needed to ask their disabled individuals what is needed to ensure laws are in place for people with disabilities to flourish in society and not feel ostracized.

The laws created by the Jamaican government follow the U.N. convention's mandates on disabilities. This legislation provides the protection for persons with disabilities "by enforcing the rights of people with those stated in the Constitution of Jamaica and the principles and standards of non –discrimination" (The Disabilities Act, 2014, p. 39). The Minster of labour bases disability law on the following:

(a)   the Universal Declaration of Human Rights;

(b)   the International Covenant on Economic, Social and Cultural Rights;

(c)   the United Nations Convention on the Rights of Persons with Disabilities.

More specifically, Jamaica's Disabilities Act provides for

(a)   the statutory establishment of the Jamaica Council for Persons with Disabilities, to be primarily responsible for ensuring that persons with disabilities are not mistreated by means of discrimination;

(b)   a legal definition of the term "discrimination";

(c)   a requirement that all privileges, interests, benefits and treatment in the political, economic, social, cultural, civil, religious and educational benefits, be accessible to persons with disabilities;

(d)   enshrining obligations that facilitate the removal of current stigma against persons with disabilities in the areas of education, employment, health, land, housing matters, involvement in political and other public life;

(e)   a requirement that persons with disabilities have access to health, education, transportation, employment, political and public life, housing and premises; and

(f)   penalties where breaches of the Act occur.

DERRICK F. KELUER Minister of Labour and Social Security (The Disabilities Act, 2014, p. 39).

I will now look at The University West Indies (Mona Campus) policy and practices. When navigating the maze of disability accommodation at the university level one needs a guide and often times there is not one accessible. All though there are five steps that must be followed; you are physically requested to access these forms. This can sometimes cause stress and hardship on persons with disabilities going into a new uncharted environment. Mona supports autonomy and self-determination of disabled individuals, however many of their policies are in their infantile stage (Douglas, 2011).

However, their policies foster a disconnection that can be attributed to the interpretation of individual versus collective rights, limited funding and resource allocation, and what is deemed reasonable accommodation (Joffe & Lattanzio, 2010; Douglas, 2011). The Individual and collective rights of disability pose difficult issues in self and group identification. This aspect of disability has been made salient in academia by the disability rights movements that established disability as an important category in antidiscrimination law. Policies that address justice in terms of the distribution of resources or opportunities have been criticized for failing to take adequate account of such identities. Interpretation of the definition of inclusive education and how it is implemented can, in and of itself, be reason for disconnection between disabled persons and the academic environment (Douglas, 2011).

The University of the West Indies Mona Campus was granted degree offering status in 1962. The University of the West Indies Mona Campus has five faculties and twelve professional schools with two hundred programmes serving fifteen thousand graduate, undergraduate and

continuing studies students. The University of the West Indies brochure on accessibility for people with disabilities, states they do their best to maintain academic legitimacy. The University *Academic Advising/Disabilities Liaison Unit* policy (AADLU) are committed to working towards supporting and enabling students with physical disabilities, sensory impairment, learning disabilities, psychological and medical conditions. The school offers provisions to ensure people with disabilities are not disadvantaged in comparison with peers (AADLU, 2007). The University of the West Indies (Mona Campus) ensures information is in suitable form for students to access, to work towards the best possible identification of strategy aids and assessment needs. The school works towards a curriculum, accessible to all students (AADLU, 2007). The University of the West Indies (Mona Campus) offers examination arrangements for students and provides educational support for students who meet the university requirements for admission for disability services on the campus to ensure students get off to the best start (AADLU, 2007) . Students at the school are given access to alternative arrangements in the classroom if needed. The disability services state that accommodation services work closely with staff and faculty to improve the physical and learning environment of all students with disabilities, to ensure all students are accommodated, The University of the West Indies (Mona Campus) allows students who have a progressive condition to continue their studies. The school ensures all health and safety procedures are taken. The University of the West Indies Mona Campus takes action by continuously improving the policies for students with disability to ensure greater success. These procedures from the university's viewpoint ensure students

transition into the tertiary education with ease (AADLU, 2007). However, even though this is the aim of the university, student experiences differ and this ideal may not be achieved.

In 1987 the University Council of Jamaica was established by the Parliament to create and monitor standards at the tertiary level of education. The University Council of Jamaica is responsible for registering all higher education institutions. Its purpose was to increase the accessibility of university education training in Jamaica. This organization carried out a range of functions; this included quality assurance and accreditation and the development and improvement of programmes for persons with a disability. Since 1997, there have been three major conferences that address success and accreditation (Evans & Burke, 2006).

Students with a disability are responsible for the following to ensure their needs are meet. AADLU is the Academic Advising/Disabilities Liaison Unit. The steps to receiving accommodation are as follows. First the student must contact AADLU in the first three weeks of the semester to obtain form A, B and C. The next step is to fill out the forms and return them filled out by a recognised professional in the first three weeks of school. The documents must be sent to the head of AADLU who will set up an interview. If documentation requirement are not met they may not be accommodated, with the exception of special circumstances. The third step is to ensure that all documentation is no older than two years from a recognized professional who will identify the disability and make recommendations for accommodation. This is recorded with AADLU. The request for accommodation should never be sent to the examination section

directly. Step four is to submit for re-evaluation of disability status before the beginning of each semester when applicable or during the time of requesting same or additional recommendation. Finally step five, students will work with staff of AADLU to design a contract that states the types of accommodation that one will be receiving (AADLU, 2007). These steps must be followed for students to have access to disability services. The University of the West Indies Mona Campus, disability services encourages individuals to access these services. The school offers provision to ensure that people with a disability are not disadvantaged in comparison with others in the application stage. The school works towards the earliest possible identification of strategy aids and assessment of needs for persons with a disability to ensure their human rights are met. The school takes in feedback to develop a policy that will help students succeed in the classroom (AADLU, 2007; Gayle & Palmer, 2005).

The University of the West Indies Mona Campus policies stated that they provide the necessary physical and environmental accommodations that are needed to overcome most physical disabilities (AADLU, 2007). Mona Campus policies are fluid and subject to interpretation. The duty to accommodate is achieved under the law however is limited in practice by the diverse needs of the individual person with disabilities. Students are further assisted with classroom accommodations by having access to the following. Students with disability have access to a sign language interpreter for students who are deaf, printed copies of overhead transparencies, FM system, recorded lectures, alternative forms of textbooks (i.e. audiotape, electronic, large print, Braille) to ensure students who need the services are given optimum

opportunity to succeed (AADLU, 2007). These accommodations and accessibly services are the first steps in ensuring an inclusive environment.

On a micro level we will now look at personal testimonials and experiences with person with disability. A graduate student by the name of Dana Gaye-Weller has stated.

"I use a wheelchair and am very grateful for the support offered by volunteers. University life would have been "much harder" without the help of volunteers who follow me to classes, take notes for me and help me with research. The centre provides a level of comfort for me as I have met a lot of friends at the facility"(http://cds.mona.uwi.edu/testimonials, 2016).

A second year psychology students who states how disability services at The University of the West Indies Mona Campus has helped her succeed.

"It is from here that the advocacy is done as to what the university should provide for students with special needs and I have benefited from the results of their advocacy," (http://cds.mona.uwi.edu/testimonials, 2016)

These students from Mona speak positively of their experiences at Mona's disability services and how accommodation and inclusiveness work to enhance their success. These positives points of view do not reflect the opinion of the information stated by other sources of all disabled persons.

POST-GRADUATE STUDENT
http://cds.mona.uwi.edu/testimonials, 2016)

In contrast with the university's declarations, the most negatively impacted people with disabilities in regards to accessing services are those that live in the lowest income family and reside in rural areas. Students with a disability lack specialized equipment, insufficient disability assessment and services; shortage of personnel support; unable to have accesses to educational institution and transportation and are left out that is why persons with disability do not go to university (Gayle & Palmer, 2005). In Jamaica there is a very high unemployment rate for people with disabilities, 82 percent are female and 64 percent are male. The biased attitudes towards people with a disability in Jamaica result from ignorance, fear, and existential anxiety by non-disabled persons (Gayle & Palmer, 2005). This contributes to their economic vulnerability creating a vicious cycle. To gain full understanding, a stronger inclusion of the disabled voice in policy and decision making needs to be implemented (Gayle & Palmer, 2005). The University West Indies Mona Campus Policy makers and law makers can improve the lives of persons with a disability by including them into their decision making. This will result in a more inclusive environment for people with a disability (Gayle & Palmer, 2005).

The University of the West Indies (Mona Campus) also points out that one significant challenge that many proposals have in common is the need to include persons with disabilities and special education by ensuring students are given a voice (AADLU, 2007; Gayle & Palmer, 2005). The importance is recognized that having persons with a disability participating in decision making will increase improvements in achieving and recognizing the needs of persons with disabilities (Gayle & Palmer, 2005).

In conclusion, accessible tertiary education is important for students with disabilities. Even though there have been strides to inclusive education and accommodation being pushed forward by The University of the West Indies Mona Campus for persons with a disability, there is still need for improvement. Additionally, although efforts have been made to improve access and participation in tertiary education for disabled persons, progress has often been slow. This slow progression has resulted in hurdles for students with disabilities in their struggle for equal access and accommodation to tertiary educational opportunities. Overall, The University of the West Indies Mona Campus has made progress in accommodating disabled students. There are still many barriers that constrain the disabled person. Sometimes these policy challenges disrupt and disconnect the intersection with disability. Students with disability should be given a stronger voice and stance for equality when breaking down barriers as we embark on upon a new era of institutional development.

Comparison of York University and the Mona Campus

There needs to be more research from a qualitative perspective in accessible tertiary education for Jamaican school disability services. York University policies are well informed and developed and are relatable to other universities of similar standing in developed countries. The University of the West Indies Mona Campus has a few kinks to sort out in their policy. Additionally, The York University disability service is also more advanced and streamlined to facilitate students with disabilities as compared to The University of the West Indies Mona

Campus. Therefore, The University of the West Indies Mona campus is unable to meet the ever changing demands of the disabled population in the West Indies.

Even though York University and The University of the West Indies have differences in their policies, there are similarities between both universities. For example, there is a high rate of unemployment of disabled graduates. In 2011 the unemployment rate of persons aged 25 to 64 with disabilities in Canada was 11%, compared with 6% for people who did not report having a disability (Turcotte, 2014). In 2001, just over 6% of the population in Jamaica identified as living with a disability according to census data - over 160,000 people. Of these individuals, however, less than 1% are in paid employment (World Bank, 2016). Unemployment rates may not be the best indicator of the difficulties experienced by persons with disabilities, who are more likely to be discouraged from looking for work. Additionally it needs to be expressed it is not because persons with disabilities are not part of the labour force that it means they do not want to work.

A more relevant evaluation would be employment rate—defined as the number of employed people as a percentage of the total population. In 2011 the Canadian rate was 49% among individuals aged 25 to 64 who reported having a disability that limited their activity, compared with 79% among those who did not report having a disability (Turcotte, 2014). To try and address the unemployment issue, governments have implemented policy incentives which facilitate the creation of positions for disabled workers within big companies. However, even with policy incentives for big companies to hire people with a disability,

there is still a higher rate of unemployment with graduation and a higher probability that they will remain out of work (Gayle & Palmer, 2005).

On further comparison it was revealed that there is a stronger public opinionated voice in Canada than Jamaica. People with disabilities in Canada are the more inclined to argue for accommodation and inclusiveness for disabled persons. There are government agencies, and organizations in Canada that are lobbying and bringing the disabled rights in focus with equality and fair opportunity. In contrast public opinion in the Jamaican society seems very passive and elusive because it is difficult to find research material to explain the discourse created in Jamaica for persons with disabilities.

Furthermore, The University of the West Indies Mona Campus is still developing its structures. York University has plenty of qualitative studies and personal perspectives on the students with disability perspective and has found a formula to best assists students with disability. There was little to no qualitative research for students from the University of The West Indies Mona campus that is why there is a global generalization on what is going on in Jamaica's disabled society. On The University of the West Indies Mona campus website there is not a lot of links beyond the disability services front page for the school. On the other hand York University has links on their disability service website for students. The only way for me to look up information on student experiences with disabilities services in The University of the West Indies was through new part articles generalizing the perspective. The accessibility and

openness of disability is not as transparent at the University of the West Indies as at York University.

The research gathered highlights key issues that affect the disabled person's success in accessing higher education. Collectively the research gives a cross cultural look at the intersection of disability and education. The information is sorted into three hierarchical levels; the Governmental Macro level, University Policy and accommodation at the meso level and the individual micro level. By categorizing the research in this way I was able to ascertain emerging disconnects between disability and tertiary education. This is best suited for this paper in that it gives credence to issues that affect every disabled student regardless of geographical location. Moreover, this approach allows for the opportunity to determine similarities and differences.

From my own personal experiences, the influence of cultural attitudes towards disability within tertiary education affects the disabled person's ability to obtain funding. Being from Jamaica, my experiences and those of others are that there is a cultural understanding that disabled persons are not contributory to society. This leads to the assumption that disabled persons do not need tertiary education. Also, the economic status of the majority of families is poor, so they are unable to afford secondary education much less tertiary education. "Although there have been significant advances in education in Jamaica, the existing systems continue to face severe short- comings. Underprivileged children in rural and poor urban areas, particularly suffer from unequal access to quality education" (Clarke, 2002). There is no free education in Jamaica after Primary School, which ends with completion of Grade 6. Students are unable to

further their schooling because of lack of funds. Many families cannot afford to pay school fees, purchase books, transportation, or meals, (Clarke, 2002; Beckles, et al, 2002; Gayle-Geddes, 2015). Canadian culture is further evolved in its perception of a disabled person and in its commitment to equal opportunity. This enhanced perception and commitment makes financing options and access to tertiary education more readily available to disabled students (Brodsky, et al, 2012, McCloy &Declou, 2013).

People with disabilities come from a range of cultural backgrounds and often have to deal with multiple issues on multiple fronts—their cultural background can act to complicate and compound issues associated with disability. When accessing higher education, institutions such as York University and The University of the West Indies face the conundrum of meeting the specific needs of students with disabilities from differing backgrounds, and their relative inexperience with different cultural, economic and social groups can make them insensitive to the issues involved. Conversely, programs and services targeted at different groups do not always understand the issues facing students with disabilities.

While negative cultural attitudes to disability still persist there is also evidence that attitudes to disability are improving in developing countries such as Jamaica. The attitude of people towards disability and people with disabilities is an area that requires attention, as negative attitudes can be credited with the slow progress towards accessible inclusive education in Jamaica. People with disabilities attach great importance to being treated with dignity and the same as anyone else, including being listened to and having their views and experiences

validated. Similarly, the research showed that in both Canada and Jamaica they both foster an understanding and promotes the values supporting basic human rights or the basic human conditions required for development - equality, autonomy, and dignity and solidarity/social justice. This comprehension is necessary if governments and individuals are to commit themselves to ensuring that each and every willing person can access tertiary education. Negative cultural attitudes can also be seen as the basis on which disabling policies and services are built. In Jamaica and Canada, it is affirmed that misconceptions that limit and restrict become institutionalized in policies.   This institutionalized view perpetuates the historical disadvantage that is faced by the disabled persons. One such view are low expectations. People with disabilities are commonly considered to be in need of care and this undermines peoples' ability to see people with disabilities as capable of being successful in academia more so in Tertiary education.

Canada and Jamaica have both changed their practices attempting to foster a more universal design for instruction. In Canada this Universal Design for Learning (UDL) ensures that environments and experiences are inclusive of disabled students in all their diversity. This includes providing multiple ways of accessing information, approaching learning tasks and engaging and participating in learning. UDL ensures that all environments and experiences are ready for all students, rather than targeting learning experiences to a standardized 'middle ground', which excludes most learners, including many students who experience disability. There are a number of reasons why Universal Design is the model most tertiary education

disability service providers in developed countries have turned to. These include the need to control resources of rapidly increasing service demands, building a more sustainable model of service delivery, responding to the escalating complexity and diversity of diagnostic labels, its use of inclusive practices, and its foundation on a social model of disability. Conversely, though a universal design is what is hoped to achieve in Jamaica or universities like Mona that is an arduous task. Limited resources and understandings of the needs of disabled students allow for a more one directional style of learning.

Disability services in higher education advanced and increased in the 1980s and 1990s (York University, 2016, University of the West Indies, 2016).   Historically, whether in a developed or developing country, students with disabilities were not assured a higher education. However, with advancements in disability rights in Canada, taking into consideration cultural influence and the shift in modality to a Universal Design, the demographics of tertiary education students changed with more students with disabilities being enrolled. The increased presence of students with disabilities has resulted in the pressure to accommodate increasing correspondingly.

Historically in Jamaica, people with disabilities have largely been provided for through solutions that segregate them, such as residential institutions and special schools, or kept house bound. For both York University and The University of West Indies they are not obligated to provide a special education what they are obligated to do is to provide "reasonable accommodation" (Ontario human rights Commission, 2016; Harpur,2012). Traditional means of

reasonable accommodation include allowing extra time on tests and assignments, providing note takers, allowing a sign language interpreter, providing assistive devices (York University 2016, University of the West Indies, 2016). These services are well intentioned and in theory very compelling but do not compare with the potential effectiveness of a more structured approach. There is a need for more structure that is not easily influenced by interpretation. There needs to be a system in place that is methodical, repeatable and adaptable. Most importantly this approach should be tailored to individual application in order to ascertain the correct services and accommodations that would best suit the needs of the individual instead of the collective group.

Another similarity that can be drawn between the two universities is their agreement in the importance of the disabled lived experience. There is an understanding about different forms of resilience in support of the transition to inclusive education globally. For both York and UWI the disabled student lived experience provides important insights into the profound disruptions of space and time that are an integral element of disabled accommodations. They both support the understanding that the student's lived experience shaped by disability has important relevance to the tertiary educational context in devising inclusiveness, as well as for the social arena in determining how best to resolve the various challenges in providing accommodation.

From the experiences of disabled students it can be ascertained that true inclusion is about more than location—it is about achieving the same quality of education. However, indicators suggest that within developing countries this has yet to be achieved. Despite education

standards drafted under the UN Convention (2011), the education system in some global areas continues to fail to respond to the individual needs of students with disabilities and, as a result, these students continue to lag behind on a range of attainment indicators. These results are not a reflection of a lack of ability of students but of the failure of the system to meet their individual needs. Failing to provide accessible and inclusive tertiary education limits the disabled student's potential to lead productive, independent lives.

Conclusion

In conclusion, comparing York University and The University of the West Indies Mona campus can be compared to the north south divide. What works in the western dogma on disability and accommodation, does not always appear feasible because of the cultural ideology that shapes laws and policies. At the macro level of both countries legislation for persons with disabilities is very important because it shows the effect of cultural influence between western and southern thoughts. The research gathered showed that there is often some discrepancy in the interpretation of laws for both countries which could be attributed to cultural influence. In the Meso level, we reviewed both university policy and practices set by the university in Jamaica and York to determine similarities and disparities when disability intersects with accommodation and inclusions. York University has a strong voice for disabled students in policy making, decision making and implementation. Mona needs a stronger disabled voice and representation in the decision making to encourage greater inclusivity and accommodation.

The intended scope of this paper took the form of a critical theoretical essay that explored practice. In trying to understand the disabled experience and facilitate needed change in the approach to accommodation one must look at all the intersections that overlap to form the disabled person's identity. The perceived disabled identity influences how a disabled person is treated. By breaking down the intersections the opportunity arises to provide a holistic view of the disabled person. To fully deconstruct all the overlapping intersectionalites that shape the definition of a person with disabilities, it would take more than what this paper sets out to do. Therefore, this paper has narrowed its focus to looking at the specific intersectionality of disability and education, more specifically, tertiary education. This paper has included a cross cultural approach in order to ascertain the global imprint of disability.

The construct of disability has been discussed and dissected at great lengths in developed countries resulting in a highly documented developed country perception of the disabled person. What this paper addresses is the lack or slow development of the disabled identity and presence in institutions in developing countries like Jamaica. The University of the West Indies initiatives are still in its infantile stage whereas York University has been implementing changes over decades.

I utilized intersectionality because it has such a broad scope of use and has the ability to be adjusted to fit the needs of my research. The capacity for me to broaden and narrow my focus allows me the opportunity to fully take a look at the macro intersection of disability and education and all the sub intersections that define its parameters. This paper utilizes

intersectionality outside its normal usage as a methodology to assess discrimination. By doing this, I was able to garner a more comprehensive understanding of the disabled student.

It is understood that the construct of disability is defined by multiple factors. These factors influence the lived experience of the disabled person. From these lived experiences we are able to locate the disconnections that need to be rectified in order to improve the disabled person's life. This paper has the potential of effecting change in the disability movement in Jamaica where, though on the right track, policies are leagues behind their Canadian counterpart. I seek to effect change and advocate for the disabled person who is marginalized and subjugated when accessing tertiary education.

This paper recognizes the complexity of people's lives and the intersection and interdependence of many areas. This paper also recognizes that the effectiveness of change in one area will be limited if issues in another area are left unaddressed. Moreover there is also the recognition that students with disabilities are not a homogeneous group, and that different strategies may be required to address the specific needs of some groups. Another aim of this paper is to also acknowledge and address sometimes conflicting perspectives and negotiate a path forward.

This literature is in agreement with the belief that there is a pressing need to provide more extensive resources to ensure the individual learning needs of tertiary students with disabilities are met regardless of geographical location, economic status or cultural perception. The lack of adequate funding and support in developing countries' tertiary institutions deters disabled

students in accessing or enrolling in higher education despite their desire and ability to be

successful. There are many challenges on the road ahead. The complexity of the issues faced by

students with disabilities and their long history of marginalization and exclusion, means change

cannot be achieved overnight.

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