

COMPLEXITIES OF NAVIGATING ACCOMMODATION IN PSE INSTITUTIONS

Ableism, Intersectionality, Power and Knowledge:

The Complexities of Navigating Accommodations in Postsecondary Institutions

Zahra J. Brown

Master of Arts of Critical Disability Studies, York University

October 27, 2020

## TABLE OF CONTENTS

ACKNOWLEDGEMENTS .....	3
ABSTRACT .....	5
SUMMARY .....	6
INTRODUCTION .....	7
PURPOSE.....	9
METHODOLOGY .....	10
LITERATURE REVIEW.....	10
<i>Black Feminism: Bringing Crenshaw and Collins Together.....</i>	11
<i>Bailey and Mobley’s Work on Black Feminist Disability Framework.....</i>	13
<i>Deaf Scholarship: Engaging Eckert and Rowley.....</i>	15
<i>Dolmage’s Insights on Academic Ableism.....</i>	16
<i>Power &amp; Knowledge: Insights from Foucault, Hibbs and Pothier.....</i>	18
CANADIAN STATISTICS AND STUDENTS WITH DISABILITIES .....	20
ANALYTICAL AND DISCUSSION .....	21
<i>Systems and Structures to Secure Accommodation: The Canadian Human Rights Act 1977 (CHRA), the Canadian Charter of Rights and Freedoms Act 1982 (the Charter), the Ontario Human Rights Code 1962 (the Code) and Accessibility for Ontarians with Disabilities Act (AODA) 2005 .....</i>	21
<i>The Canadian Human Rights Act (CHRA), 1977.....</i>	21
<i>The Charter of Rights and Freedoms Act (The Charter), 1982.....</i>	22
<i>The Ontario Human Rights Code, (The Code) 1962.....</i>	23
<i>The Accessibility for Ontarians with Disability Act (AODA), 2005.....</i>	24
<i>Case Study: Gramache vs. York University.....</i>	25
ANALYTICAL AND EMPIRICAL LITERATURE DISCUSSION .....	29
<i>Leaving Secondary Education: Northern Secondary School (N.S.S).....</i>	29
<i>Entering PSE – Seneca College.....</i>	29
<i>The Accommodation Process at Seneca’s Office for Students with Disabilities.....</i>	33
<i>(Seneca’s ODS).....</i>	33
<i>Ineffective and Inappropriate Accommodation at Seneca.....</i>	35
<i>Proving I have an Invisible Disability at York University.....</i>	36
<i>Yes, I Really Do Have Mild Cerebral Palsy – Invisible Disability.....</i>	36
<i>Accommodation Process at George Brown College (GBC).....</i>	40
<i>My PSE Student Placement at GBC.....</i>	41
CONCLUSION .....	43
MOVING FORWARD .....	44
REFERENCES.....	45

### Acknowledgements

“The better we understand how identities and power work together from one context to another, the less likely our movements for change are to fracture.” (Crenshaw, 2015)

I use Dr. Kimberlé Crenshaw’s quote on intersectionality to start because intersectionality deals with how power functions when two or more social identities overlap. It forces us to pay attention to the realities of people experiencing discrimination because of multiple oppressions in an oppressive society. An intersectional lens is critical when it comes to working for change in the face of multiple discrimination. I would like to extend my gratitude to the people without whose influence and support this work could not have been completed.

I am grateful to my grandmothers – Ms. Tiny and Ms. Dotty – for instilling their gifts of humor and storytelling that honour and reflect their lives of resilience. They are the reason why I embrace life through humor and storytelling. They both taught me to appreciate life and be fearless as I face the wind in whichever directions it blows. From them I learn to overcome obstacles and tell my story.

Having parents who both have achieved postsecondary education has been an asset for me. Thanks to my mother and father, Paulette and Luther Brown. I could not have done this without your ongoing support and feedback to my MRP. Being raised in a family that values faith and social justice advocacy, I learn, at home, to acknowledge and embrace my identity of disability, not as shame, but as a part of my human dignity, for which I will have to struggle as long as I live. While growing up in the Jane and Finch community, I experienced my parents as advocates working for change. I am a reflective person because of them. My parents helped me understand what it means to be proud of my faith and my heritage as a Black woman, who is both Jamaican and Canadian. To my entire family, I love you.

I am thankful for the experiences of students with disabilities. We grew up and shared common and different experiences of marginalization due to disability. I remember our resistance to these oppressions as we made school work for us. I hope my MRP will support the struggles for liberation.

I could not have completed this MRP without the support and inspiration from mentors. I am extending gratitude to my supervisor, Dr. Rachel Gorman for your guidance and for your encouragement of my MRP. You have always reminded me to stay true to my original thesis idea, and to never lose focus during the writing process. Gratitude to you, Dr. Neita Israelite for your continuous support in the MRP process. You have always believed in me, and have been a part of my early journey in education. Thanks for being an active ally for deaf and hard of hearing students, the umbrella under which I was placed in the school system Thank you both for your constructive feedback and your time and effort during my MRP journey.

## Abstract

Although post-secondary educational institutions have been mandated by law to accommodate, the issue of students with disabilities receiving accommodation remains problematic. One factor that is relevant, but often overlooked, is how power functions in the process of seeking and receiving accommodation. My interest is to critically examine selected parts of my lived experiences with accommodation at three post-secondary institutions to shed light upon how power, knowledge and intersectionality function for students seeking and receiving accommodation. I argue that a successful navigation of accommodation at postsecondary institutions does not depend only on the institution's duty to accommodate but also on these factors. My literature review employs constructs proposed by several scholars to explain the complexities of accommodation. These include: 1) Kimberlé Crenshaw's Black Feminist conceptualization of intersectionality and the need for a multiple axis framework to understand the dilemma that Black women present, 2) Patricia Hill Collins' Black Feminist Thought and its emphasis on categories of analyses that address unequal power relationships between parties, 3) Richard Clark Eckert and Amy June Rowley's notion of audism as embodying supremacy, 4) Michel Foucault's articulation of discourse analyses of knowledge and power, and 5) Teri Hibbs and Dianne Pothier's analysis of how power functions in the accommodation process. I apply these notions to an auto-ethnographic case study of my own experiences in postsecondary institutions as black, woman and student with disabilities. The results of my analysis as well as my recommendations will advance scholarship in the area of accommodation and disabilities.

*Keywords:* ableism, audism, audiocentric privilege, disability, intersectionality, power, knowledge, racism, self-advocacy

### Summary

There is not much scholarship in academia that undertake issues regarding 1) the complexities of navigating accommodation in postsecondary education (PSE) and 2) honouring the experiences of students with disabilities in navigating PSE accommodation. Instead, scholars, educators, policymakers, and postsecondary institutions tend to rely on research data based on scholarship in which the narrative experiences of students with disabilities are devalued, inaccurate or overshadowed by non-disabled researchers speaking on their behalf. More importantly, they also tend to rely on research data in which the lived experiences of students with disabilities are associated with and assigned to notions of tragedy and shame that are rooted in racism, ableism, audism and more.

To assume that the accommodation process is an innocent matter that involves students and professors as chief stakeholders, is simply false. The accommodation process is very complex. It involves power negotiations. Students with disabilities often need support in navigating these power structures. Only an approach that examines power through an intersectional lens with particular focus on racism, ableism, and audism can account for the complexities involved in navigating and negotiating academic accommodation.

## Introduction

I write this research in the midst of the global pandemic resulting from the Coronavirus disease, 2019 (COVID-19). Even though the world has experienced pandemics before, for instance, human immunodeficiency virus (HIV), influenza virus (swine flu), severe acute respiratory syndrome (SARS), Ebola virus disease (Ebola), during my lifetime, Canada has never experienced the loss of so many lives, due to a pandemic, in such a short time.

According to the Government of Canada's *Coronavirus disease outbreak report*, as of September 12, 2020, over 9,170 Canadians have died from COVID-19 and some 120,075 Canadians have recovered from COVID-19. While there is some indication that certain population groups are more vulnerable to the virus, people with disabilities, have not been identified as a vulnerable group. For instance, the Government of Canada's website has a link on *Coronavirus disease (COVID-19): Prevention and risks*. It describes at risk people as those who have underlying medical conditions, weak immune systems, or seniors. Nowhere on this website are people with disabilities named as a vulnerable group. In fact, it seems that people with disabilities are excluded from data research. At the time of writing, disability is not even on the backburner of any emergency COVID-19 plan.

The ARCH Disability Law Centre recognizes the absence of disability. They responded to this absence in their report, *COVID-19 and Disability: Recommendations to the Canadian Government from Disability Related Organizations in Canada – March 24, 2020.s*

This report confronts and urges the Government of Canada to address the vulnerabilities of people with disabilities and their families during the COVID-19 crises. It highlights that Canadians with disabilities represent 22% of the population and are at “extreme risk.” This report also calls on the government of Canada to “ensure their health and safety.”

In the province of Ontario, COVID-19 has had a severe impact on the education system. Schools across the province went on a lockdown due to the outbreak. The pandemic has forced education district school boards to decide on affordable, alternative backup systems to deliver education to students. As a result, they are offering online learning system where they emphasize social distancing and the wearing of masks for those who attend classes in the classrooms.

What do these mean for students with disabilities? How does social distancing affect the education of this group? What does accommodation look like in this situation? How does the wearing of masks during an accommodation process work for students who have sensory disability or students with autism? The wearing of masks produces barriers for some students. Take for example, the Deaf and Hard of Hearing students who must remove their masks for lipreading (communication).

Furthermore, as education moves into relying more and more on online resources, web accessibility issues for students with a vision disability, become a great challenge. It is true that online classes pose serious accommodation issues for students with disabilities, who rely on automatic closed captioning in live online teaching classes and video chats. A big problem here is that automatic closed caption produces errors, and presently, there is no known reliable software to correct these errors.

Another factor that is related to the times in which I write, is the ways in which the pandemic exposes the ongoing presence of Anti-Black racism globally and in Canada. While the trigger was the murder of George Floyd in the US, it is true that the Black Lives Matter movement in Canada has always argued that Anti-Black racism is an issue in Canada. According to a CBC News report, June 1, 2020, Canada's Prime Minister, Justin Trudeau said that anti-Black racism is alive in



Canada and “we need to be better.” Further, Prime Minister Justin Trudeau seems to imply that Anti-Black racism exists in Canada, when he said, "To young black Canadians, I hear you when you say you are anxious and angry."

It is important to be aware that in these new times, when different conversations about justice are emerging, the voices of people with disabilities are absent. The resources needed to navigate power arrangements to get a slice of education in a way that suits the learning of students with disabilities are hard to come by. My question is this; how might students with disabilities exercise the power to navigate these times and these complex structures to get appropriate accommodation?

#### Purpose

As a black woman with disabilities, I have experienced exploring accommodation for students with disabilities in three PSE institutions in Ontario (Seneca College, George Brown College and York University). I believe that my research is timely and relevant. My MRP uses my experiences as a student with disabilities, in the process of seeking and receiving accommodation at these three PSE institutions. It explores the complexity of the accommodation process itself. It pays attention to how race, gender, power relations and disability intersect in the process of accommodation. It draws attention to the implications of the intersectionality of these categories for students with disabilities who are seeking and receiving accommodation in PSE institutions.

The key problem that motivates my research is my understanding that not enough attention has not been given to the complexity of how multiple disabilities intersect in the body of the student with disabilities. Neither is enough attention paid to the ways in which knowledge and power intersect and the implications they have for students with disabilities who are navigating

accommodations in PSE institutions. The overall purpose of this MRP is to create new awareness that the legal institutions that are in place to secure accommodation often fail to ensure accommodation, and as a result, fail to promote change.

### Methodology

The methodology for this MRP consists of an analysis of theoretical and empirical literature. I supplement this analysis with narratives of my experiences as a student with multiple intersecting identities, navigating accommodation in three postsecondary institutions: Seneca College, George Brown College and York University.

The theoretical tools that I rely on, help me explain 1) the dilemma produced by the impact of the intersectionality of race, gender, on the student who is seeking and receiving accommodation, and 2) the role that knowledge and power play in the accommodation process.

Finally, I draw conclusions based on my findings and I provide insights into the following: 1) the problem of accommodation for students with disabilities at PSE institutions and 2) the role of the legal institutions that mandate accommodation as a human right under Canada's Charter of Rights (The Charter) and the Ontario Human Rights Code (The Code).

### Literature Review

In the literature review for this research paper, I use the following key academic scholars whose work support my thesis. These key scholars are Kimberlé Crenshaw (1989), Patricia Hill Collins (1993), Moya Bailey & Izetta Autumn Mobley (2019), Richard Clark Eckert & Amy June Rowley (2013), Jay Timothy Dolmage (2017), Michel Foucault (1977), and Teri Hibbs & Dianne Pothier (2006).

I use the scholars cited above not only to validate my experiences. Their theoretical insights help me to better explain the complexities of my experiences when navigating

accommodation in PSE institutions. They specifically help me to speak about, intersectionality, dichotomous thinking in oppression, value of a black feminist disability framework, audiocentric privilege, racism, gender, academic ableism and power and knowledge. All these categories are important to demonstrate my thesis that the accommodation process is not innocent. It is not simply about the institution's duty to accommodate. It involves multiple power relations that operate within process of accommodation

### Black Feminism: Bringing Crenshaw and Collins Together

Kimberlé Crenshaw argues that a single axis framework of analyses is inadequate for understanding the complexities of multiple and overlapping oppressions that are experienced by black women. According to Crenshaw (1989) in *Demarginalizing the Intersectionality of Race and Sex*, race and gender are not mutually exclusive categories of analysis. (Crenshaw, 139). In other words, what Crenshaw is saying is that when we talk about the category woman, and the dominant experiences we talk about is only white women's experiences, then the black woman is automatically erased. In a similar way, when we talk about race, and the dominant experience we talk about is the black man's experience, then the black woman's experiences is automatically erased. In both cases, the black woman is erased. From Crenshaw's perspective, this happens when we assume that the categories of race and gender are mutually exclusive. They are not, and a single axis framework is inadequate to deal with this complexity that the black woman presents. This is why she argues that it is important to pay attention to the intersectionality of race and gender when they intersect on the black woman.

It is true that Crenshaw addresses issues of discrimination against the black woman in the U.S. court system and she does not address the oppression of disability. As well, she does not speak directly to issues of accommodation in PSE institutions. However, her work is useful

for my MRP from two perspectives. First it provides a framework to speak about my experiences of being black and woman with disabilities facing oppressions. Secondly, it helps me avoid any kind of thinking that is based on single axis understanding of disabilities.

Patricia Hill Collins (1993) in *Toward a New Vision: Race, Class, and Gender as Categories of Analysis and Connection* argues for a new vision of oppression as well as new categories of analyses that do not depend on “either/or, dichotomous thinking,” where “persons, things and ideas are conceptualized in terms of their opposites.” (Collins, 27) She lists the following categories as examples of dichotomous thinking; “Black/White, man/woman, thought/feeling, fact/opinion, race/gender.” (Collins, 27). She also argues for analyses that do not treat oppressions as additive, but rather as interlocking systems of oppressions. In this way Collins is referring to the well-known practice of adding categories of oppression without treating them as categories that require their own analyses. For example, we see this practice in works of scholars who speak of patriarchy, race, gender and then add “etc.” to include identities of disability and sexual minorities.

Collins’ treatment of race, gender and class as interlocking oppressions (Collins, 10) is important for my work because it offers me a way of speaking about these categories without denying the oppressions of other categories, such as disabilities.

Most importantly, Collins’ framework of analysis identifies “Institutional Dimension of Oppression” as a form of oppression. This understanding of oppression helps to throw light on the “systemic relationships of domination and subordination structured through social institutions such as schools, businesses, hospitals and government agencies.” (Collins, 29). This institutional dimension of oppression is seen in the way in students with disabilities experience the accommodation process at PSE institutions.

While Collins deals specifically about racism, sexism and elitism, her identification of “Institutional Oppression” as a system of oppression is what connects with me. I find that the category of Institutional Oppression provides me with different ways of speaking about the experiences of students with disabilities within the accommodation process at PSE institutions.

Like Crenshaw, Collins does not speak of disability as a category of analysis. Yet the works of both scholars allow me to think about the complexities of disabilities and what it means to bring together students with disabilities, professors, faculty, deans and disability departments around issues of accommodation.

#### Bailey and Mobley’s Work on Black Feminist Disability Framework

Moya Bailey and Izetta Autumn Mobley’s (2019) work in *Work in the Intersections: A Black Feminist Disability Framework* is concerned that even though Disability Studies and Black Studies can benefit from a common critical framework to help to better understand oppressions, this is not happening in the academy. They argue that it is important to consider disability in Black Studies and race in Disability Studies. They further argue that there is a need for an intersectional framework that theorizes race, gender and disability for the purpose of addressing the gaps in Black Studies and Disability Studies (Bailey and Mobley, 19). They are proposing that a Black Feminist Disability Framework (BFDF) that is able to engage, “the historical, social, cultural, political and economic reverberations of disability,” (Bailey and Mobley, 19) offers the best theoretical lens for this purpose.

These scholars are addressing a problem that exists in the academy. The problem is that Disability Studies and Black Studies operate as mutually exclusive disciplines, when in fact they are not mutually exclusive. Bailey and Mobley explain that on the one hand, Disability Studies needs an analysis of race to dislodge the myth of the white male body as the norm in Disability

Studies. On the other hand, Black Studies needs an analysis of the intersectionality of Blackness and disability. They state:

“A Black feminist disability framework dislodges the white male body as the central normative body in Disability Studies, establishing the need to examine how bodies are raced and the ways in which this intersects with disability, disease, and bodily sovereignty. By moving racially and gender marginalized people to the center of Disability Studies, new considerations of existing theoretical perspectives are required. Close discursive readings of Disability Studies theories reveal an important need for conversations that are grounded in race, gender, and class simultaneously” (Bailey & Mobley, 27-28).

A BFDF is beneficial for my thesis, even though, as Bailey & Mobley claims, this scholarship does not exist. As a Black woman with disabilities who is seeking theoretical lens through which to interpret my experiences with accommodations in PSE institutions, I am aware of the gap in the scholarship. I am also aware that I depend largely on Black Feminism for theoretical tools for my work, although neither of the two scholars that I use provides any concrete analysis of how disability intersects the Black female. However, their Black feminist frameworks are useful to help me analyze race, gender and disability in my experiences of accommodation in PSE institutions. I am hoping that my MRP will pave the way for the development of a BFDF.

## Deaf Scholarship: Engaging Eckert and Rowley

Richard Eckert and Amy June Rowley's (2013) work in *Audism: A Theory and Practice of Audiocentric Privilege* presents different viewpoints of deaf scholarship on the notion of audism. They refer to Tom Humphries' (1975) use of audism to describe assumptions and attitudes of the supremacy of hearing and speaking over deafness and signing. (Eckert and Rowley, 101) Quoting Humphries, in one of his later works, they describe audism as "the bias and privilege of hearing people against deaf people" (Humphries, 1977).

Eckert and Rowley point out that the scholarship on audism presents audism as both individual and institutional. I am interested in their understanding of the relationship between racism and audism as well as their understanding of institutional audism. They argue that both forms of oppression show similarities in the assumptions they make and how they construct reality. For them, institutional audism is a form of oppression that arises from the ways in which medical and educational institutions construct deaf as inferior, resulting in the perpetuation of the supremacy of hearing privilege and the subordination of deafness (Eckert and Rowley, 105). We cannot miss the similarities between institutional racism, which constructs black and blackness as inferior to white and whiteness and institutional audism that constructs deaf and deafness as inferior to hearing and the hearing culture.

When Eckert and Rowley say that "the practice of audism is expressed in overt, covert and aversive ways," (Eckert and Rowley, 108) they are treating audism as an oppression that is similar to racism. Eckert and Rowley use Bauman's definition of institutional audism as "a system of advantage based on hearing ability" and "a structural system of exploitative advantage that focuses on and perpetuates the subordination of Deaf Communities of origin, language, and culture." (Eckert and Rowley, 106). The reference to institutional audism as being overt and

covert provides me with useful lens as I search for ways to theorize my experiences as a hard of hearing student, seeking accommodation in PSE institutions where audiocentric practices and behaviours are present in overt and covert ways. In other words, this work is extremely beneficial to my research paper because it helps to bring to light some of the ways in which audiocentric privilege is exercised and practiced in PSE institutions.

#### Dolmage's Insights on Academic Ableism

Jay Dolmage (2017) in *Academic Ableism: Disability and Higher Education*, uses Tanya Titchkosky's (2010) argument to support his position that academic ableism exists in institutions of PSE. She argues that "in the everyday practices and procedures of university environments, disability is viewed as "a problem in need of a solution" and not as an "important form of critical knowledge production within the university"

Dolmage does not clearly say what he means by this term, yet he says that academic ableism is often disguised and not readily seen as a real issue. He uses the notion "ableist apologia" which gives some clarity. He describes this as an attitude that is displayed by people in academic settings, who make statements such as "ableism is not a problem" or "there is nothing we can do about it." According to Dolmage, this is ableist apologia. People in the academia use these statements as a defence. It functions to relieve speakers from taking responsibility for their attitudes, or actions, or statements." (Dolmage, 35).

He is clear that academic ableism includes architectural and stylistic arrangements of the physical buildings of educational institutions. He claims that universities are constructed as places that are inaccessible. They grant access to only a few. He argues that PSE institutions have a history of ableism, in the sense that historically they were constructed to create barriers and deny access to some. He points out that this is done in the name of an ethic of higher



education that “encourages students and teachers alike to accentuate ability, valorize perfection, and stigmatize anything that hints at intellectual (or physical) weakness.” He further claims that this construction has functioned to maintain separation so that the elites “would mingle and mix with one another exclusively in colleges and universities.” (Dolmage, 3).

Dolmage spends much time speaking about the ableist apologizer, and paying attention to the professors who, according to him, tend to perpetuate academic ableism. While he does not offer clear understandings of the relationship between power and academic ableism, he seems to believe that persons of power who exercise academic ableism have a responsibility to resist it.

He says:

“Academic ableism is a difficult thing to consider. Coming to terms with ableism in higher education means questioning, as well, our own privilege, the very system that rewards professors and administrators and placed us at the top of a set of steep stairs. So, let’s pay attention to how ableism occurs, and when, and to whom, and to what effect, and let’s pay attention to how we might resist and refuse ableism.... Saying “of course the university is ableist” does not defuse academic ableism.” (Dolmage, 39).

My interest in Dolmage lies in two conclusions that he makes. The first is that the process of accommodation is so medicalized that accommodation becomes a barrier to the inclusion of people with disabilities. This is useful for me, since my MRP includes engaging a case study in which I question the usefulness of medical reports. The second is his concern that academic ableism might be here to stay if both students and professors continue to embrace the exclusions that reinforce their privilege and the processes that maintain that privilege (Dolmage, 46). It is not clear which student or which professor Dolmage refers to, or whether he himself is

caught up in ableism. However, my MRP raises similar concern with regards to students with disabilities. How might students with disability refuse to become complicit with their exclusion?

#### Power & Knowledge: Insights from Foucault, Hibbs and Pothier

A central theme in Foucault's work is the relationship between knowledge and power. Foucault is interested in how knowledge and power come together to determine what is considered truth and also how they function to normalize what is considered "the truth." For Foucault, knowledge is always linked with power and together they function to regulate social construct and what is authorized as "truth". He further argues that power operates within institutions with mechanisms that produce disciplinary effects on bodies. While it is not clear how Foucault would imagine forms of resistance to the disciplinary effects of power and knowledge, we cannot underestimate the insights that he provides.

The idea that power and knowledge construct and normalize what is considered as "truths" is useful for my MRP. It offers me one way of explaining how the knowledge and power that come along with medical reports function in the process of accommodation to construct and normalize understandings of disability and "truths" It also helps me to pay attention to the fact the process of arriving at "truths" cannot be innocent. This is useful for my work, as my MRP raises questions concerning the "truths" produced by disability departments, OHRC, medical experts and other stakeholders who are part of the process by which students with disabilities seek and receive accommodation.

Finally, Foucault argues that power produces and is caught up with ideology. (Foucault, 119). Foucault helps us to see PSE institutions as powerful institutions caught up in ideology, producing and authorize understandings that impact the student with disabilities within the process of seeking and receiving accommodation. Overall the insights from Foucault help me to

think differently about institutions like the OHRC and also about the Ontario Human Right Code (The Code) that produce ableist definitions of disability.

Hibbs and Pothier (2006) specifically focus on how academic policies on accommodations and disability services and the power relations operate in PSE. They argue that:

“the biomedical conceptualization of disability represented in the policy individualizes and shapes the accommodation process such that the substantive evidentiary requirements (e.g., medical or psychological documentation from a recognized professional) and the steps involved in reaching accommodation (i.e., self-identifying as disabled, proving need through documentation, and negotiating the actual accommodation with each course instructor) signifies, in effect, a process of appeal based on an assumption that students are non-disabled and are not entitled to accommodation unless they prove otherwise.” (Hibbs and Pothier, 196).

Their work supports my research by providing a model for exploring the complexities of academic accommodation. They present critical insights on the assumptions and rationales that frame the academic policy that provides accommodation for students with disability. They also look at how accommodation policies use biomedicine as the theoretical formulation to define disabilities and the steps that students must engage in order in to access accommodation. These steps require student self-identification as disabled, documentation requirements and more. All of these make for ongoing surveillance and compulsory visibility of the disabled student.

The work of Hibbs and Pothier is relevant for my MRP as it provides tools to help me to better explain how power functions in 1) my lived-experiences 2) the accessing of accommodation through disability services 3) professors’ attitudinal behaviors regarding accommodation and disability 4) attitudes and stigma associated with students with disabilities 4)

the complexities of accommodation at the PSE level and 5) the medical framework of disability that remains problematic for students with disabilities.

#### Canadian Statistics and Students with Disabilities

According to Statistics Canada's *Canadian Survey on Disability, 2017's Population Estimates on July 1st, By Age and Sex*, the total estimate of people with disabilities in Canada in 2017 was 6.2 million (6,246,640<sup>1</sup>). Information from Statistics Canada's *The Daily — Canadian Survey on Disability, 2017* shows that the population of Canada in 2017 was 36,543,321. The survey also noted that Canadians with disabilities from age 25 to 64 "were not employed and not currently in school and two in five (39%) had potential to work." In 2017, according to the survey, there were over 83,000 youth with disabilities who were unemployed and not in enrolled in school. Statistics Canada noted that Canadians with disabilities aged 15 to 24 years, "make entry into the labour force highly unlikely under any circumstances." (Statistics Canada, 2017). The same source noted that even though this is the case, this group of Canadians with disabilities may have a greater potential to transition into employment with proper accommodations and support. Among the 108,790 youth with disabilities who were "neither in school nor employed, 83,440 could be identified as potential workers."

The executive summary of the Ontario Human Rights Commission's (OHRC) report, of March 2018, which states that:

"despite a highly regulated and complex education framework designed to address the "special needs" of students, students with disabilities continue to face obstacles in their attempts to access educational services in Ontario. "Disability" continues to be the most

---

<sup>1</sup> See "A Demographic, Employment And Income Profile Of Canadians With Disabilities Aged 15 Years And Over, 2017". 2020. *Www150.Statcan.Gc.Ca*. <https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2018002-eng.htm>.

often cited ground of discrimination under the *Code* in human rights claims made to the Human Rights Tribunal of Ontario (The Tribunal), with significant systemic issues being raised in disability and education claims. Statistics Canada reports that Ontarians with disabilities continue to have lower educational achievement levels, a higher unemployment rate, and are more likely to have low income than people without disabilities.” (OHRC, 2018).

The Canadian statistical report clearly shows that there is a large number of Canadians with disabilities who are neither in school nor employed. However, it is the OHRC’s report that strongly supports my claim that, to a large extent, accommodation for students’ disabilities poses a problem in the Ontario education system even though accommodation is legislated. My MRP is focused on one section of the Ontario education system which is, postsecondary education (PSE).

#### Analytical and Discussion

Systems and Structures to Secure Accommodation: The Canadian Human Rights Act 1977 (CHRA), the Canadian Charter of Rights and Freedoms Act 1982 (the Charter), the Ontario Human Rights Code 1962 (the Code) and Accessibility for Ontarians with Disabilities Act (AODA) 2005

#### The Canadian Human Rights Act (CHRA), 1977

The CHRA was enacted in 1977. This Act adopts the principle that “all individuals should have an opportunity equal with their individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices.” (The Parliament of Canada 1976).

The CHRA not only prohibits discrimination at the federal level, but it also establishes a system that includes a commission, The Canadian Human Rights Commission (CHRC), and a

tribunal, The Canadian Human Rights Tribunal (CHRT), to administer and enforce the Act. The Canadian Human Rights Act has a broad scope to protect Canadians against harassment or discrimination, based on one or more of the multiple grounds of discrimination, which includes disability.

Part 1 Section 3(1) of CHRA sets out the prohibited grounds of discrimination as “race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.” (The Parliament of Canada, 1976).

#### The Charter of Rights and Freedoms Act (The Charter), 1982

Enacted in 1984, the Charter of Rights and Freedoms Act is covered by the Canadian Constitution Act. The Charter guarantees protection to a broad slate of basic rights, and freedoms which include fundamental freedoms, democratic rights, mobility rights, legal rights, equality rights and minority language educational rights.

The section of the Charter that is relevant to my MRP is Section 15. (1) Equality rights. Under this section the Charter names two areas that relate to disability. Section 15. (1) reads “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” Section 15.(2) reads “Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” Therefore, the Charter provides for affirmative action programs

that are designed to improve the conditions of disabled peoples. While some rights fall outside of the jurisdiction of the Charter, and the Courts have the responsibility to rule on its merit for protection, this is not the case with disability. The equality rights for people with disabilities are clearly protected by the Charter.

#### The Ontario Human Rights Code, (The Code) 1962

The Code was enacted by the Ontario legislature on June 15, 1962. Since then it has undergone several revisions. One of the fairly recent revisions was made by Bill 107. This Bill has created significant changes to the Code, resulting in an expansion of the remedial provisions of the Tribunal. Bill 107 effectively removed the limit of \$10,000 on distress damages, getting rid of the cap allowed in the past. Also, it has removed the past requirement, which stated that in order to be compensated for injury to dignity, feelings and self-respect the applicant must prove that violation was willful or reckless. Subsequently, the Tribunal can now award monetary compensations, without a limit, for injury to dignity, feelings and self-respect.

Another change, which has systemic implications, is the new role of the OHRC. No longer is the OHRC responsible for the investigation of human rights complaints. Its new role includes working on systemic causes of discrimination, advocacy and education. Under this new provision, Ontarians have direct access to the Human Rights Tribunal of Ontario. As well, under the new changes, Ontarians have access to the services of the Human Rights Legal Support Centre. These legal services are made available to everyone regardless of income.

Section 1 of the Code guarantees protection from discrimination in “services”, which includes education services. Educational institutions operating in Ontario have a legal duty to take steps to prevent and respond to breaches of the Code. This responsibility includes

maintaining accessible, inclusive, discrimination and harassment-free education environments that respect human rights.

Currently the Code prohibits discrimination on the grounds of age, ancestry/colour/race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offences (in employment only) sex (including pregnancy and breastfeeding) and sexual orientation, gender expression, receipt of public assistance, record of offence, sex, sexual orientation.<sup>2</sup> (Human Rights Code, RSO 1990, c H-19.)

The Code has a policy on ableism and on discrimination based on disability. Under the executive summary of the policy, ableism is defined as “a belief system, analogous to racism, sexism or ageism, that sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems or the broader culture of a society.” (OHRC, 2016).

#### The Accessibility for Ontarians with Disability Act (AODA), 2005

The AODA emerged within the context of heightened awareness on the part of governments to issues of disabilities and accommodation, as well as intense public pressure from social justice advocates organized around issues of justice, fairness and wellbeing with regards to people with disabilities. Not only were these taking place in Canada, but also across the globe.

The AODA was enacted in 2005 and it addresses the rights to equal opportunity and inclusion for people with disabilities. This Ontario law mandates that all organizations follow standards to become more accessible to people with disabilities. All levels of government,

---

<sup>2</sup> Citing Ontario Human Rights Code Cite as: Human Rights Code, RSO 1990, c H-19. (Jan 24, 2020)



private sectors, and non-profits must comply with this legislation. The goal is to make Ontario accessible by 2025.

Overall, the AODA has focussed almost exclusively on buildings and architecture in its concept of accommodation. In a report by Greg Thomson, posted on the official AODA website, October 17, 2019, Thomson says, “Currently, there are no rules in the AODA outlining a single process for accommodation in university and college. Instead, according to a report by the National Educational Association of Disabled Students (NEADS), each school must develop its own process. As a result, schools’ accommodation policies may differ widely.” These reports suggest that there is a flaw in the AODA because there is no clear standard for ensuring consistency in accommodation in educational institutions. Thomson in a report in October 15, 2019, admits this by saying, “The AODA does not yet have an education standard.”

In summary, the Charter, the Act, the Code and AODA all share something in common. They are Canadian laws and one of their objectives is to secure the rights and freedoms of people with disabilities. The issue of disability and education is one of the key areas of concern addressed by them. Although accommodation is legislated under these Canadian laws, PSE institutions still fail to honour their duty to accommodate. The *Gramache vs. York University* case is an eye-opener. It demonstrates how PSE institutions fail to accommodate.

#### Case Study: *Gramache vs. York University*

The *Gramache vs. York University* case involved an applicant, Roberta Gramache, a York University student with a vision disability, who filed a claim against York University under the Ontario Human Rights Code in 2013. Gramache claimed that York University failed to comply with the duty to accommodate by failing to provide her with course material in

accessible format in a reasonable time. She claimed that the overall experience contributed negatively to her health as it heightened anxiety and depression.

The Tribunal found that York University failed to provide reading materials to the applicant in accessible format in a timely manner, but elaborated that this failure, on the part of York “did not materially affect the student’s inability to successfully complete her practicum placements or course work in the program” (*Gamache v. York University HRTO 693, 2013*). This basically means that even though York failed to provide materials in accessible format, in a timely fashion, no violation of the Code resulted.

Two issues are at the center of the *Gramache vs. York* case. The first is the complexity of disability, a factor that was not a part of the conversations. The second is the issue of power and how it intersected with knowledge to create discourses that normalize understandings about the student. By discourses I mean statements, narratives, practices, opinions and writing that name and normalize.

Foucault helps us to identify the discourses produced in this case and how they constructed understandings of “truth”, which are distorted, to say the least.<sup>3</sup> For example, if we were to ask what constitutes accommodation at York, after reading the *Gramache vs. York* case, the answer could not simply be, student’s needs or what the Act says. What is clear is that what constituted accommodation and how accommodation was delivered involved the power play of different stakeholders and the knowledges they produced to support their claims. These stakeholders cannot be seen as innocent. In this case, stakeholders included doctor, librarian, professors, instructors and staff executives, who all produced “truths” which impacted the outcome of the case. One common observation is that these “truths” are ableist, in the sense that

---

<sup>3</sup> Foucault, Michel (1998) *The History of Sexuality: The Will to Knowledge*, London, Penguin.

they depended on points of view of abled bodied professionals, who assumed that they had complete understandings of how disability functions and full understandings about the complexities of disabilities.

The Department argued that the reason for not following up with the accommodation process, was their concern about not wanting to be seen as paternalistic. While this might have been a genuine concern on the part of the Department, Dolmage helps us to question the concern itself, and to understand how it functions as ableist apologia. According to Dolmage, ableist apologia is used to describe people in academia who use statements such as “not wanting to appear as paternalistic” in ways that the statements function to relieve speakers from taking responsibility for their attitudes, or actions, or lack of action (Dolmage, 35). In this case, the Department’s response functioned to: 1) justify the lagging behind of the process of accommodation, and 2) distract from the scandal of claiming an “overwhelmed library accessibility service,” as a suitable explanation for a failure to accommodate (*Gamache v. York University HRTO 693*, 2013).

The Tribunal’s ruling described the student as lacking in credibility. Foucault helps us to question terms such as credibility, as being part of a discourse that functions to regulate and authorize. The discourse of credibility usually functions in legal settings where, once a person is described as having a credibility issue, this will negatively impact the outcome of the case. It is useful to understand that in these legal contexts, this discourse operates in a binary fashion. The person is either considered a credible witness, or a witness that lacks credibility. There is no room for a space in-between for difference, such as differences which may be presented by disabilities.

This discourse on credibility functions as power. It constructs witnesses in a certain light and provided the conditions for the outcome of the hearing. Once the student is constructed as lacking in credibility, and York university as the opposite – a credible witness, there is little or no chance of a positive outcome for the student. Statements from the findings of the Tribunal support my conclusion. “Finally, with regard to the respondent’s submission that I need to assess compensation on the basis of the actual harm to the applicant, as opposed to exaggerated claims of impact, while I generally found that the applicant had a tendency to overstate, amplify or exaggerate her allegations and made an overall negative finding of credibility against her...” Decision on Remedy: [25]. The Tribunal concluded “I found a violation of the Code in relation to the failure of York University to provide reading materials to the applicant in accessible format in a timely manner. However, I further found that this failure did not materially affect her inability to successfully complete her practicum placements or course work in the program.” (Gamache v. York University HRTO 693, 2013).

My argument is how do we decide what credibility looks like in the context of disability? and how does this matter for seeking and securing accommodation by students with disabilities? In summary, the process of accommodation carried out by York shows a single axis approach to disabilities. This single axis approach was also adopted by the Tribunal. The entire process was embedded in multiple ableist understandings by both York and the Tribunal. From the student’s own self-identification of her needs for accommodation, to the instructors’ frustrations, to the librarian’s frustration and medical doctor’s intervention to the Tribunal’s decision-making, there was a lack of awareness of the complexities of disabilities and how ableism was functioning. This case is an eye opener that PSE institutions often fail to accommodate students with disabilities, even when accommodation is protected under the law.

## Analytical and Empirical Literature Discussion

## Leaving Secondary Education: Northern Secondary School (N.S.S)

Graduating from N.S.S. was liberating. Reflecting back, I was ready to leave an ableist and audist environment. My experience at N.S.S in the Deaf and Hard of Hearing (D/HH) department was extremely toxic. I felt that the D/HH department itself felt like zoo. I felt suffocated by the oppressions that I faced daily. I felt I was almost immune to audism, racism and ableism.

## Entering PSE – Seneca College

When I enrolled at Seneca College, I was thrilled to start a new beginning after graduating from high school. I spent my first semester finding my own identity as a college student. I was fascinated by the mainstream culture because I never attended mainstream classes except music, gym, art and drama in my high school years. I anticipated liberation at that point, because I was ready to discharge myself from the confined ableist, audio- centric, institutional environment – of the D/HH department in which I felt caged. However, on reflection, Seneca did not provide me with the escape I anticipated. Instead it provided me with a full immersion into the culture of audism that dominated PSE institutions, and in fact, the world.

1

Facing the blackboard

Writin' & talkin' at the same time

“Okay, class... so here... today.... We'll start to... and the subject be.... “

Writing on the blackboard. Facing the blackboard.

“Tests...start..... 60% of your final grade.”

Rustling for a pen in my knapsack

Writing down what's on the blackboard

'Social movements'

'Philosophy'...

"Listen, class this is extremely important..." (Brown, 2001).

The teaching /lecture practice that teachers adopt when they teach while facing the blackboard, with their backs turned to students, is based on the assumptions of a single-axis framework for teaching. This framework assumes that all students can hear and understand what is taught. It does not allow for any deviation from that norm. Along with this single axis framework comes a style of teaching that includes walking from one side of the classroom to the next, turning around to face students for a moment and then returning to writing on the blackboard, while teaching with backs turned to the class. Crenshaw reminds us of the flawed understandings of any single axis framework. They are unable to consider multiple perspectives and then tend to normalize and exclude. I chose to reflect on my experiences in a way that refuses to participate in the normalization of audism and become complicit with my own oppression. As Crenshaw's theorization on intersectionality implies, the oppression from disability, like those from race, and gender are systemic.

2

Reaching my hand behind

volume control of hearing aids

Turning the volume from 3.5 to 4.5

Pressing my ear molds into my ears

Hearing internal feedback

'Cuz somehow it began whistling (Brown, 2001)

I remember being in class, trying to take notes and listen to my professor. The ear molds of my hearing aids began to whistle as my anxiety increased. The sound of the whistle coming from internal feedback from the tubes in my ear molds became a major distraction. The only way to prevent it by either turning off my hearing aids or pressing the ear mold inside of my ears. Sometimes when I cannot hear the professor, I would turn up the volume from my hearing aids.

3

Restless, irritated

Puzzled, confused

Hoping I see the professor's face

A ticket to freedom

Can't continue to write anymore

Letting go of my BIC colour changing pen

My right hand is sore

Feeling so much pain

Feels like a burning sensation

The pain associated with cerebral palsy

Giving it a rest (Brown, 2001)

I was already exhausted and overwhelmed in trying to lipread. The muscles in my right hand became extremely sore from writing due to mild cerebral palsy (CP). I could not keep up the speed of writing in class. I remember trying to write quickly before the professors make their rounds from the back of the class to the front, next to the blackboard.

4

I turned around while everybody was writing  
Why can't he just stay in one place!  
So that I can read his lips!  
Heart is racin'  
What... is... happening?  
5  
"See you next class"  
What? Hold on  
The class was over  
Moving my head to see what was on the blackboard  
Too late...  
because what was on the blackboard  
A few seconds ago  
Had been  
.... Erased. (Brown, 2001).

My transition to Seneca exposed me to a level of institutional audism in education that was different from my experiences at N.S.S. Eckert and Rowley are correct when they argue that audism is the taken-for-granted characteristic of power differential between a dominant hearing majority and the minority community." I am not suggesting that this power differential was not functioning at N.S.S. Rather I am saying that in the context of N.S.S school, where there were mixed programs of hearing, deaf and hard of hearing, audism functioned differently. The more important point that I am making is that my experience of the normalization of audiocentric privilege in education was one of my most shocking experiences in the transition to PSE.



While I was making new friends within this context, and I was able to navigate friendships that were not hostile to my disabilities, the same was not happening in my learning. I realized I needed help. Halfway into the semester, I was behind in my classes. I was failing tests that were mostly done in multiple-choices formats. I had no notetaker. I had no awareness of what accommodation was. I did not have the courage to meet with my professors after class to let them know about my accommodation needs. I was really struggling. Eventually I was recommended by one of my professors to go to Seneca's disability services to seek help.

#### The Accommodation Process at Seneca's Office for Students with Disabilities (Seneca's ODS)

The accommodation process took at least two months because I had to provide medical documentations to prove that I have two disabilities. I remember booking an appointment with the disability counsellor to submit medical documentation. I remember the anxiety and the frustrations going back and forth between medical doctors and the Seneca's ODS office as I tried to get medical letters that clearly stated what the specific disabilities were so Seneca could decide on the appropriate accommodation. Finally, I completed my assessment tests, and Seneca received medical documentation that confirmed that that I have disabilities: 1). hard of hearing and 2) a mild cerebral palsy (CP) I was provided with accommodations. I scarcely began to settle down with the accommodations, when I was pulled out of classes and transferred to a special education class, with students with a variety of disabilities. Seneca's OSD made a decision, after discovering that cerebral palsy was named on my medical records. The disability of CP attracted differing assumptions about where and how accommodations might be conceived. Without any conversations with me about whether the present accommodations were working, the decision was to move me to special education classes.

Teri Hibbs and Dianne Pothier are correct in stating that biomedical conceptualization of disability shapes the accommodation decision process. This approach to disability focuses on the individual's limitations. Once CP is named as a disability, people who are guided by the biomedical model immediately think about limitations and lack. They cannot think about giftedness and special aptitudes. Seneca had an opportunity to treat me as a student with intersectional disabilities, which at the very least would require a conversation about my abilities and needs, and what accommodation would look like. Seneca's ODS, a powerful stakeholder, worked from ableist assumptions about disabilities, that are based on biomedical constructions of disabilities, which tend to construct people with CP as deficient, lacking and with severe limitations. My point is not to create a value judgement on different types of disabilities. It is to argue that the PSE institution made decisions based on medical model of disability, a model that has been discredited by many scholars who are themselves disabled.

Jay Dolmage argues that PSE institutions have a history of academic ableism and that these PSE institutions continue to embrace the exclusions that reinforce their ableist privilege and the process that maintain that ableist privilege. Foucault's argument in how power and knowledge unite together to determine what is considered as "truth" and the normalization of the "truth" is also applicable here. Based on medical knowledge that claim to have the "truths" about CP, Seneca's ODS exercised the power to regulate where I belonged and what accommodations were suitable for me.

### Ineffective and Inappropriate Accommodation at Seneca

I can totally relate to how ineffective accommodation can be a barrier to academic success. Kurth & Mellard (2006) speak of the result of ineffective and inappropriate accommodation in PSE institutions, which “focuses on disabilities rather than students’ contextual and functional needs.” In these situations, the accommodation process usually “consists of selections from a list of accommodation or a menu of services’ typically associated with a disability with little regard to other contextual factors—albeit selection is made on a case-by-case basis.”

I remember feeling frustrated being in the special education class, for a variety of reasons. I was frustrated at the professors’ teaching techniques and the ableist attitudes that professors had in communicating with this class. The classes made me feel inferior because it felt like I was being taught like a child at times. It was incredibly infantilizing. I was not challenged intellectually. I remember getting the courage to go to the Seneca’s OSD to inform them that the new classes were not working for me.

As I reflect on my experiences at Seneca, I am able to recognize how the assumptions and the assessment tests related to students with CP became a barrier for suitable accommodation for me. Seneca’s ODS may have viewed both of my disabilities as additive identities, and not as interlocking or intersectional, which might have provided them with different ways of conceiving of these disabilities. A failure to conceive of disabilities outside of the medical model led them to rank the disabilities and decide that CP should be privileged over hard of hearing. This dichotomous thinking resulted in a decision not to provide accommodation for hearing loss - decision that was detrimental to my educational success. This experience has caused me to decide not to provide medical records to PSE institutions disclosing CP as a disability. I

remember always being fearful of making a disclosure that might disrupt my academic journey in the future.

### Proving I have an Invisible Disability at York University

When I was an undergraduate student at York University, the courses I was taking required tests with multiple choice formats. In my accommodation letter, one of the lists of my accommodations included providing alternative tests/examinations instead of multiple-choice tests. This accommodation required professors and TAs to find alternative ways for students to complete the tests and examinations.

I remember trying to convince my professor that the multiple-choices examinations and tests were problematic because of my disabilities. The professor did not believe that I had mild CP. She claimed and was convinced I looked “fine.”

I ended up dropping the course and continued with my other courses in my undergraduate program, because dealing with the professor was too stressful. I found out there was another professor who taught the same course. I decided to take the course again the following year. I ended up having the same professor. This time, I came prepared and gave her my accommodation letter provided by York’s Office of Persons with Disabilities (York’s OPD)

### Yes, I Really Do Have Mild Cerebral Palsy – Invisible Disability

1

Stayed after class

“Excuse me, professor. I am supposed to give these to you.”

Handing the accommodation letter

“What is this?”

“A letter of accommodation”

Reads the accommodation letter

“I don’t think I can do that.”

“What do you mean?”

“It says here... that I have to provide you an alternative exam instead of multiple choices”

“Yes, I—”

“It wouldn’t be fair for the rest of the class, you understand?”

“That’s not the point, I have a disability and I don’t well with multiple choices exams”

“What is your disability?”

“Um, pardon me? It says that I have a learning disability”

“But what is the disability?”

What a way to force me to disclose my disability to a professor

“I have mild CP. Cerebral palsy.”

“What’s that? You look fine. It doesn’t look like you have that”

She grabs her things off her desk

“I cannot let you have a different test than the rest of the class, it’s a lot of work for me and it means that I have to change the entire test for everybody because of you.

That is not fair for the rest of the class. It’s not fair for you to have a free pass and they don’t.”

“That’s not the point—”

“You seem fine to me. I think if you work and study hard you will do fine”

“It’s not about how I look. I do have a disability”

“Work hard like the rest the class. Just do your best and you’ll do fine. I see you next week.” (Brown, 2008).

The professor did not think she needed to change the tests. She told me to complete the multiple-choice tests just like the rest of the classmates in class. She went on to say that her testing methods were the only way to pass the course. The professor denied my accommodation request to do an alternative exam. After accusing me of using accommodation as a free pass for not wanting to work as hard as the rest of the students, the professor told me that I should not worry, the test would not be hard, and that I should do my best. She advised me to study hard and she continued to refuse to provide me with an alternative method of assessment.

This experience was loaded with ableist, sexist and racist stereotypes. As a woman with disabilities who is black and Canadian, I am very aware of the assumptions that guided this professor’s oppressive treatment of me. The idea of the black woman as perpetually seeking a free pass, being a welfare cheat and opting to do anything to avoid the academic work are part of a racist, sexist ideology against black women. While I vividly recall these experiences of oppression and the feelings that were evoked, I must admit that until recently I was not able to find a framework to reflect critically on the oppressions that I experienced that year in that classroom.

In Bailey and Mobley’s work on disability, they argue that the issue of Disability needs a Black Feminist Disability Framework to deal with intersection of race, gender and disability, and that Black Feminism needs a disability framework to adequately deal with the intersectionality race and disability. In reading the work of Crenshaw and Collins with Bailey and Mobley, I now have a better grasp on the complexities of the oppression that I have experienced by simply seeking accommodations. The idea of using disability as an excuse and a free pass, wounds

deeply. When this racist, ableist oppression is inflicted by a white professor, within PSE system that is dominated by whites, it draws attention to the complexities of daring to seek accommodation in PSE institutions within a culture that is racist and ableist.

2

Accommodation...

Isn't accommodation is supposed to be adapted or modified to meet the needs of an individual?

Is accommodation

Supposed to overcome barriers in the environment or system?

Why am I being denied in accessing accommodation?

Poured out my full disclosure of my disability

As if I am giving a testimony to defend myself

Accused me of using accommodation as a free pass?

What is this? What is happening?

Why am I fighting for something that the law honors people's right to accommodation? (Brown, 2008).

I remember experiencing from that professor, attitudinal barriers, differential treatment, humiliation in class, to a point where my notetaker felt the negative energy and the vibes coming from the professor. Eventually, I addressed these issues with my disability counsellor. It was a very long process to get the professor to accommodate me. Fighting to be accommodated and depending on a system of support that does not seem to have the "teeth" to challenge the

professor, was very difficult. It caused me stress and increased my anxiety. I fell into a depression.

Things were so bad that I was not present in the meetings that discussed the issue of accommodation with the professor. It was the same year, 2008-2009, that York University CUPE 3903 went on a strike that lasted 85 days. I ended up getting the accommodation I asked for and the strike forced my professor to decide to change the final examination. I passed the course with a B+.

Crenshaw, Collins, Dolmage, Hibbs and Potheir, Foucault all described how people in positions of power, like the professor, can use power to regulate, authorize and normalize. While this was going, I was aware of how power was functioning through her, and how her persistent denial of accommodation to me was really normalizing a violation of the law. This was white supremacy in action. The interesting thing is that there was no known, safe and reliable way of holding this white professor accountable for violating the laws, which mandated accommodation for students with disabilities. This reality speaks volumes about the complexities of seeking accommodations in PSE institutions where attitudinal barriers are rooted in ableism, sexism and white supremacy.

#### Accommodation Process at George Brown College (GBC)

I was enrolled in a Social Services Worker (SSW) fast track program at GBC. Due to my experiences with academic accommodation at Seneca College and York University, I was familiar with accommodation processes. My experiences at Seneca and York were helpful in the sense that I learned the skill of self-advocacy. Apart from this, the accommodation process at GBC was easier to navigate, as the structures in place to support accommodation were more accessible than those I experienced at the other two PSE institutions. Accommodation for my



two disabilities consisted of professional notetakers who were hired by the college and the provision of extra time for tests and exams. My GBC experience of professional notetakers who were not students, meant that I was spared the stress of notetakers who were preoccupied with their own student issues and who would be missing in action around the high stress of exams. It also provided a relief from having to wade through notes from note-takers with limited skills in notetaking. From this perspective, this experience was less audiocentric. Eckert and Rowley use this term to describe assumptions and attitudes of hearing and speaking supremacy (Eckert and Rowley, 101)

Moreover, the teaching staff at GBC was more diverse racially and ethnically than either of the other two PSE institutions I attended. As a black student, I experienced this PSE institution as far less hostile. Accommodation requests for extended times for tests and assignments were not complicated with racism. The professors I encountered treated these accommodation requests as part of their job descriptions. While this was the case for the courses that I completed on the GBC site, this was not the case with my work-study student placement that took place offsite.

#### My PSE Student Placement at GBC

“Hi, you’re Zahra, right?”

I nod my head and shook her hand and said “Yes”

She looks at me and said,

“Excellent, can’t wait for you to work with me on a project for the deaf”

ASL is not my first language, in fact I do not know ASL

“I am a lipreader. I don’t use ASL at all.”

A look of disappointment she said, “Oh.”

“How come you don’t know ASL?”

“My hearing aids help me to hear and speaking is my method of communication”

“This really changes everything because I had ideas, I want you to work on.”

So, am I a disappointment to her? (Brown, 2016).

As a student of the GBC SSW program, I was required to do a student placement. I did mine at an organization that dealt with LGBTQ+ issues. LGBTQ+ is an acronym or an initialism which stands for Lesbian, Gay, Bisexual, Transgender, Queer or Questioning. The plus at the end, implies an openness and inclusiveness to evolving identities.

My student placement ended up being a nightmare. My supervisor decided that she would not allow me to have one to one meeting with clients, to listen in on meetings, and to take part in paraphrasing, engaging and supporting clients' needs. She assumed that as a hard of hearing person, American Sign Language (ASL) should be my way of communicating, even though we both communicated by speaking. Clearly, she was practicing overt audism in the sense that she used her hearing privilege, which was based on attitudes of supremacy, to make assumptions about how I should communicate. (Eckert and Rowley, 101). As well, she practiced ableism. This refers to her discriminatory and exclusionary practice that functioned to exclude me from participating fully in my student placement.

I remember reflecting on these issues of exclusion because of disability in my class reflection sessions. My professor intervened to get my placement supervisor to find a way for me to practice the SSW skills that I needed. It was an extremely difficult and frustrating experience. The situation between my workplace supervisor and I got so bad that I was allowed to move to another student placement where I could practice SSW skills.

It was an interesting contradiction to be in a minoritized LGBTQI+ setting, where the person in position of power and authority was a white woman who practiced ableism, audism and racism in a way that is best described by Collins as ranking oppressions. By ranking, I am

referring to my experience of her passion for issues of human sexuality, and her lack of appetite for issues of race and disability. Collins explains this as practice of ranking that also erases. Disability and race appear to be erased from her radar as she advocates for issues of sexuality. Eckert and Rowley's argument on institutional audism as a form of oppression is relevant in this setting, but they do not necessarily conceive of audism functioning in a minoritized setting. Both Collins and Crenshaw are helpful in calling attention to the practice of ranking forms of oppressions and the risk this practice poses to social change. Rather than ranking oppressions, both scholars argue for an intersectional approach that allows for acknowledgment of diverse oppressions without erasing some.

### Conclusion

My MRP presents analyses of theoretical and empirical literature and brings these analyses to bear on my narratives of my experiences as a black, woman, student with disabilities, navigating accommodation in three PSE institutions: Seneca College, George Brown College and York University. I have chosen to engage my experiences of accommodation from lens that focus on three dominant categories that intersect in my experiences of PSE institutions: race, gender and disability. These categories are neither mutually exclusive nor exhaustive of the identities or categories that are inscribed on my body as a black woman, with disabilities. Instead they are key categories of oppressions that intersect on my body and marked my experiences as I navigated systems and processes of accommodation in PSE institutions in Ontario.

My MRP also sheds light on my thesis argument; although PSE institutions in Ontario have been mandated by law to accommodate disabilities, the issue of students with disabilities seeking and receiving accommodation in PSE institutions remains problematic. I have appealed to the theories from a variety of scholarship. These provide me with new ways of understanding how disability, race, gender and power and knowledge function in navigating accommodation within the context of powerful institutions and structures that are marked with white supremacy, ableism and audism.

I hope that my personal experiences through my poems and stories, can help to challenge the accommodation frameworks that presently exist in PSE institutions, and encourage Canadian policy makers, PSE educators, disability services administrators and administrators of the Tribunal to work for change.

### Moving Forward

We cannot overemphasize that the conversations and scholarship on accommodation in PSE institutions are missing the experiences and perspectives of black women students with disabilities, who have navigated accommodation and have successfully graduated from PSE programs. I am aware that there is much scholarship on self-advocacy and on the provision of accommodations in PSE institutions. Yet the voices and experiences of the black woman student with disabilities are missing.

It is clear that the academic accommodation process is not innocent. It has to do with power. In the face of the powerful stakeholders that are involved in the accommodation decision-making process, the perspectives of the black woman with disabilities are critically needed. These missing perspectives are needed to correct the “truths” that have been constructed by powerful stakeholders. This single axis framework of disability and accommodation has benefitted these stakeholders for a long time. It has helped to disguise their practice of audism, ableism, sexism and racism within those privileged places.

Looking ahead, I echo the call of scholars who see possibilities for new frameworks that will engage conversations on disability and accommodation by bringing together the intersectionality of Disability Studies and Black Feminism. My hope is that my MRP will contribute to a rethinking of oppression and accommodation in PSE institutions by placing the experiences of the black woman with disabilities at the centre.

## References

- Bailey, M., & Mobley, I. A. (2018). Work in the Intersections: A Black Feminist Disability Framework. *Gender & Society*, 33(1), 19–40. <https://doi.org/10.1177/0891243218801523>.
- Brown, Z. (2001) ‘Juggling my Hard of Hearing and CP at College.’
- Brown, Z. (2008) ‘Yes, I Really Do Have a mild Cerebral Palsy - Invisible Disability.’
- Brown, Z. (2016) ‘ASL Ain’t My Language. I’m Hard of Hearing. Am I A? Disappointment?’
- Canada, P. H. A. of. (2020, October 2). Government of Canada. <https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19.html>.
- Collins, P. H. (1993). Toward a New Vision: Race, Class, and Gender as Categories of Analysis and Connection. *Race, Sex & Class*, 1(1), 25–45.
- Collins, P. H. (2015). *Black feminist thought: knowledge, consciousness, and the politics of empowerment*. Routledge, Taylor & Francis Group.
- Condra, M., Dineen, M., Gauthier, S., Jack-Davies, A., & Condra, E. (2015). Academic Accommodations for Postsecondary Students with Mental Health Disabilities in Ontario, Canada: A Review of the Literature and Reflections on Emerging Issue. *Journal of Postsecondary Education and Disability*, 28(3), 277–291. <https://files.eric.ed.gov/fulltext/EJ1083849.pdf>.

COVID-19 and Disability: Recommendations to the Canadian Government from Disability Related Organizations in Canada – March 24, 2020. ARCH Disability Law Centre. (2020, March 26). <https://archdisabilitylaw.ca/covid-19-and-disability-recommendations-to-the-canadian-government-from-disability-related-organizations-in-canada-march-24-2020/>.

Crenshaw, K. (2018). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics [1989]. *Feminist Legal Theory*, 57–80. <https://doi.org/10.4324/9780429500480-5>.

Crenshaw, K. (2015, September 24). Opinion | Why intersectionality can't wait. *The Washington Post*. <https://www.washingtonpost.com/news/in-theory/wp/2015/09/24/why-intersectionality-cant-wait/>.

Dolmage, J. T., & Arbor, A. (2017). *Academic Ableism: Disability and Higher Education*. The University of Michigan Press.

Eckert, R. C., & Rowley, A. J. (2013). Audism: A Theory and Practice of Audiocentric Privilege. *Humanity & Society*, 37(2), 101–130. <https://journals.sagepub.com/doi/10.1177/0160597613481731>.

Foucault, M. (1980). *Power/knowledge: Selected Interviews and Other writings 1972-1977*. (C. Gordan, L. Marshall, J. Mepham, & K. Soper, Trans., C. Gordan, Ed.). Pantheon Books.

Gamache v. York University, 2013 HRTO 693 (CanLII) (Human Rights Tribunal of Ontario April 25, 2013) <https://www.canlii.org/en/on/onhrt/doc/2013/2013hrto693/2013hrto693.html>.

Government of Ontario. The Individual Education Plan Process. Retrieved from

<http://www.edu.gov.on.ca/eng/general/elemsec/speced/individu.html>.

Government of Canada, Statistics Canada. (2017, October 9). This infographic covers Canadians aged 15 years and over whose everyday activities are limited because of a seeing disability.

Canadians with a seeing disability, 2017. <https://www150.statcan.gc.ca/n1/pub/11-627-m/11-627-m2019071-eng.htm>.

Kurth, N., & Daryl Mellard, D. (2006, January). Student Perceptions of the Accommodation Process in Postsecondary Education. Retrieved from

[https://www.researchgate.net/publication/234557581\\_Student\\_Perceptions\\_of\\_the\\_Accommodation\\_Process\\_in\\_Postsecondary\\_Education](https://www.researchgate.net/publication/234557581_Student_Perceptions_of_the_Accommodation_Process_in_Postsecondary_Education).

Morris, S., Fawcett, G., Brisebois, L., & Hughes, J. (2018, November 28). A demographic, employment and income profile of Canadians with disabilities aged 15 years and over,

2017. Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2018002-eng.htm>.

Naples, N. C. (2009). Teaching Intersectionality Intersectionally. *International Feminist Journal of Politics*, 11(4), 566–577. <https://doi.org/10.1080/14616740903237558>.

Nario-Redmond, M. R. (2020). *Ableism: The Causes and Consequences of Disability Prejudice*.

John Wiley & Sons, Inc.

NEADS. (2008, July). Landscape of Accessibility and Accommodation in Post-Secondary Education for Students with Disabilities.

<https://www.neads.ca/en/about/media/AccessibilityandAccommodation%202018-5landscapereport.pdf>

NEADS. Understanding Accessibility in Graduate Education for Students with Disabilities in Canada. National Educational Association of Disabled Students.

<https://www.neads.ca/en/about/projects/graduate-taskforce/index.php>.

Ontario Human Rights Commission. Canadian Human Rights Tribunal. Retrieved from

<https://www.chrt-tcdp.gc.ca/index-en.html>.

Ontario Human Rights Commission. (2003). The opportunity to succeed: Achieving barrier-free education for students with disabilities. Ontario Human Rights Commission.

<http://www.ohrc.on.ca/en/opportunity-succeed-achieving-barrier-free-education-students-disabilities>.

Ontario Human Rights Commission. (2008). Policy and guidelines on disability and the duty to accommodate.

[http://www.ohrc.on.ca/sites/default/files/attachments/Policy\\_and\\_guidelines\\_on\\_disability\\_and\\_the\\_duty\\_to\\_accommodate.pdf](http://www.ohrc.on.ca/sites/default/files/attachments/Policy_and_guidelines_on_disability_and_the_duty_to_accommodate.pdf).

Ontario Human Rights Commission. (2006, June, 27). Policy on ableism and discrimination based on disability. Retrieved from <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability>.



Ontario Human Rights Commission. (2018). Policy on accessible education for students with disabilities. Ontario Human Rights Commission.

[http://www.ohrc.on.ca/sites/default/files/Policy%20on%20accessible%20education%20for%20students%20with%20disabilities\\_FINAL\\_EN.pdf](http://www.ohrc.on.ca/sites/default/files/Policy%20on%20accessible%20education%20for%20students%20with%20disabilities_FINAL_EN.pdf).

Ontario Human Rights Commission. (2014, June 18). Policy on preventing discrimination based on mental health disabilities and addictions: 13. Duty to accommodate. Ontario Human Rights Commission. <http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions/13-duty-accommodate>.

Ontario Human Rights Commission. (2016, June 27). Policy on ableism and discrimination based on disability. Retrieved from <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability>.

Ontario Human Rights Commission. (2018, March). Policy on accessible education for students with disabilities. <http://www.ohrc.on.ca/en/policy-accessible-education-students-disabilities>.

The Parliament of Canada. (1985). Consolidated federal laws of Canada, Canadian Human Rights Act. Canadian Human Rights Act, R.S.C., 1985, c. H-6. <https://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html>.

Pothier, D., & Devlin, R. (Eds.). (2006). Post-secondary education and disabled students: mining a level playing field or playing in a minefield? In *Critical Disability Theory: Essays in Philosophy, Politics, Policy, and Law* (pp. 195–219). essay, UBC Press.

Ursula, M. C., & Lindsay, D. C. (2013). Disability in Ontario: Postsecondary Education Participation Rates, Student Experience and Labour Market Outcomes, (14), 1–28.

[http://www.heqco.ca/SiteCollectionDocuments/At%20Issue%20-%20Disability%20in%20ON\\_ENG.pdf](http://www.heqco.ca/SiteCollectionDocuments/At%20Issue%20-%20Disability%20in%20ON_ENG.pdf).

Tasker, J. P. (2020, June 1). Trudeau says anti-black racism is alive in Canada and 'we need to be better' | CBC News. CBCnews. <https://www.cbc.ca/news/politics/trudeau-anti-black-racism-1.5593395>.

Thomson, G. (2019, October 01). Part 1 of Accommodation in University and College. Retrieved from <https://aoda.ca/part-1-of-accommodation-in-university-and-college/>.

Thomson, G. (2019, October 01). Part 2 of Accommodation in University and College. Retrieved from <https://aoda.ca/part-2-of-accommodation-in-university-and-college/>.

Whitley, J. (2020, September 6). Coronavirus: Distance learning poses challenges for some families of children with disabilities. The Conversation.

<https://theconversation.com/coronavirus-distance-learning-poses-challenges-for-some-families-of-children-with-disabilities-136696>.

Wong, A. (2019, November 3). Academic Ableism: Fighting for Accommodations and Access in Higher Education. Disability Visibility Project.

<https://disabilityvisibilityproject.com/2019/09/23/academic-ableism-fighting-for-accommodations-and-access-in-higher-education/>.