

AMBIGUITY AND ALIGNMENT IN ACADEMIC POLICIES:
COURSE SUBSTITUTIONS, LEARNING DISABILITIES, AND UNIVERSAL DESIGN

by

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TABLE OF CONTENTS

LIST OF TABLES	8
ABSTRACT	9
CHAPTER 1: INTRODUCTION	10
Policy-making and learning disabilities	13
Statement of the problem	16
Purpose and audience	16
Statement of purpose	17
Methodology	18
Organization of the study	20
Implications and importance	21
CHAPTER 2: REVIEW OF RELATED LITERATURE	23
History and Context: Legal Compliance and Disability Issues	24
The Americans with Disabilities Act.....	24
Section 504 of the Rehabilitation Act of 1973.....	25
UN Enable: Rights and Dignity of Persons with Disabilities.....	26
Individuals with Disabilities Education Improvement Act (IDEA).....	27
Barriers to Full Participation in Higher Education for Disabled Students	28
How learning disabilities can impact academic experiences.....	29
Learning Disabilities and diagnostic challenges.....	30
Disability and foreign language acquisition.....	32
Theoretical Frameworks of Disability	34
The medical and social models of disability.....	35
Critical Disability Theory.....	37
Disability identity.....	40
Universal Design.....	42
Policy Influences and Considerations	44
Transition issues: implications of abrupt changes in laws and policies between high school and college.....	45
Legal issues: course substitutions and case law.....	48
Faculty attitudes: perceptions on working with learning disabled students.....	49
Curricular issues: foreign language and cultural study in higher education.....	50
Institutional policies related to second language substitutions	52
Equality in educational outcomes as a legal and ethical requirement.....	54
Analytical Frameworks	55
Universal Design as a theoretical framework.....	55
Strategic Ambiguity as a theoretical framework.....	57
Summary and Conclusion	59
CHAPTER 3: DESIGN AND METHODOLOGY	61
Research Questions	61
Site selection	62
Site selection protocol.....	65
Participant selection.....	66

TABLE OF CONTENTS - *CONTINUED*

Data Collection	68
Data collection: written information.	68
Data collection: university employee interviews.	69
Data collection: student interviews.	69
Data Analysis	70
Data analysis: written information.....	71
Data analysis: interviews.....	72
Data Analysis: student interviews.....	73
Analytical Frameworks	73
Utilizing the theoretical framework of Universal Design.....	73
Utilizing the framework of Strategic Ambiguity.	74
<i>Strategic Ambiguity 1: Promoting Unified Diversity</i>	74
<i>Strategic Ambiguity 2: Preserving Privileged Positions</i>	76
<i>Strategic Ambiguity 3: Deniability</i>	77
<i>Strategic Ambiguity 4: Facilitating Organizational Change</i>	77
Limitations	78
Validity.	78
Ethical considerations.	79
Positionality.....	79
CHAPTER 4: FINDINGS	81
Introduction	81
Part 1: Institutional Overviews, Policies & Procedures, and Alignments	82
Verdant University.....	84
<i>Verdant University overview</i>	84
<i>Verdant University policies and procedures</i>	84
<i>Verdant University alignment</i>	87
Pinetree University.	88
<i>Pinetree University overview</i>	88
<i>Pinetree University policies & procedures</i>	90
<i>Pinetree University alignment</i>	91
Coastal University.	92
<i>Coastal University overview</i>	92
<i>Coastal University policies & procedures</i>	94
<i>Coastal University alignment</i>	95
Snowcapped University.	98
<i>Snowcapped University overview</i>	98
<i>Snowcapped University policies & procedures</i>	99
<i>Snowcapped University alignment</i>	101
Tumbleweed University.....	102
<i>Tumbleweed University overview</i>	102
<i>Tumbleweed University policies & procedures</i>	103
<i>Tumbleweed University alignment</i>	104

TABLE OF CONTENTS - *CONTINUED*

Procedures, policies, and alignment: analysis across the five institutions.....	108
<i>Committee responsibilities</i>	108
<i>Intentional flexibility in policies and practices</i>	109
<i>Problems identified in policies and practices</i>	110
Part 2: Examining Findings in light of the Strategic Ambiguity Framework	114
The Strategic Ambiguity framework: a brief review.	114
Unified diversity.	115
Preservation of privileged positions.	116
<i>Lack of scrutiny</i>	117
<i>The use of the paradigm of disability as a medical problem</i>	118
Fostering deniability.....	121
<i>Deniability of responsibility for substitution approvals</i>	121
<i>Deniability of specific student-service responsibilities</i>	123
<i>Deniability of accountability in decision-making</i>	125
Facilitating of organizational change.	126
Part 3: The Student Experience	127
Responsibility for ensuring ADA compliance.....	128
Determining realistic expectations of students.	132
<i>Requiring failure</i>	134
<i>Other challenges to fairness in requiring an attempt</i>	135
Ensuring equity between foreign language courses and substituted courses.....	138
The problem of adversarial relationships.	142
Part 4: The value of Universal Design for fairness and equity	148
Marginalization.	149
Apples to Apples.	152
“Disabled Only.”.....	155
CHAPTER 5: CONCLUSION AND IMPLICATIONS	161
Statement of the Problem	161
Summary of the Findings	161
Contribution to the Literature	164
Implications for Policy	168
Implication for Practice	170
Suggestions for Further Research	170
Conclusion	171
APPENDIX A: COMMON LEARNING DISABILITIES.....	174
APPENDIX B: INTERVIEW PROTOCOL FOR INSTITUTIONAL EMPLOYEES.....	175
APPENDIX C: INTERVIEW PROTOCOL FOR STUDENTS	176
APPENDIX D: DIRECT QUOTES ABOUT THE COMPARABILITY OF FOREIGN LANGUAGE COURSES TO ALTERNATE COURSES WITHIN THE CURRICULUM.....	177
REFERENCES.....	178

LIST OF TABLES

Table 1: Chart of Interviewees.....	67
Table 2: Availability of information, by institution	83

ABSTRACT

While research on barriers to full participation for those with learning and other disabilities has focused largely on structural and institutional obstacles to work and education (Swain, French, & Cameron, 2005; Jones, 1996; Watson, 2002), the recognition of disability as a social justice issue is gaining currency (Kraus, 2008). Expensive, bureaucratic, and protracted procedures for reasonable accommodations for students with disabilities in colleges and universities may serve as institutional obstacles that can challenge notions of social justice.

This study examined academic policy implementation surrounding foreign language substitution procedures and practices in five institutions of higher education. Nineteen academic administrators were interviewed to examine how and when policies are implemented, and how those responsible for decision-making around student requests for foreign language substitutions as a reasonable accommodation approach their decision-making. Additionally, content analysis of institutional material listed on websites and in documents available to students was conducted to understand in what model(s) of disability substitution requests are rooted. Finally, four students from one of the five institutions were interviewed to contextualize the findings from the institutional administrator interviews and content analysis.

The framework of Strategic Ambiguity is utilized to examine how ambiguity in policy creation and implementation can negatively impact the experiences of some students with disabilities in higher education, even as it benefits administrators who can capitalize on ambiguity to align their policy decisions with individual interpretations of fairness. The framework of Universal Design is utilized to examine how diverse perspectives on the comparative importance of language and cultural study may legitimize the expansion of curricular options for all students.

CHAPTER 1: INTRODUCTION

When an institution of higher education makes a student an offer of admission, there is a tacit understanding on the part of all parties – the student, parents, administrators, enrollment managers, faculty – that the student offered admission is capable of at least meeting, if not exceeding, the standards for academic progress set by that institution, including maintaining good academic standing and successfully completing degree requirements. Increasingly, students diagnosed with learning disabilities are being offered admission at institutions of higher education (National Center for Education Statistics, 1999), and some of these students may need reasonable accommodations to meet the standards the institution has set.

The Americans with Disabilities Act, established by Congress two decades ago to “protect disabled individuals against discriminatory practices...based solely on their disability” (Essex 2002, p. 151), holds as a fundamental premise that disabilities in and of themselves “in no way diminish a person’s right to participate in all aspects of society” [ADA (42)(126)(a2)]. Gordon & Keiser (2000) observe that the ADA is fundamentally about civil rights (as opposed to entitlements); the goal of the ADA is therefore to “level the playing field so that everyone has the same access and opportunity, unhindered by prejudice” (p. 4).

The ADA defines disability as “a physical or mental impairment that substantially limits one or more of the major life activities,” and in order to establish disability, those claiming disability are measured against “the average person.” If a person with disabilities is found to have “impairments” that substantially limit one or more life activities, including education, then he or she is considered disabled and thus protected by the ADA (Gordon & Keiser, 2000; Latham, n.d.).

The ADA and other disability laws and protections do not mandate that institutions of higher education alter admission criteria for students with disabilities, and students with disabilities must meet the same admission requirements as non-disabled students. Having met admission requirements, however, students with disabilities may be subsequently eligible for reasonable accommodations, alternately called reasonable modifications or reasonable academic adjustments, in order to complete required curriculum. Writ large, three primary types of accommodations are considered “reasonable” for students with disabilities: “alternative instructional methods” such as outlines and notes provided before lectures; “auxiliary aids” such as note-takers or materials presented in alternate formats; and “alternate methods of evaluation” such as weighing written or oral components more heavily depending on student abilities (Scott, 1990, pg. 398-405). Among the accommodations that can be offered to students with disabilities, according to a website that addresses “Higher Education's Obligations Under Section 504 and Title II of the ADA” (Auxiliary Aids and Services for Postsecondary Students with Disabilities, n.d.) are taped texts, note-takers, interpreters, and readers; adaptive technologies such as videotext displays, television enlargers, and talking calculators; auxiliary support like electronic readers, Braille equipment, and voice synthesizers; and assistive listening and telecommunication devices. Other common accommodations are extended test-taking time; exam accommodations, such as completing exams in alternate environments; and priority enrollment in courses.

Reasonable accommodations are intended to “ease the impact” of a disability, once the impact is identified, by offering assistive support; further, the accommodations must match the limitations caused by the disability in order to be considered reasonable (Gordon & Keiser, 2000). Yet establishing reasonable accommodations for learning disabled students can present challenges to higher education administrators. Learning disabilities are often not visible, and

there are no standardized criteria for conceptualizing, identifying, assessing, evaluating, or diagnosing many learning disabilities (Kavale & Forness, 1998; Quick, Lehmann, & Deniston, 2003). Diagnostic testing, provided by qualified professionals, is therefore among the essential contemporary components for requesting reasonable accommodations, because diagnostics can identify the types of disabilities a student may have and clarify how those particular disabilities may impact learning.

Reasonable accommodations are required only when necessary “to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally **alter** the nature of the service, program, or activity” (Protecting Students with Disabilities, n.d.; bold added). It is the latter part of this sentence that presents complications in the area of accommodations, because acts and laws intended to prevent discrimination allow institutions to determine what is considered sufficiently deviant from standard practices as to constitute an “alteration.” Public entities like universities are thus legally able to determine what is considered a fundamental alteration in academic programs, and their decisions trump disability laws and protections even when, as a result of decisions, students with disabilities experience negative impacts. The majority of court decisions, for example, have favored institutions over plaintiffs when policies or protocols, intended or not, have excluded some from full participation or access (Weber, 2006; Kelly, 1999).

This study was undertaken to consider the social justice implications of policies and procedures implemented at institutions of higher education that potentially impact the experiences of students with learning disabilities. Reasonable accommodations are both a legal mandate and an ethical responsibility; when policies hold the potential to negatively impact the experiences of students with disabilities, or can result in inequality in lived experiences or

pedagogical outcomes, that is worrisome. Procedures that look fair on paper but that, in practice, create tension between students and administrators have similarly problematic social justice implications. Likewise, policies that result in an unreasonable burden on students due to disability are also troublesome from a social justice perspective, even if the policies technically function within legal parameters. This positionality informs my approach to the topics of course substitutions, learning disabilities, and Universal Design that are explored in this study.

Policy-Making and Learning Disabilities

A key to understanding the complexities of full inclusion of students with disabilities in higher education lies in examining the nexus of academic policies and practices, disability laws and statutes, and disabled student experiences in and of higher education. The goal of reasonable accommodations is to allow disabled but academically qualified students the opportunity to study and learn. How opportunities for learning are presented or perceived is important, and the complexity, transparency, and flexibility of policies and practices that exist in institutions of higher education are critical areas of examination. Also of importance to fairness and equity in the student experience is understanding how and why policies are formed, how they function in practice, and what the implications of policy and practice are on those most affected.

Accommodations related to course substitutions for foreign language study are particularly complex from a policy perspective. One reason is that there are intense debates, even among disability specialists, over whether difficulties with second language acquisition can legitimately be attributed to learning disabilities (Smith, 2001; Ofiesh, 2007; Sparks, Philips, & Javorsky, 2003; Sparks, Philips, & Javorsky, 2002; Shaw, 1999; Ganschow, Philips, & Schneider, 2001; Quick, 2003). If there is no disability related to foreign language acquisition,

there is no medical or legal cause for offering any accommodation, and course substitutions would not meet a standard of “reasonable.”

The second reason policy creation and implementation around foreign language substitutions is complex is that there are debates within higher education environments about whether or not language study is an essential part of the undergraduate curriculum. While the courts have determined that public universities can determine for themselves whether or not different degree components are essential, the broader question of essentiality of foreign language study in contemporary higher education is controversial, with shifting priorities over the decades (Dressel, 1963; Levine, 1987; Brod & Huber, 1996; Burn, 1980; Graham, 2006). Because of the lack of consensus on the essentiality of foreign language study, the policies that govern foreign language substitutions can vary significantly across institutions (Forsbach-Rothman, Padro, & Rice-Mason, 2005).

The third issue that contributes to the complexity of the foreign language substitution issue is debate about whether non-language courses can legitimately serve as substitutes for foreign language study, specifically whether or not non-language courses can match the objectives of foreign language study. In those institutions that require foreign language study, substituted courses typically focus on cultural study in lieu of language, and students granted substitution approval study literature in translation or take courses focused on cultural or historical aspects of other countries or groups (Forsbach-Rothman et al., 2005). The reluctance of institutions to grant substitution for foreign language study (Kelly, 1999; Smith, 2001; Hibbs & Pothier, 2006) begs the question of institutional conviction as to whether the value of cultural study is actually comparable to the value of foreign language study.

Because of these three critical issues – what constitutes disability, what constitutes an essential part of a program of study, and what constitutes a reasonable accommodation for foreign language study – accommodation review processes for foreign language learning can be expensive, bureaucratic, and protracted. In fact, course substitutions are among the most contentious accommodation requests in higher education (Smith, 2001). At different institutions, students with disabilities that may impact foreign language learning may be required to undergo expensive testing, write impact statements that address their learning issues, and/or attempt foreign language courses to establish that foreign language learning is exceptionally difficult for them.

The movement toward recognizing barriers to full participation has focused largely on structural and institutional obstacles faced by those with disabilities, particularly occupational and educational (Swain et al., 2005; Jones, 1996; Watson, 2002). The recognition of disability as a social justice issue has also gained increasing currency (Kraus, 2008). From a policy perspective, expensive, bureaucratic, and protracted procedures for accommodations therefore represent institutional obstacles that may challenge notions of social justice.

Despite the growing awareness of disability as a social justice issue, Latham (n.d.) notes that

what may seem unfair to a person is not always in violation of a law. The ADA and RA (Section 504 of the Rehabilitation Act of 1973) do not insure absolute fairness for all people who have an impairment that causes some limitation in some area of physical or mental functioning. The purpose of these laws is to protect from discrimination a select group of people who have disabilities, as defined in those laws.

What this means in practice is that “fairness” in policy decisions is not necessarily a legal mandate. As a matter of principle, however, fairness is generally understood to be an important consideration in policies that affect students. Because learning disabilities are not visible, they tend to “pose special challenges for the administrator trying to determine if accommodations are reasonable and fair” (McGuire, 2000, p. 20) – both in terms of legal standards of fairness, and in terms of equity and social justice.

Statement of the Problem

Institutional policies and procedures that are not clearly presented can confound even the most organized, academically prepared, motivated, and savvy of students, learning disabled or not. Further, policies and procedures that stem from fundamentally adversarial premises, wherein the needs of students and the priorities of institutional administrators are in opposition, can frustrate or demoralize students who may need accommodations for academic success. Foreign language substitution policies are an ideal area of exploration for identifying if and how institutions are providing students who are at a potential disadvantage (Fuller, Healey, Bradley, & Hall, 2004; Cortiella, 2009; National Center for Education Statistics, 1995) the support they may need.

Purpose and Audience

Though ample research exists on learning disabilities, disability law, reasonable accommodations, and foreign language acquisition and substitutions, the research on how policies are developed, when they are revisited, and the theoretical and practical considerations that go in to their implementation have not been sufficiently examined. This study examines policies related to foreign language substitutions; looks at influences and processes germane to policy decision-making; identifies the disability models in which policies are rooted; and

examines the affective responses to the notion of substitutions for students with disabilities on the part of those charged with the creation and implementation of policies. In doing so, this study looks beyond the policies that are on the books and into how the policies are interpreted by those charged with developing and implementing them. The study also looks at academic practice, identifying where and how practice diverges from policies, and the implications of these divergences for both policy-making and for students in higher education.

The ADA, along the Individuals with Disabilities Education Improvement Act (IDEA), acknowledge that discrimination against those with disabilities is a widespread problem. Fair, consistent, and legal processes are important for equal access to opportunities and outcomes, both to institutions and to the students who attend them. Given the increasing currency of inclusive disability perspectives in informing academic practice, an examination of foreign language policy formation offers an opportunity to discover where and how institutional protocols and practices for learning disabled students meet not only the letter of the law, but also meet (or do not meet) the spirit of inclusivity.

Statement of Purpose

The purpose of this study was to examine what policies and protocols were operating – either in policy, in practice, or in both – at a select number of public institutions of higher education. Such an evaluation sheds light not only on the disability perspective(s) that may be informing institutional policy, but also illuminates who within the institution participates in the creation and implementation of these policies; how the policies operate in practice; and how those who are charged with policy creation and procedural oversight interpret institutional practice. In addition, this study investigates how policies and practices intersect with

accountability, protections under disability law, and notions of fairness and equity in the experiences of students with disabilities.

This study contributes a needed dimension to academic literature and to professional practice when it comes to understanding a) how institutional policies are formed, b) when and how they are revisited, and c) the intended and unintended consequences of policies that may overlook their impact on students. It also sheds light on the perspectives of those who are charged with policy creation and implementation, including their conviction (or lack thereof) in policy legitimacy. Finally, this study examines the implications of different policies and practices on the experiences of students whose disabilities impact foreign language learning in higher education.

The research I completed here is particularly important given that legal and administrative processes related to access for students with disabilities are based largely on medical models of disability, which place the burden on those who need traditional processes “adapted” to their specific needs (Hibbs & Pothier, 2006; Watson, 2002). As such, these models run contrary to emerging movements and narratives around inclusion (Jones, 1996; Swain et al., 2005; Burgstahler & Cory, 2008; Silver, Burker, & Strehorn, 1998). In addition, the seeming reluctance of institutions to grant foreign language substitution requests suggests a lack of institutional conviction that substituted culture classes are of comparable educational value to language classes; this is significant because disability law and educational equity both require that accommodations do not compromise the quality of students’ educational outcomes.

Methodology

In service to my research goals, I selected five different institutions, all institutional peers, and started with a review of their published foreign language substitution policies. This

included an assessment of the content of websites and availability of information on the foreign language substitution process by institution. I also reviewed available forms related to policies or procedures, to understand what elements each institution officially identified as relevant to foreign language substitution considerations. Following a review of foreign language policies and available materials (online policies, information packets, student applications, et al), I interviewed Disability Services employees within each institution to find out how policies were formed, how policies operated in practice, and what each interviewee thought about the strengths or weaknesses of their policies. After speaking with Disability Service employees, I interviewed academicians and institutional policy-makers – academic deans, faculty, policy-making Committee members, senior student affairs administrators – at each institution. Some of these interviewees were suggested by the Disability Service employees with whom I spoke, while others were selected based on professional titles and publicly available information on their roles vis a vis foreign language substitutions (i.e., deans charged with implementing policy; members of institutional committees charged with reviewing policy revisions or student substitution petition requests).

I also spoke with four students who had undergone the foreign language substitution process at one of the five institutions. While clearly four students' experiences are not generalizable in any way to the experiences of other students, either at the same institution or in other institutions, these interviews did provide insight into the particular experiences of these students, and helped inform the types of questions I later asked institutional agents about their protocols (such as how students come to learn about policies, and interviewees' interpretations of the bureaucratic nature of substitution requests).

All Disability Services employee and institutional administrator interviews were digitally recorded and transcribed, and then coded based on emerging themes, which including identifying commonalities across institutions and affective responses to policies and practices impacting students with disabilities. To evaluate the findings, this study utilized two theoretical frameworks. The first framework, Universal Design, is based on the premise that creating inherently accessible systems for all people is superior to ex post facto retrofitting. The second framework, Strategic Ambiguity, examines impacts and implications of non-specificity in policy environments. These two models contribute to an analysis of the findings that illuminates the advantages and disadvantages of current practices for institutional employees and for students.

Organization of the Study

The first of the five chapters in this research, **Introduction**, presents the goals of this study: understanding policy formation, understanding policy in practice, understanding the implications of policy and practice on students with disabilities. The second chapter, **Review of the Literature**, examines research related to disability and access in higher education, including legal mandates around inclusion. The second chapter also examines challenges unique to students with learning disabilities, in particular the gap between the self-advocacy expectations placed on learning disabled students in college compared to high school. Also included in Chapter 2 is information on debates around course substitutions and an overview of disability perspectives – the medial and social models of disability, critical disability theory – that inform inclusion and access in higher education.

The Review of the Literature is followed by the **Design and Methodology** chapter, in which I situate my research in the qualitative tradition and justify my choice of investigative methods and theoretical frameworks. In the Design and Methodology chapter, I introduce my

specific research questions and approaches to content analysis and interviews. The chapter also describes how institutions were selected for participation; what type and how many people were interviewed; and how data were coded and organized.

In the fourth chapter, **Findings**, I first present and contextualize the data that emerged from this research, and analyze findings both within institutions and across institutions. Subsequent sections in the Findings examine implications of Strategic Ambiguity and Universal Design on student experiences. The **Conclusion and Implications** section of the study briefly reviews the goals and procedures of the study, identifies the contributions of the study to existing literature on academic policy and practice, and clarifies the value of this research for academic practice.

Implications and Importance

Foreign language substitution processes are not standardized across institutions of higher education. What a “reasonable accommodation” process may look like, and the outcomes generated by accommodation processes for learning disabled students, are areas that are under-explored. Also missing from current research are insights on the degree to which accommodation recommendations are “reasonable” in the eyes of the administrators, faculty, and disability office employees who implement, oversee, or challenge substitution policies. This research is therefore important because it addresses issues heretofore unanswered but of critical importance to those who work with students, both learning disabled and not. Universal Design, founded on the principle that the best practices are those that “give all individuals equal opportunities to learn” (CAST, n.d.), does not dictate that everyone has to learn the same things, but rather promotes approaches that are sufficiently flexible and inclusive as to allow a variety of learners different paths or alternatives to meeting comparable requirements. In the case of foreign language

substitutions, this study explores affective responses to the possibility of Universal Design in curricular options so that students with learning disabilities need not request accommodations in order to fulfill a curricular requirement.

The other area of importance this study addresses is how policies operate in practice, in particular how ambiguity in policy formation and implementation impact both institutional agents and the students they serve. “Goal ambiguity” is a long-practiced element of higher education policy-making; the variety and number of obligations ascribed to colleges and universities – teaching, research, and service included – makes consensus difficult to achieve among and between administrators, faculty, students, and others involved in higher education (Baldrige, Riley, Ecker, & Curtis, 1978). Higher education scholar Burton Clark noted that the very character of higher education entails a “natural ambiguity of purpose,” given the myriad goals and responsibilities institutions have (p. 18, 1983). That said, there is little research about the intentional uses of ambiguity in higher education policy-making. What little exists – a book chapter on Guided Independent Learning in Belgium (Simons, Braeckman, Elen & Hellemans, 2008); a book chapter on ambiguity in definitions of public and private institutions (Levy, 1986); an investigation of ambiguity in South African higher education and training policies (Kraak, 2001); a book on ambiguity in University president leadership (Cohen & March, 1986) – is disparate and infrequent.

I could find no research that has specifically examined the potential impacts of policy ambiguity on student experiences in higher education. Such impacts are important not only for those who experience them directly, but also more broadly for higher education administrators, faculty, disability services offices, and students with and without disabilities interested in fairness and equity in the experiences in and outcomes of undergraduate participation.

CHAPTER 2: REVIEW OF RELATED LITERATURE

While federal and state laws offer many discrimination protections for those with disabilities in higher education, students with disabilities still face barriers to full participation in academia. Accommodations to traditional curriculum delivery and alternative forms of assessment have mitigated some of the challenges, but the onus still rests on those with disabilities to “prove” that their specific disabilities warrant accommodations before any recommendations can be made by institutional disability services offices. These recommendations then may or may not be approved by specific instructors, departments, or administrators, depending on differing interpretations of academic policies or institutional priorities. Impacting the experiences of students with disabilities are thus policy environments that may reflect the ambivalence institutional agents feel about the reasonableness of certain kinds of disability accommodations. Since “policy decisions are those that bind the organization to important courses of action” (Baldrige, et al., 1978, p.34), ambiguity in policies can obfuscate the goals of policy decisions and create inconsistencies in academic practice. Inconsistencies in practice, in turn, can make it difficult for students with disabilities to navigate the systems intended to support them and thus fully benefit from all available resources.

This literature review thus provides not only a historical and contextual overview of the inclusion of students with disabilities in higher education, but also a review of the policy landscape when it comes to reasonable accommodations. I start this Chapter with an examination of laws, acts, and mandates that govern policies and practices related to the inclusion of people with disabilities in major life activities such as education. I then examine barriers to full participation in higher education for disabled students, including how the existence of learning disabilities can impact the experiences students have with and in higher education; concerns with

diagnostic testing; problems in assessing the impact of disability on learning; and the particularly complex relationship between learning disabilities and foreign language learning. I then move on to an examination of theories of disability, identifying those models that inform both historical and contemporary practice and evaluating the implications of different theoretical perspectives on both policies and practices in higher education.

Having examined laws and mandates, identified issues that pertain to disabled students in higher education, and described different models of disability and their potential influences on policy formation, I then move to an analysis of how the intersections of case law and disability function light of curricular priorities, starting with an examination of the disparate policies and attitudes that govern inclusion in secondary versus post-secondary education, and then moving on to case law, foreign language substitutions, and the history of language study in higher education. Next, I examine equality in educational outcomes as a legal and ethical requirement, and conclude the Review of Literature chapter with an introduction to the two theoretical frameworks that guide this study, Universal Design and Strategic Ambiguity.

History and Context: Legal Compliance and Disability Issues

Anti-discrimination disability laws, coupled with social movements aimed at increasing the rights of those with disabilities, have resulted in increases in both access and participation for students with disabilities in higher education (National Center for Education Statistics, 1995, 1999). In this section I review the major judicial and legislative decisions that have impacted access to higher education for those with disabilities.

The Americans with Disabilities Act.

The Americans with Disabilities Act (ADA) was established by Congress in 1990 in an attempt to ensure equal opportunities in employment (Subchapter I), public entities (Subchapter

II), public accommodations and services (Subchapter III), and various other services. The fundamental premise of the ADA is that disabilities in and of themselves “in no way diminish a person’s right to participate in all aspects of society” [ADA (42)(126)(12010)(a:2)]; that those with disabilities have been systematically discriminated against; that this discrimination has had no legal recourse; and that this discrimination is “a serious and pervasive social problem” [ADA (42)(126)(12010)(2,3,4)]. The purpose of the Act is twofold: first, to make a legal and political statement by providing “a clear and comprehensive national mandate for the elimination of discrimination,” and second, to provide “clear, strong, consistent, enforceable standards addressing discrimination” [ADA(42)(126)(12101)(b:1)]. The intention of the Act is to create structure and guidance to allow the inclusion of people with disabilities in “major life activities” (ADA), while also establishing that the ethos of inclusion should guide policy and practice.

Section 504 of the Rehabilitation Act of 1973.

Along with the ADA, Section 504 of the Rehabilitation Act of 1973 is intended to “eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance” (34 C.F.R. Part 104). Public institutions of higher education receive federal financial assistance, and are therefore bound by the nondiscrimination provisions set forth by the Act. In particular, Section 504 dictates that

Aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs. (Auxiliary Aids and Services for Postsecondary Students with Disabilities, n.d.)

Problematically, however, Section 504 does not always adequately address who qualifies as a “handicapped person;” how discrimination claims should be investigated and reviewed; nor which types of accommodations are considered reasonable (Hayward, 1992). This lack of direction has resulted in what Hayward calls a “compliance nightmare,” wherein issues of “academic freedom” have been successfully cited by educational institutions “to avoid fully complying with the Act” (p.2).

For example, Section 104.44A, Academic Adjustments, Section 1 (academic requirements) reads in part that “academic requirements that the recipient (i.e. the institution) can demonstrate are essential to a program of instruction ...will not be regarded as discriminatory,” regardless of whether or not such requirements can be reasonably met by students with disabilities. What this means in academic practice is that institutions need to very carefully consider what components of their degree requirements are considered “essential,” because “essential” courses or requirements that cannot be met by an alternate, comparable curriculum can function as barriers to degree completion for students with disabilities.

UN Enable: Rights and Dignity of Persons with Disabilities.

An increasing appreciation for the unique challenges faced by those with disabilities is visible across the globe. The 1996 United Nations Convention on the Rights of Persons with Disabilities recognizes that

Disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others. (UN Enable, Preamble, E, 6 Dec 2006)

Consistent with contemporary framing of disability issues, the United Nations preamble contextualizes disability as a social issue, tied to culturally and physically constructed barriers to inclusion more than to the limitations imposed by disability per se.

Specific to education, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) notes that disabled children “suffer from blatant educational exclusion” in much of the world (UNESCO.org). Among the strategic goals of UNESCO’s Flagship initiative is to “combat discrimination and remove structural barriers to learning and participation in education” (Education and Disability, n.d.). A critical element of inclusion from UNESCO’s perspective is that people disabilities have the right to “equal partnership in the planning and implementation of those policies which affect their lives” (UNESCO 8D, 1997, p. 7). Again related to policy formation, the message for administrators of higher education is that full inclusion means considering policies not only in the abstract but also in light of the affect of policies on those with disabilities.

Individuals with Disabilities Education Improvement Act (IDEA).

UNESCO has an international scope and focuses particularly on public education in the developing world; the ADA and Section 504 of the Rehabilitation Act are also broad, mandating a range of inclusions from employment and transportation to education. Specific strictly to education in the United States, the Individuals with Disabilities Education Improvement Act (IDEA) was created to mandate that “states and public agencies provide early intervention, special education and related services to...eligible infants, toddlers, children and youth with disabilities” (idea.ed.gov, 2010). Originally enacted in 1990 and reauthorized in 2004, IDEA asserts that

Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities. (Sec 682, c)

The goals of IDEA are to ensure that students with disabilities a) receive the services they need to succeed in K-12 educational environments, and b) are prepared to transition to post-secondary opportunities, including higher education. Every student identified as having a disability is mandated to have an Individualized Education Plan (IEP), intended to assess that student's abilities to progress in education. Each IEP is developed with input from a team of interested parties, in particular parents, teachers, advocates, and disability specialists (Ofiesh, 2007; idea.edu.gov). IDEA provides numerous provisions regulating when and how students with disabilities are to be offered additional services and alternative means to measure academic progress. The social and political messages embedded in IDEA and in disability-related laws, acts, and policies are consistent and clear: inclusion of students with disabilities in educational opportunities is both a social prerogative and a governable mandate.

Barriers to Full Participation in Higher Education for Disabled Students

The common theme for laws, mandates, and acts surrounding disability is the recognition that disability does not and should not preclude participation in "major life activities," as the ADA calls occupational and educational arenas. By this point in educational practice the inclusion of people with disabilities in higher education is largely accepted as an ethical and legal mandate, but how that inclusion may manifest in academic practice can vary.

Learning disabilities as a subset of disabilities present a particular challenge to both learning disabled students and to the institutions they attend: identifying specific learning disabilities can be difficult, and determining appropriate accommodations for specific disabilities adds complexity. Diagnoses for specific disabilities that impact learning, particularly Attention Deficit Hyperactivity Disorder, have also increased (Pastor & Reuben, 2008), creating larger numbers of students now seeking disability-related accommodations in higher education. Among the most common areas of study impacted by learning disabilities are math, science, and foreign language (Ofiesh, 2007; Gregg 2009), as difficulties with language learning can impact both math (Garnett, 1998) and foreign language acquisition. Types of learning disabilities and areas of learning impacted is presented in APPENDIX A: COMMON LEARNING DISABILITIES.

Relative to students with disabilities in higher education, students with learning disabilities are the most prevalent (NCES, 1999), yet “there is no standard set of accommodations that make sense for any given disability” (McGuire, 2000, p. 25). For this reason, “weighty judgments that affect the quality of both individual and institutional life depend too heavily on guesswork” when it comes to the impacts specific disabilities may have on learning, and decisions about reasonable accommodations are often made in the absence of meaningful data (Gordon & Keiser, 2000, p. 207).

In this section of my Review of the Literature, I identify the experiences that may differentiate learning disabled students’ experience of higher education from their non-disabled peers; examine diagnostic challenges when it comes to learning disabilities; and examine debates surrounding the intersection of learning disabilities and foreign language learning.

How learning disabilities can impact academic experiences.

Having a learning disability can exert a number of influences on the student experience of

higher education, starting with lower rates of attendance than non-learning disabled students (Cortiella, 2009). Other impacts of learning disabilities include *where* students choose to study (i.e. college selection), *what* students choose to study (i.e. choice of academic major), and *how much* they feel they can study at any one time (i.e. shifting from full time to part-time status) (Fuller et al., 2004). Compared to non-learning disabled students, those with learning disabilities disproportionately report difficulty in learning from course lectures, communicating knowledge through written assignments and exams, and doing oral presentations (Fuller et al., 2004). Students with learning disabilities also report difficulty with finding information on available services (Fuller et al., 2004; West, Kregel, Getzel, Ming, Ipsen & Martin, 1993), finding support through academic faculty and staff (Fuller et al., 2004; Holloway, 2001; West et al., 1993), and problems with “negotiating arrangements” for accommodations (Holloway, 2001, p. 602). The burden of additional costs associated with adaptive equipment and technology have also been identified (Holloway, 2001). Finally, students with learning disabilities report feeling more stressed and frustrated than their non-disabled peers when facing academic challenges (Heiman & Precel, 2003). What this suggests is that despite what may be maximal efforts on the part of institutions to support students with learning disabilities in higher education, some learning disabled students nevertheless experience difficulties that non-disabled students do not. While some of those difficulties may be associated more with motivation or organization than with disability, there is nevertheless the distinct possibility that institutional support – be it in terms of policies or services – is not sufficiently meeting student learning needs.

Learning Disabilities and diagnostic challenges.

Research on disability suggests a lack of consistency in identifying and labeling different types of learning disabilities (Quick, 2003; AHEAD, 2009). The Association on Higher

Education and Disability (AHEAD, 2009) suggests several elements critical for proper documentation of learning disabilities, including:

- licensed and trained diagnosticians,
- a description of the “functional limitations” experienced by the individual,
- an assessment of the permanence of the disability,
- an evaluation of past accommodations,
- medical history, and
- specific recommendations for accommodations that are explicitly linked to the disability

Among the variables considered in foreign language substitution requests in particular are the impact of the learning disability on a student’s ability to learn a language, the content of the courses being requested for substitution, and the content of the courses being substituted in light of learning outcome goals (Ofiesh, 2007).

Compounding challenges for students with learning disabilities, therefore, is that the very language of accommodations is fluid, often inchoate, and lacking in standardization, as many of the above areas include subjective or non-quantifiable components. Because official diagnoses are critical to protection under disability law, the lack of understanding about the impact that disabilities have on learning can have long-term academic implications for students attending post-secondary institutions.

Further, the intersections of race and disability, compounded by a history of institutional racism and “subjective judgment,” means that students of color have been diagnosed with learning disabilities at different rates than white or higher-income students (Reid & Knight, 2006; Harry & Klingner, 2007). Socioeconomic class is also germane to protections under

disability law: research suggests that compared to students with other types of disabilities (hearing, speech-related, sight), students diagnosed with *learning* disabilities are disproportionately Caucasian, and come from families with significantly higher median incomes (Henderson, 2001). Alternate data, from the National Research Council (Harry & Klingner, 2007), suggest that bias, conscious or not, impacts students with disabilities in different ways:

The categories with the highest incidence of disproportionate minority-group placement are also those categories whose criteria are based on clinical judgment: Educable Mental Retardation, Emotional/Behavioral Disorders, and Learning Disability. The categories whose criteria are based on biologically verifiable conditions – such as deafness or visual impairment – do not show disproportionality by ethnicity. (p. 17)

Reid and Knight (2006) suggest that “the intersections of race, class, and disability may play a substantial role in facilitating differential and inequitable access to college preparation” (p. 20); misdiagnoses, or missed diagnoses, therefore have long-term higher education consequences for students with learning disabilities. Given that elementary and secondary services and post-secondary protections are available only when official diagnostics exists, the lack of diagnoses for children of color means that these populations are the least served by disability laws and protections.

Disability and foreign language acquisition.

Contemporary literature on higher education thus identifies a number challenges unique to students with diagnosed learning disabilities, ranging from lack of standardization in diagnoses to problems navigating institutional systems and resources. Relative to foreign language learning, the relationship between foreign language acquisition and learning disabilities has not been resolved, despite numerous studies undertaken to understand (and/or establish) the

link between learning disabilities and foreign language learning (Ofiesh, 2007; Sparks, Philips, & Javorsky, 2003; Sparks, Philips, & Javorsky, 2002; Shaw, 1999; Ganschow, 2001). Research also suggests that how foreign languages are learned changes with age and development, further complicating the diagnostic relationship between disability and foreign language learning (Ganschow, 2001, p. 18-19).

Regardless of instrument (Modern Language Assessment Test, IQ tests, ACT scores) there is little difference in achievement (cognitive, academic) between students who struggle with foreign language acquisition who are *not* classified as learning disabled and those who struggle with foreign language acquisition and who *are* classified as disabled (Sparks, 2006, p. 546; Sparks, Ganschow, Javorsky, Pohlman, & Patton, 1992). Further, differences in labeling means that research attempting to establish the links between learning disabilities and foreign language acquisition can be inconsistently undertaken and applied (Quick, 2003). In some cases, for example, students have been diagnosed as learning disabled inappropriately, strictly because of struggles with second language acquisition (Sparks, Ganschow, & Javorsky, 1995). In other cases, it is not until students have struggled with a foreign language that their disabilities are first diagnosed (Ganschow, Myer, & Roeger, 1989).

Shaw (1999) notes that a number of top-ranked schools encourage students to study other languages but eschew requiring them to do so; he further recognizes that there is “ample educational justification for allowing individual students to pursue the goals of a liberal education in many different ways” (p. 327). Nevertheless, Shaw concludes that only those students whose alternative to foreign language study is academic failure should be able to complete alternate courses. Denoting the lack of consensus on the criticality of foreign language

study while simultaneously advocating for barriers to alternate courses seems logistically inconsistent.

Shaw is not alone in advocating for substitutions only under extreme circumstances. Among the recommendations of Richard Sparks, author of numerous studies on the relationship between learning disabilities and foreign language acquisition, is that all students – whether diagnosed with learning disabilities or not – be mandated to attempt foreign language courses before a substitution request be considered, and that a failing grade in the attempt be among the criteria for a substitution request (Sparks et al., 2003). The suggestion that students be mandated to fail in order to prove they cannot succeed is problematic on a number of levels: financial (cost of tuition, potential loss of financial aid and scholarships); lost opportunities (jeopardized study abroad and graduate school plans when student GPAs drop); and moral (legitimacy of a policy that requires students to fail as proof they will fail). Requiring learning disabled students whose histories – diagnostic and experiential – suggests that foreign language study would be prohibitively difficult to nevertheless attempt a foreign language course seems unfair. Levine (1987) notes that “no single area is as commonly a threat to children with learning difficulties as that of foreign language (p. 378),” the struggles with which become “associated with profound feelings of inadequacy” (p. 381) for students with disabilities.

Theoretical Frameworks of Disability

This is what we therefore know about learning disabilities in higher education: among the types of disabilities, learning disabilities are the most prevalent; the diagnostic and procedural requirements to secure reasonable accommodations are varied and non-standardized; there are pedagogical debates about the intersection of learning disabilities and foreign language learning; and foreign language learning for students with disabilities can impact academic success in their

other areas of study. Further adding complexity to policy issues affecting students with learning disabilities are differing perspectives of disability that inform both attitudes and practices in higher education.

Laws, acts, and mandates pertaining to services for students with disabilities are based largely on medical/scientific understandings of disabilities; these mandates tend to codify requirements for inclusion and access wherever necessary in order to accommodate a difference (i.e. learning or physical disability). The medicalized approaches to disability taken by the ADA provide guidelines, albeit imprecise ones, to higher education administrators, which explains why much of the decision-making in the determination of reasonable accommodations is driven by medical understandings of disability. Alternative approaches to medical/scientific models stem from political/social understandings of access, which suggest that issues faced by those with disabilities stem less from the disabilities per se than from policies and practices that create unnecessary barriers to full participation in the first place. In the section that follows, I introduce and evaluate some of the primary disability frameworks and models – the social and medical models of disability, Critical Disability Theory, and Universal Design – that most heavily influence narratives and attitudes about disability. I also examine the implications of different frameworks and understandings of disability on identity and on policy formation.

The medical and social models of disability.

The medical and social models of disability represent two conflicting paradigms that are often contrasted with one another to illustrate how the framing of disability issues can profoundly impact policy and practice. In the medical model, disabilities are framed as pathologies to overcome, or as deficiencies that need redressed. The medical model is predicated on the notion that disabilities are disadvantages that should be repaired, replaced, or overturned

(Jones, 1996). People with disabilities, under this model, are suffering from disadvantages relative to the “norm” that is ability, so the goal of this model is to address the *disabilities themselves* as the genesis of problems related to equality and full participation in society. The medical model “takes the presumed biological reality of an impairment as its fundamental starting point” (Williams, 2001, p. 125). Issues such as “accommodations” thus arise: if the problem is the disability, the solution is to “help” those with disabilities find ways “around” the usual ways of doing things.

In the medical model, the onus is placed squarely on those with disabilities. Disabled people are expected to petition an “expert” in disabilities, who then recommends accommodations based on his or her perception of what is reasonable, and this recommendation then goes to a professor or instructor or department for further evaluation. If at that point the accommodation recommended is deemed acceptable, the disabled person “earns” the accommodation.

The social model of disability was developed as a critique of the medical model of disability. While the medical model holds that disability is “an individual problem tied to the physical limitations of the bodies of people with impairments” (Swain, et al., 2005, p. 22), the social model holds that there is no intrinsic value, or lack thereof, that comes from a disability in and of itself. The social model posits that the problems that arise for people with disabilities are due to “the barriers they face; the patronizing attitudes they have to deal with; the low expectations that are invested in them, and the limited options available to them” (Swain, et al., 2005, pg. 24). In the social model, unlike in the medical model, *having* a disability is not the problem; what is problematic are societal attitudes – and the resultant infra- and super-structural barriers that are generated by these attitudes – that impact those with disabilities. Since

discrimination against those with disabilities, per the social model, has been constructed as the norm, the redress will come not from accommodating disabilities, as per the medical model, but rather from changing the way in which society has come to understand and frame disability relative to able-bodied-ness.

In the social model paradigm, the onus falls not on those with disabilities to find ways to fit in – through accommodations, through medical interventions – but rather falls on all of society to avoid the creation or perpetuation of systems and structures that fundamentally exclude those with disabilities. Relative to policies and practices within higher education, therefore, the medical model would hold that reasonable accommodations should be available for students who need traditional methods adapted to their learning needs. The social model, meanwhile, while not actively offering alternatives for academic practice, is valuable for the attention it focuses on the social justice implications of the medical model.

Critical Disability Theory.

Under the medical model, barriers to access – physical, occupational, educational – are perceived as a function of individual disabilities. Under the social model, barriers are understood to stem not from biogenic origins but rather from socio-cultural traditions that permit the neglect of disability-related considerations in decision-making. Developed as a critique of both the medical and the social models of disability, Critical Disability Theory (CDT) maintains that both the social and the medical models of disability fail to acknowledge the power that language has in perpetuating unequal treatment.

Stemming from Michel Foucault's exploration of the power of discourse to shape understandings, CDT draws attention to the roles that power, knowledge, and discourse play in the politics of inequality (Hibbs & Pothier, 2006; Tremain, 2002). As Goodley and Rapley

(2002) note, “it is the assumptions and ways of talking about disability that are crucial to the production of persons as incompetent” (p. 127), and those assumptions and ways of talking reflect ideas rooted in traditions that pathologize disability. Among the goals of CDT, therefore, is to question the legitimacy of language about disability that is established by those *without* disabilities (Biklen, 2000), because narratives that emerge from the perspectives of non-disabled people tend to perpetuate the dominant paradigm of disability as medical issue. While disability laws thus may ostensibly aim to protect against discrimination, they are rooted in discourse that reflects non-disability standards (i.e., disability as contrary to the norm). Per CDT, such laws perpetuate the very inequalities they seek to redress, in that the language reflects assumptions about non-disability as the norm against which issues facing those with disabilities are examined.

As an example, Teri Hibbs and Dianne Pothier (2006) found in their content analysis of the accommodation process language at one North American university that

Each of the steps in the accommodation process serves to strengthen and perpetuate modern relations of power that are based on a biomedical concept of disability and that produce the subjects they subsequently come to represent: self-identification is sustained through ongoing surveillance...(and) documentation requirements (that) individualize and separate students. (p. 215)

A protocol that perpetuates power differentials and marginalization may not afford students with disabilities consideration as equals; likewise, a policy that appears “fair” or “equitable” but that does not take into account the well-being of those affected, per CDT, is a problematic policy. The removal of a benefit – or the denial of a right or an option – to certain groups based on socially constructed understandings of non-disabled and disabled is a function of the privilege that non-disabled persons hold.

Privilege and power often function through covert mechanisms. Gramsci (2001), for example, examined power as a means of control through which privileged groups, by virtue of their “position and function in the world of production,” generate consent from “the great masses of the population” (p. 145). Lukes (1978) likewise argues that power is not always overtly exercised; he posits that power comes in three main dimensions, some more covertly wielded than others. In the first dimension, power is synonymous with *control and influence*; in the second, power allows one to control an *agenda* – what is on, what is left off – as well as exert direct influence; in the third, culturally embedded assumptions of rationality are understood to be so embedded in cultural norms that power is simply a function of how effective one is in perpetuating these assumptions. All three levels potentially play into the creation and perpetuation of academic policies related to disability. At the first level, those who control and influence policy formation are in command of the degree to which conversations about disability are acceptable on campus. At the second level, those who control agendas determine if, when, and how conversations about disability make it to the committees and councils and policy-making bodies that craft policy. At the third level, where power is not necessarily overtly displayed but rather is wielded to leverage communally-held assumptions, the power to systematically privilege some viewpoints (normative, non-disabled) over others (disability-related) means that traction for notions such as Universal Design may be hard to gain.

In relation to the third level of power, privilege exists “when one group has something that is systematically denied to others not because of who they are or what they’ve done or not done, but because of the social category they belong to” (Johnson, 2001, p. 138). Critical Disability Theory suggests that disability-related policies in higher education reflect privileged positions – and those expected to actually abide by those policies do not hold these positions of

privilege. Again, the suggestion is not that active discrimination is operating in policy-making environments, but rather that “ability” is so embedded in understandings of “the average person” that “disability” is not currently considered a normal variant within the human experience.

Disability identity.

Legal protections for those with learning disabilities only apply to those who identify as disabled; everything from reasonable accommodations to legal recourse against discrimination requires that students own the label of learning disabled, and advocate for themselves as disabled in higher education milieus, to be protected by disability law. The framing of disability issues in biogenic terms can serve to impede the formation or adoption of a disability identity, because “mainstream” identities hold more cultural, social, economic, and political currency in the eyes of disabled people and non-disabled people alike (Watson, 2002, p. 525; Gordon & Rosenblum, 2001).

Identity theory acknowledges the power and influence that others’ perceptions have on our sense of self. Cooley’s early notions of a “looking-glass self” introduced the idea that self-identities are mediated through our perceptions of how others see us (1902, 1983). Later, Goffman (1959) elaborated on the notion of identity through an examination of symbolic interactions, positing that “when the individual presents himself before others, his performance will tend to incorporate and exemplify the officially accredited values of a society” (p. 35). The research on identity and disability bears out the notion that the relationship between the two is often contingent upon context. For example, Kraus (2008), in her research into the experiences of students with physical disabilities in higher education, found that her interviewees “described situations and opportunities that both helped and hindered a positive disability identity.

Throughout all interviews, there was an emphasis on the interplay of individual and environment” (p. 183).

For many people with disabilities, categories such as “disabled” and collective identities as “people with disabilities” may be seen as practical for political ends (lobbying) and social ends (movements), but these identities are adopted as a means to an end, largely for “temporary and strategic alliance(s),” as opposed to genuine adoption as part of self-identity (Gordon, 2001, p.10-11). Historian Douglas Baynton (2006) notes that

Disability is everywhere in history, once you begin looking for it, but conspicuously absent in the histories we write. When historians do take note of disability, they usually treat it merely as personal tragedy or an insult to be deplored and a label to be denied, rather than as a cultural construct to be questioned and explored. (p. 52)

Disability may well be missing in the histories because it has not traditionally been adopted as an endemic, integral part of identity. The fact that the identity of “disabled” has little social currency has important implications for higher education: the research suggests that many students with learning disabilities, particularly those who view their learning disabilities as stigmatizing, would rather forgo the accommodations for which they are eligible than identify as learning disabled (Hartman-Hall & Haaga, 2002; Fuller, et al., 2004; Cortiella, 2009).

A reluctance to adopt a disability identity has ramifications not only for accommodations but also for legal protections: only “qualified persons” with disabilities are protected under the law, so an aversion to a disability identity means that, should discrimination occur, no legal recourse exists for those who eschew a “disabled” identity (Weber, 2006). From an academic policy perspective in higher education, the “othering” of those with disabilities is problematic

because legitimate student learning needs may go unmet due to institutional reliance on medicalized justifications for accommodations.

Universal Design.

Acknowledging problems embedded in the medical model of disability allows for the possibility of creating inclusive environments that do not take accommodations as their point of departure for services. Medical models place the burden on those who need traditional processes “adapted” to their specific needs (Hibbs & Pothier, 2006; Watson, 2002); as such, these models run contrary to emerging movements and narratives around inclusion (Jones, 1996; Swain et al., 2005; Burgstahler & Cory, 2008; Silver & Strehorn, 1998). Social models, Critical Disability Theory, and disability identity models offer alternative perspectives to medical and scientific models.

Universal Design is also an alternative to medical/scientific perspectives. Suggested as an option that could “simultaneously address issues of equality, accessibility, social integration, and community” (Burgstahler & Cory, 2008, p. 3), Universal Design takes as its point of departure the assumption that there are enough legitimate ways to communicate and evaluate academic knowledge that special accommodations – and the reliance on medicalized language to differentiate disabled students from non-disabled – can be rendered unnecessary.

Universal Design advocates posit that if structures, policies, and requirements were structured such that they were accessible to all – without a *need* for any accommodations or alterations – the resultant environments (physical, educational, social, political) would be inherently inclusive. In such environments, medicalized language need not be employed, identity could be somewhat de-politicized, and discourse around inclusion could be divorced from its current adversarial tone. This is because inclusion through Universal Design can offer *all*

students equally legitimate choices, from the option of choosing a preferred method from a variety of instructional options within a course (CAST, n.d., Silver, 1998) to the option of entering buildings from equally accessible entrances (Silver, 1998). Other pre-designed inclusive possibilities include different ways of communicating information , including “text, speech, drawing, illustration, design, film, music, dance/movement, visual art, sculpture or video,” and different ways of assessing learning, such as tests, papers, presentations, and “alternate modalities for expression” (CAST, n.d.). Per Rose & Gravel (2011):

When curricula are designed to meet the needs of an imaginary “average,” they do not address the reality (of) learner variability. They fail to provide all individuals with fair and equal opportunities to learn by excluding learners with different abilities, backgrounds, and motivations who do not meet the elusive criteria for “average.”

When Universal Design is adopted as a guiding principal, meanwhile, the challenges associated with “special” accommodations – whether those are adaptations to traditional curriculum delivery, alternate forms of assessment, backdoor entrances for wheelchair users, or comparable alternate courses to fulfill academic requirements – are eradicated, since offerings are designed a priori to be inclusive enough to meet the needs of various types of students.

Identifying which theoretical perspectives of disability underscore policy is important because such perspectives inform the intended consequences of various policy approaches: if disability is characterized as a medical problem, for example, accommodations that require diagnostics to justify alternate routes to traditional practices may be acceptable. If disability is characterized as simply another variant of the human experience, on the other hand, policies that have a disproportionate impact on those with disabilities are identifiable as problematic. The

perspectives taken relative to disability issues have distinct, disparate policy implications, both in terms of procedures and protocols and in terms of the perceived legitimacy of policy outcomes.

Policy Influences and Considerations

While disability perspectives may have evolved over time, the degree to which this evolution has impacted academic policy formation is not clear. Not all administrators, academic deans, student affairs professional, or disability services employees may be interested in or able to explore alternate paradigms of disability when it comes to policy and practice. Institutional agents such as the above may be vested in the medical model because of its perceived utility, while others may prefer the medical model to other options because of the clear protections offered – to students with disabilities, to institutions needing firm guidelines for accommodations – when disability is framed as a medical disadvantage protected under anti-discrimination law.

Policy formation environments can therefore be complex and varied, informed by various (and sometimes-conflicting) understandings of disability and further complicated by a reliance on diagnostics that may not necessarily speak to the impact of any particular disability on learning. Thus an examination of influences on policy formation processes in higher education becomes germane: how are policies implemented? What are the underlying assumptions embedded in policies related to students with learning disabilities? Who has the power to instigate a review of the policies, and to shape their (re)formation?

In the sections below, I situate the policy requirements for seeking a foreign language accommodation in light of legal and procedural differences between high school and college, and then examine case law when it comes to foreign language substitutions as a reasonable accommodation. This is followed by research on faculty attitudes on accommodations for learning disabled students. The last section presents a brief history of foreign language study in

higher education, with attention to how narratives about the historical importance of foreign language study can be a disservice to students who have disabilities that impact foreign language learning. The section concludes with the importance of considering the student experience with accommodations as an important part of policy and practice considerations.

Transition issues: implications of abrupt changes in laws and policies between high school and college.

The transitions from high school to college, which present a steep learning curve for many students, may require even more profound adjustments for students with learning disabilities. The National Joint Committee on those with Learning Disabilities (2007) notes that laws pertaining to access and education for those with disabilities are not consistent over a student's educational life; these inconsistencies are compounded by a dramatic shift in responsibility for advocacy – from the educational institution to the student – when students move from high school to college. Differences in legal requirements and academic goals between high school and college, and the lack of student understandings of these differences, contribute to uncertainty and tension in accommodation procedures.

Among the mandated services per IDEA, the Individuals with Disabilities Education Improvement Act created to ensure services for students through secondary education, is a requirement that each Individualized Education Plan (IEP) include support mechanisms for transition to post-secondary institutions (Sec. 602, 34a); this transition plan should include “a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities including post-secondary education” (Williams & O’Leary, 2000, p. 49). However, while IEPs may include transition activities, students are often accustomed to the legal requirements in secondary school, which mandate that

instructors actively aim to discover or address disabilities in service to student education. These students must adapt to a higher education environment in which the legal responsibility for disability identification shifts completely to them. In order to secure any services or legal protections, students must fully understand not only what disabilities they have, but also must learn to persuasively articulate what impact these disabilities may have on their learning.

The legal shift from disproportionately institutional responsibility to significantly increased personal responsibility is a significant one for potentially-unprepared students; further, even when students self-advocate as required in college environments, other legal disconnects between high school and college arise. At the same time that students are learning to speak to the impact of disability on learning, for example, the differences in the credentialing and qualifications of high school versus college evaluators can create difficulties in establishing the “functional limitations” imposed by a disability when students progress to higher education (National Joint Committee on Learning Disabilities, 2007, pp. 2-3). These difficulties, in turn, have legal implications for accommodations – which ones are recommended, and which ones are considered “reasonable” – in the two different environments. Students trying to self-advocate may find themselves caught between different legal requirements, and lacking knowledge in how to bridge the gap.

While differences in legal mandates between high school and college service provisions complicate the transition process for some students, even more problematic can be differential academic traditions. Establishing disability in higher education involves very different processes than students may have experienced in their earlier schooling, and the research suggests that these differences are not sufficiently communicated to students (Ofiesh, 2007; Janiga & Costenbader, 2002; National Joint Committee on Learning Disabilities, 2007; Seghers, 2007).

In the K-12 system, “students with disabilities historically have had to demonstrate that they could benefit from the regular class before they were given a place in such classes” (Biklen, 2000, p. 341). In college, on the other hand, students are expected to do the opposite: to demonstrate, through testing and documentation, that they *cannot* succeed in the “regular” class before accommodations may be recommended. Unlike in previous educational environments, where the institution was required to seek and identify disabilities, in higher education “students must *disclose* their disability and *request* accommodations” to be considered for eligibility (Quick, 2003, p. 816; emphasis added).

The challenges associated with the disclosure of disability and the petitioning for accommodations are compounded by the fact that students themselves have not traditionally taken a primary role relative to their own IEPs (Hasazi, Furney, & DeStefano, 2000, p. 25). This lack of inclusion in the creation of IEPs becomes problematic during the transition to college, when “students change from being educational service recipients to managers of their postsecondary support should it be provided” (Quick, 2003, p. 816). Research suggests that many staff members at university disability services offices feel students are under-prepared for the amount of self-advocacy required of successful college students (Janiga & Costenbader, 2002). Even directed, intentional training in self-advocacy on college campuses cannot necessarily mitigate the problem of differential expectations between high school and college settings (Durlak, Rose, & Bursuck, 1994). What this means in practice is that complicated and bureaucratic processes may present a burden far more than anticipated, since students with learning disabilities may be asked to take on far more self-advocacy and navigation of complicated systems than their academic pasts may have prepared them for.

Legal issues: course substitutions and case law.

Case law, meanwhile, has upheld institutional rights to reject foreign language recommendations even if they are made by disability services officials within the institution; the majority of court decisions have favored the preference of academic administrators over recommendations made by disability services offices when determining what accommodations are reasonable, thus diminishing the effectiveness of the ADA as a safeguard against potential discrimination (Weber, 2006). For example, in 1998 a lawsuit was brought against Boston University by students who argued that their protected rights under the ADA and the Rehabilitation Act were being violated by the University and by its President (Elizabeth Guckenberger et al vs Boston University et al, Civil Action No. 96-11426-PBS). In that case, the Provost (later President) had unilaterally suspended the foreign language substitution recommendations made by the school's disability services division, based on her interpretation of literature that suggested a tenuous relationship between learning disabilities and foreign language acquisition. The Court was asked to determine whether or not foreign language (and math) substitutions were "reasonable accommodations" under the ADA. The Court concluded that as long as academic departments undertake a designated determination process, departments have full discretion in determining whether or not to grant a substitution, regardless of the impact such determinations have on students with learning disabilities (Kelly, 1999).

In a further review two years later, the court considered Boston University's faculty conclusion that course substitutions would negatively impact the value of a BU degree. The Court ruled that the faculty had followed an appropriate procedure, and sided with the faculty that foreign language substitutions could be prohibited (Kelly, 1999). The fact that procedures to determine how and if foreign language substitutions are appropriate is a mandate of the courts

but not a practice adopted by many institutions further complicates the issue of substitutions (Forsbach-Rothman et al., 2005)

Faculty attitudes: perceptions on working with learning disabled students.

Examining faculty attitudes related to learning disability accommodations is important for two reasons. The first is that students with learning disabilities identify a lack of support from academic faculty as among the barriers they face to full participation in higher education (Beilke & Yssel, 1999). The second is that, given the importance of shared governance in higher education, faculty have often been essential contributors to policy decisions (Gumport, 1997). The research on faculty attitudes suggests confusion over their rights and responsibilities toward learning disabled students. The wording of the literature reflects the tension: “accommodating students with learning disabilities is not intended to be a rote process of student notice and faculty subservience. Nor, however, may faculty refuse to consider the needs of students with learning disabilities” (Scott, 1997, p. 92-93). Terms such as “subservience” suggest some uncertainty, if not outright resistance, when it comes to faculty perceptions of disability law and reasonable accommodations.

Indeed, studies on faculty attitudes regarding students with disabilities have yielded mixed results, particularly in the area of accommodations (Leyser, Vogel, Wyland, & Brulle, 1998; Katsiyannis, Zhang, Landmark, & Rebee, 2009; Roa, 2004; Skinner, 2007). Variables that have been examined to determine impacts on faculty attitudes toward students with disabilities include faculty gender, prior experience working with students with disabilities, age, academic department affiliation, academic rank, type of disability, and knowledge of disability laws. Of these, those variables found to actually impact faculty perceptions of learning disabled students are familiarity with laws and legislation that require reasonable accommodations, how much

personal experience faculty have with teaching students with learning disabilities, and faculty gender (Leyser, 1998; Katsiyannis et al., 2009; Roa, 2004). What the research has consistently shown is that faculty are comfortable accommodating students with learning disabilities as long as course/academic standards are perceived to be maintained (Leyser, 1998; Norton, 1997).

Perceptions of course/academic standards can vary by academic discipline; a comparison of faculty in three different schools within one institution found that while faculty in business, education, and arts and sciences were all largely comfortable offering accommodations in instruction and assessment, business faculty reported much less comfort than faculty from education or arts and sciences in providing alternate assignments, extended deadlines, and leniency in grading poor spelling and grammar (Nelson, Dodd, & Smith, 1990). The research about faculty and learning disabled students therefore suggests that when policies are formed, the attitudes and experiences of the faculty making decisions can be an important consideration.

Curricular issues: foreign language and cultural study in higher education.

While the conventional wisdom may hold that foreign language study has long been an integral part of higher education, the history of foreign language requirements suggests otherwise. Foreign language knowledge was an expectation of college students in the earliest years, as students were required to read original versions of the Greek and Latin classics that comprised the core of education at the time; as student populations diversified, basic speaking, grammar, and translation proficiencies replaced fluency expectations (Dressel, 1963). During the late 1960s, many schools removed their foreign language requirements altogether, and by the late seventies, less than one-third of institutions required foreign language study or knowledge (Levine, 1987; Brod & Huber, 1996). The President's Commission on Foreign Language and International Studies of 1978 was established in part to determine how much and what kind of

foreign language study should be recommended to institutions of higher education; the impetus for requiring increased foreign language studies was to strengthen U.S. global business interests and political stability, as well as to meet commitments made through international accords (Burn, 1980). Over twenty-five years later, President George W. Bush revisited the importance of foreign language study, gathering 120 college and university Presidents to discuss second language acquisition as an issue of national security (Graham, 2006).

The numbers and percentages of students who study foreign languages in higher education, whether such study is required or not, has fluctuated significantly; after a drop in foreign language learners in the 1970s and 1980s, the total number of students who studied second language in college saw a resurgence in the early part of the 21st century. These numbers, however, reflect an increase in college populations generally; the *percentage* of language learners in the early 2000s compared to the 1960s is fifty percent less (Welles, 2004).

The research on the value of the study of culture versus the value of foreign language study in higher education is scant, particularly at the institutional level. Among the little that exists: members of the 1978 President's Commission on Foreign Language and International Studies concluded that the value of cultural awareness and appreciation is instrumental in bridging language and social studies (Vaught, 1980).

From the student perspective, Roberts (1992) studied attitudes about foreign language acquisition among incoming college freshman, and found that the vast majority support a requirement for foreign language study in college primarily because of the value they place on learning about "global and domestic cultural diversity" (Roberts, 1992, p. 278). Arguably, studying a semester or two of language is not the only way to learn about diversity; culture courses, which are most often substituted for foreign language courses for learning disabled

students, can meet the same requirements. From an institutional perspective, the goal of gaining “communication competence” is not realistically met given the second or fourth semester proficiency typically required for Bachelor’s degrees (Roberts, 1992, p. 275).

Foreign language learning thus has a fluid history in higher education. Suggesting, therefore, that academic standards or academic integrity are compromised when foreign language study is not required speaks to a lack of understanding of the history of language study in higher education. What makes the issue of language study all the more pressing, meanwhile, is that for some learning disabled students, foreign language study is “a source of continual frustration,” with the “wasted time and anxiety” impacting not only experiences with language study but also academic success in other courses (Levine, 1987, p. 382). Thus reflection on the goals of language study, and a deliberate and systematic consideration of possible alternates that can meet those same goals, should be a primary policy objective in foreign language substitution considerations.

Institutional policies related to second language substitutions

The three areas of influence on policies related to foreign language learning and course substitutions are thus that a) different philosophical and practical mandates inform approaches to services for learning disabled students between high school and college; b) courts have upheld institutional rights to reject requests for foreign language substitutions; and c) language study has had a dynamic history within higher education.

In large part because of the above reasons, foreign language substitutions are among the most contentious issues in the discussion around reasonable accommodations (Smith, 2001), as foreign language substitutions intersect with all three of the above issues. Further, whereas other types of accommodations may provide students the *same* curriculum, albeit in alternate formats

or with accommodations such as extended test-taking time or altered evaluation rubrics, course substitutions actually provide a *different* curriculum. Due in part to the importance that faculty place on the maintenance of “academic standards” when accommodating students with learning disabilities (Leyser, 1998; Norton, 1997), substitutions are controversial because they imply, rightfully or not, that the “standard” of foreign language study is at risk of being compromised.

In a 2005 study of 65 colleges and universities in the United States, the vast majority of respondents (90.8%) reported that they allow course substitutions (Forsbach-Rothman, et al., 2005). The courses most often requested, and approved, for substitutions were foreign language (87.5%), followed by math (65%). However, only half of those who allowed substitutions had written policies in place for determination issues; for those that did not, the most commonly offered reason was to avoid inflexible criteria that did not allow for individualized determination. Protocols varied, with some institutions reviewing past language acquisition experiences, and others requiring students to first attempt a language course before determining if a substitution was warranted. The majority of schools reported a protocol based on the following (Forsbach-Rothman, et al., 2005, p 22):

- a) the petition is to be student driven
- b) the petition should be department- or school-/college-based
- c) the student is expected to work closely with an advisor from Disability Services
- d) the petition is to be based on the student’s disability, and the disability is to be properly verified and documented in the academic record.

This protocol is firmly rooted in the medical model of disability, in that self-identification as disabled is critical, and such self-identification must be validated by expert testimony.

Equality in educational outcomes as a legal and ethical requirement.

The debate about substituted courses is instrumental to the debate about equity and access for students with learning disabilities, because disability law mandates that student accommodations not diminish the value of the educational experience (ADA). Legally, accommodations must provide disabled students with an educational experience comparable to that of their non-disabled peers. Any substituted courses, therefore, must not compromise the academic standards of an institution, nor the value of the educational outcome for the student.

The American with Disabilities Act specifically prohibits “participation in unequal benefit,” stating that “the opportunity to participate in or benefit from a(n) accommodation that is not equal to that afforded to other individuals” is discriminatory [ADA (42)(12182)(b)(2)(A)(ii)]. ADA (42)(12182)(b)(2)(A)(iii) further clarifies the point, mandating that

It shall be discriminatory to provide an individual ... on the basis of a disability...a(n) accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a(n)...opportunity that is **as effective** as that provided to others.” (emphasis added)

When considering language study versus substituted cultural study in higher education, a conundrum thus emerges. Not offering alternate options can jeopardize students’ abilities to successfully complete programs of study; as Levine (1987) notes, “it is certainly not worth sacrificing a child’s academic career for the sake of a foreign language” (p. 382). Legally, however, accommodations must provide disabled students with an educational experience comparable to that of their non-disabled peers. Any substituted courses, per the ADA, must not compromise the academic standards of an institution. In granting substitutions, institutions are thus officially proclaiming that the two courses – original and substituted – are equal.

Yet institutional reluctance to grant substitution requests suggests that there is a lack of conviction on the part of institutions that the two are in fact equal. If an institution grants substitutions but does not provide students with a sense of institutional support for the substitution – an imparting of a sense of the value of what students **are** studying compared to the value of what they **are not** studying – that is a problem not only of law but also of basic equity and fairness.

This study did not aim to propose a solution to the problem of foreign language learning; rather, this study aimed to examine how those forming academic policies and implementing practices related to foreign language substitutions spoke of their experiences. In doing so, the study explored the possibility that within the existing narratives there were under-explored options that could align discourse and policy and, in the process, could provide students with learning disabilities a positive experience with curricular alternatives.

Analytical Frameworks

Issues related to disabilities, learning disabilities, and foreign language substitutions are clearly complicated, informed by intersecting debates around inclusion, academic standards, and reasonable accommodations. In order to understand 1) the influences on policy formation relative to accommodations for foreign language learning, 2) what perspectives of disability inform policy, 3) how policies are enacted in practice, and 4) the implications of policy and practice on equity and fairness for students with learning disabilities, I utilize two different frameworks: Universal Design and Strategic Ambiguity. These frameworks are examined below.

Universal Design as a theoretical framework.

As noted in the Theory section of this chapter, Universal Design is both a theoretical construct and a practical guide. In terms of theory, Universal Design posits that there are

inherently inclusive mechanisms to deliver and assess curriculum; relative to practice, Universal Design proffers actionable recommendations to make learning and assessment more inclusive of different learning styles and needs without compromising standards or diminishing curriculum.

Among the biggest philosophical and actual challenges with accommodations in general and with course substitutions in particular is the notion of giving students “separate but equal” educational experiences: in giving official sanction to course substitutions in lieu of second language courses, departments are affirming that the two types of options – a foreign language, a substituted course – are equal, as required by disability law.

This “separate but equal” ideology can be effectively examined through the critical lens of Universal Design. Given the importance of proactive (rather than reactive) inclusiveness as envisioned by Universal Design, the framework is an ideal one through which to evaluate student experiences of, and institutional approaches to, substitution processes and protocols. It is not apparent from available literature how and when foreign language substitution processes are formed, and what underlying influences impacted the policy formation environment. What has also been insufficiently examined is the effect of foreign language substitution processes on both academic administrators and on learning disabled students. Given the breadth of perspectives on disability, including those that eschew medicalized language, and given the importance of identity in self-understanding, such research could yield insights into how institutions can best serve students while maintaining institutional academic standards. The research questions in this study thus focus on exploring the language of substitution and related protocols and processes employed by institutions; where, when, and how policies are implemented; and what considerations or assumptions are made in the execution of protocols, as filtered through the critical lens of Universal Design and with attention to the language of disability as per Critical

Disability Theory. Universal Design as a framework allows us to examine if the more problematic issues associated with foreign language learning and substitutions could be mitigated by a different theoretical and practical approach to disability.

Strategic Ambiguity as a theoretical framework.

The second theoretical framework through which the findings are evaluated is Strategic Ambiguity, defined as the use of statements and positions that are deliberately ambiguous in service to the accomplishment of goals (Eisenberg, 1984). Strategically ambiguous processes and messages permit the presence of deliberate and specific policies while allowing for discretionary action among stakeholders; in the process, “Strategic Ambiguity takes advantage of the diverse meanings that different people can give to the same message” (Eisenberg & Goodall, 1997, pg. 24).

There are four essential components in the Strategic Ambiguity framework. The first component, **unified diversity**, posits that ambiguity “fosters the existence of multiple viewpoints in organizations” (Eisenberg, 1984, p. 231). The lack of explicit clarity in policy verbiage allows for interpretive leeway, and protects against repercussions when policy language and policy practice do not match, in that the policies are intentionally written in ways open to interpretation. Policies may not be implemented in systematic ways across campus not because of individual inattentiveness but rather because of individual preference. While the same policy may be uniformly accepted as legitimate, a diversity of opinions and agendas are accommodated in practice. Strategic Ambiguity suggests that inconsistencies that occur in policy formation and implementation are essential to maintaining cohesion, while at the same time allowing for individual interpretation and action. Ambiguity, under the Strategic Ambiguity framework, can be “used strategically to foster agreements on abstractions without limiting specific

interpretations” (Eisenberg, 1984, p. 231). In other words, institutions can function as unified systems while still enabling individual interpretations to guide processes and outcomes.

The second component of Strategic Ambiguity is that it allows for the **preservation of privileged positions**. As Gramsci (2001) characterized it, privilege and power are maintained when a group or groups not only “have and request consent, but also ‘educates’ this consent” (527); the dominance of the group is manifested not only through the laws and policies it enacts, in other words, but also through the unquestioned privilege it exercises to shape ideology and inform societal values. Privileged positions are thus defined as those positions held by people whose authority is not subject to question; faculty members can, by virtue of their status, make statements that are not necessarily questioned – even when such statements may lack the backing of data or specificity. In “shielding persons with power from close scrutiny,” Strategic Ambiguity perpetuates the privilege held by those in powerful positions while allowing statements made under the screen of that privilege to go unchallenged (Eisenberg & Goodall, 1997, p. 24).

Deniability in practice is the third component of Strategic Ambiguity, which posits that when policies are written in ways that are open to interpretation, individuals who implement policies are protected from repercussions. Ambiguous policies thus allow for deniability due to vagaries associated with “who does what” within the institution, and allow the blame for problems to be shifted to others who may or may not know what their specific responsibilities are vis a vis policy implementation. When policies are written ambiguously, the lack of specificity in establishing which institutional agents are responsible for making key decisions or delivering important services allows for the absolution of all parties if practice does not mirror policy.

The fourth and final component of Strategic Ambiguity is that allows for the **advancing of agendas**. Given that different theories of disability – medical, social, CDT, Universal Design – exist, the potential for competing theories to inform policy and practice also exists. Thus while the medical model may have informed a policy originally, the individuals expected to implement the policy may subscribe to alternate (non-medical) models. Given that 1) unified diversity is facilitated, but 2) that privileged positions are maintained, institutional agents wanting to promote a more inclusive approach to disability services can rely on 3) the deniability built into ambiguous policies to 4) promote their own agenda by interpreting policies in ways that best align with their sense of fairness.

In practice, what this means is that if, say, an academic dean eschews the medical model of disability, he or she can take advantage of ambiguity embedded in academic policies to provide an accommodation for a student without the benefit of diagnostics, without negative ramification. In doing so, the academic dean may be promoting his or her own perspective of disability while simultaneously acting within the parameters of an ambiguous policy environment.

Summary and Conclusion

To summarize the Review of the Literature: disability law mandates equality in experiences and outcomes for learning disabled students in higher education, but foreign language substitution protocols are often not explicitly communicated to students, and the procedures for requesting a substitution are often adversarial. Foreign language learning has proven demoralizing and impossible for some students, yet gaining permission to complete cultural studies – which institutions have largely acknowledged as legitimate alternatives to foreign language study – requires students to identify as disabled and to endure often-expensive

testing. The medical model of disability currently underscores most substitution-related policies, yet the results of diagnostic tests – so essential in the medical model – are not consistently interpreted.

What the literature suggests, therefore, is that the issue of foreign language substitutions is ideal for examining academic policy formation in higher education while keeping broader issues of fairness and equity at the forefront of critical inquiry. Examining the policies at institutions, and speaking with people within institutions about their perceptions of policies – both in theory and in practice – provides an important opportunity to consider how and where ambiguity impacts both disabled and non-disabled students. Such an examination also uncovers theoretical and practical influences on policy formation environments, giving higher education practitioners and researchers the opportunity to consider their own current practices when it comes to forming and implementing academic policies.

Given the increasing numbers of students with learning disabilities that are attending institutions of higher education (Henderson, 2001), and the divergent models of disability (medical, social, critical disability theory, universal design) that ground theory (Jones, 1996; Williams et al., 2001; Swain et al., 2005; Biklen, 2000; Burgstahler & Cory, 2008), exploring the perspectives and experiences of those charged with creating and implementing policies provides a perspective heretofore unexplored in higher education literature. Examining the policies and attitudes about accommodations that affect the curriculum for students with disabilities sheds light on influences on student experiences, important because of legal mandates and social justice considerations. Given that student experiences can impact persistence, attrition, and retention (Tinto, 1999) and alumni relations/financial support (Hoyt, 2004), this research has legal, theoretical, and practical implications.

CHAPTER 3: DESIGN AND METHODOLOGY

The overall purpose of this study was to examine policies related to foreign language substitutions; to look at influences and processes germane to policy decision-making; to identify the disability models in which policies are rooted; and to examine the affective responses to the notion of substitutions for students with disabilities on the part of those charged with the creation and implementation of policies. To these ends, I spoke with employees of disability services offices as well as academic deans, senior student affairs professionals, faculty members, and members of policy and undergraduate curriculum committees who have influenced, interpreted, implemented, and/or overridden policies related to disabled students and curriculum.

In this Design and Methodology section, I identify my research questions, situate my research in the qualitative tradition, review site and participant selection, present the analytic tools and methods I use to evaluate my data, and present the two frameworks through which data are evaluated, Universal Design and Strategic Ambiguity.

Research Questions

The following research questions met the purpose of the study, and served to guide the data collection process:

- 1) What are the influences on policy formation and implementation for foreign language substitutions?
 - How do those charged with the implementation of policies approach this responsibility?
 - How well are individual values and perspectives aligned with academic policies and procedures?

2) In what frameworks or understandings of disability are influences on policy formation embedded?

3) What are the consequences of policy and practice for learning disabled students?

Given the purpose of the study, the qualitative research tradition is clearly the more appropriate. Qualitative research focuses on the importance of context in understanding phenomena; the use of descriptive rather than numerical data; a sensitivity to how people “negotiate meaning” in experiences; and an emphasis on inductive (rather than deductive) data analysis (Bogden & Biklen, 1982, pp. 27-29).

A qualitative study was therefore conducted with nineteen employees from five different institutions of higher education to glean insights into how experiences with learning disabled students and curricular choices are spoken of, as well as to uncover interpretations of experiences as they relate to course substitution policies in higher education. An additional goal was to uncover in which framework(s) of disability such discourse may be rooted. The data that emerged from the interviews hold the potential to inform both theory and practice, particularly for higher education stakeholders for whom authentic inclusion in academia is important. The data also provide an opportunity to consider the model of Universal Design as an option when it comes to language versus cultural studies. Finally, the data allow for an investigation of how strategic ambiguity in policy and practice can impact the experiences of students with disabilities in higher education.

Site selection

Among the research goals was to examine institutional discourse, policy implementation, and the perspectives of those charged with executing policy. While qualitative research is not generalizable to broader populations, I nevertheless aimed to secure a variety of viewpoints in

service to understanding policy formation environments and influences. To this end, I identified institutions with seemingly different approaches to disability using a taxonomy created by the book “Colleges for Students with Learning Disabilities or AD/HD by Peterson's.” Peterson’s has published books related to college selection and success since 1966; I utilized the eighth edition specific to students with learning disabilities (Seghers, ed, 2007). Included in the book is a list of college learning disability offices, contacts, enrollment policies, and services, garnered from online surveys completed by 900 of the 3,800 accredited colleges and universities in the United States and Canada to whom the surveys were sent.

In the book’s section on “Profiles of College LD (Learning Disability) Programs” (pp. 27-476), a distinction is made between “Structured/Proactive” programs and those that are “Self-Directed/Decentralized” (2007, p. 21). Structured/Proactive programs are defined as those that offer services that extend considerably beyond what is legally required in higher education. Such programs may have additional support staff, offer more structure, guidance, and advocacy in services, and provide more outreach toward students. Self-Directed/Decentralized programs, conversely, provide only those accommodation services required by law, which typically means that students need to be more actively involved in the process of seeking reasonable accommodations when and as needed.

While the Peterson’s guide relies on the subjective interpretation of its editors to assign programs to the different categories, contributors to the volume include a cadre of disability service directors from a number of institutions.¹ These contributions provide justification and legitimization for using this taxonomy as a generally reliable guide to categorizing institutional

¹ Contributors include Sam Goodin, Director of Services for Students with Disabilities at the University of Michigan and former president of AHEAD, the Association on Higher Education and Disability (p. v); Dr. Lydia Block with the Learning Disabilities Assistance Center at Ohio Wesleyan University (p. 5); and Dr. Ross Pollock, Director of Specialized Resource Center at Manhattan College and a member of the New York State Task force on Postsecondary Education and Disabilities.

programs by type, with the intention of exploring how type of institution may impact policy formation considerations and/or the student experience.

The research sites included a total of five four-year colleges, three of which are identified as Structured/Proactive in the College Guide, and two of which are identified as having Self-Directed/Decentralized programs (a third Self-Directed/Decentralized University targeted for this research regrettably declined the request to participate, citing the many other research projects their disability services office was currently engaged in).

The institutions chosen were all large research universities (formerly known as Research 1 institutions). This type of purposeful sampling, defined as choosing sites or subjects based not on randomized chance but on deliberate, intentional strategy (Bodgan & Biklen, 1982), best suited the nature of my research because I aimed to explore attitudes, policies, and influences in institutions with many shared characteristics but with different types of disability service provisions. Since qualitative research is by definition not generalizable, my goal was not to find a “diverse sample;” that said, there were nevertheless strategic advantages to choosing institutions that serve large numbers of students. The first is that large research universities educate tens of thousands of higher education students, such that their policies and practices have the potential to impact many students, important when investigating how policies and practices may actually impact students. The second is that large research universities are typically diverse, such that interviewing their employees and students may result in a greater range of responses. Finally, large institutions, by virtue of their size, are more likely to have specific centers of institutional expertise (admissions, testing, academic units, student affairs services, residence life) than might smaller or private institutions, where professionals may wear more than one proverbial hat. This allocation of specific responsibility was important to gaining a solid

understanding of what role(s) each interviewee ascribed his or her self in the foreign language substitution process. My goal in choosing large institutions, therefore, was to increase the odds that the people with whom I spoke, across and between institutions, had a variety of professional narratives and viewpoints to share.

Site selection protocol.

To choose my three “Proactive” and three “Decentralized” sites, I used Peterson’s Guide, institutional websites, and the Carnegie classification system. The goal was to find institutions that shared similar characteristics; for this reason, I looked to institutions’ identified peers and to Carnegie classifications to narrow down the possibilities. Carnegie classifications have been used for decades by higher education researchers interested in comparing and contrasting like institutions. As the Carnegie Foundation website notes, the classification system “has been widely used in the study of higher education, both as a way to represent and control for institutional differences, and also in the design of research studies to ensure adequate representation of sampled institutions, students, or faculty.”²

To start, I reviewed every four-year institution identified as “Proactive” in Peterson’s (N = 45), and eliminated all non-public schools. I then narrowed down the list further utilizing Carnegie classification data to find similar institutions; what remained were three Proactive institutions I gave the pseudonyms of “Tumbleweed University,” “Coastal University,” and “Verdant University.”

To find the three “Decentralized” sites, I examined each of the three selected “Proactive” sites’ web pages and institutional reports to discover who each considered institutional or aspirational peers among four-year public institutions that matched the Carnegie classification

² <http://classifications.carnegiefoundation.org/> retrieved 9/11/10

used to select the “Proactive” sites. I selected as my “Decentralized” sites those with the most reciprocal matches. The three “Decentralized” sites were given pseudonyms of “Pinetree University,” “Snowcapped University,” and “Waterway University.” Finally, I confirmed that all selected sites had a foreign language requirement.

Participant selection

A second methodological approach involved interviewing employees of disability services offices, plus policy-makers and policy-implementers from each of the five institutions. In each of the five selected schools, I tracked down a variety of policy-makers charged with creating and revisiting the policies, implementing the policies, and/or communicating the policies to students based on information available on disability services websites or through searches using institutional search engines. Among the “policy-makers” and “policy-implementers” I spoke with were academic deans, department heads, faculty members, members of policy-related committees, and senior student affairs professionals.

As far as student selection, I initiated my research with a pilot study of two students from one of the institutions (Tumbleweed University). These students were recruited through snowball sampling, meaning that students were recommended by others who had also experienced the foreign language substitution process (Babbie, 2001). Following these first two interviews, I sent requests via Disability Services Offices to all students on institutional listservs at each of the five institutions; the total number of students on these listservs was over 100, though the exact number is not known (the Disability Services Employees who agreed to forward the recruitment email did not know). While a total of six students from three institutions responded to the calls via email, only two students, from the same institution as those who participated in the pilot study, followed through with the interview itself.

To protect anonymity, I have given generic titles to all interviewees. “Disability Office Employee” refers to employees of Disability Services Offices, which includes directors, access or accommodation specialists, disability-related counselors, and other employees within Disability Services Offices charged with policy decision-making or implementation. “Senior Student Affairs administrator” covers all professionals at senior administrative levels whose responsibilities include administering or delivering services to students, excluding disability office employees. “Academic deans” is a reference to any administrator who worked as a Dean or Associate Dean within a College or School. “Committee Member” is a reference to any faculty person, senior program specialist, senior advisor, senior curriculum associate, or other administrator whose position entitled them to make policy decisions on committees that formed or reviewed policies related to foreign language substitutions. Committee members did not include academic deans, disability services employees, or student affairs professionals. Finally, “Disability Services Offices” is a generic term representing the offices that provided services for students with disabilities, regardless of what names the specific disability service offices had at each institution.

Table 1: Chart of interviewees:

Tumbleweed	Verdant	Pinetree	Snowcapped	Coastal
Disability Services Employees (3)	Disability Services Employee (also a Policy Committee Member)	Disability Services Employee	Disability Services Employee	Disability Services Employee
Associate Dean		Associate Dean	Assistant Dean (also a Policy Committee Member)	Associate Dean
Student Affairs Administrator	Academic Dean	Associate Dean (declined via email due to perceived lack of relevance to her job)		Student Affairs Administrator
Policy Committee chair	Policy Committee member			
Policy Committee member				
Students (four total, two from the pilot)	Student Affairs Administrator	Student Affairs Administrator		

Data Collection

Data collection: written information.

My first research process involved content/discourse collection, and subsequent analysis, of written official academic policies related to course substitutions. The materials I evaluated included any written directions given to students on substitution policies and protocols, such as when substitutions should be sought (and, alternately, when they should not), and the steps required to get a substitution request considered. Web language and materials that articulated formal policies or procedures were collected, as I believe such published and publicized materials best embody and reflect institutionally-sanctioned attitudes and protocols. To help organize and analyze the data, I created a content analysis spreadsheet with the following seven sections:

1. Finding information and sense of “welcome”;
2. Key words or ideas in Disability Services Office web language;
3. Navigation required to find foreign language substitution policies;
4. Availability and nature of information on substitution policies;
5. Identification of medicalized language;
6. My impressions of foreign language substitution policies; and
7. Questions that arose for me as I reviewed information.

I also uncovered any publicly available meeting minutes surrounding decision-making and formation/implementation data of substitution-related policies. I looked through institutional websites and in search engines to uncover minutes and other related references, and evaluated the information I found for additional data on policy formation. Among the materials reviewed were websites of Disability Services Offices; any published foreign language substitution

procedures or steps; and any committee or departmental minutes or notes found through website searches for “foreign language policy,” “second language policy,” or “substitutions.”

Data collection: university employee interviews.

All interviews were semi-structured; some were face-to-face, while others were conducted via telephone. Interview questions centered on a) perceptions of the efficacy and legitimacy of existing policies; b) understandings of models that informed institutional language and substitution protocols, and c) feelings about institutional models, policies, and practices. I also inquired about the processes that operated within institutions, and interviewees’ experiences with students as part of the processes of foreign language substitution. In speaking with those charged with developing and delivering institutional policy, I learned not only about the policies themselves, but also gained an understanding of how these policies came to be, and how those charged with their formation and administration felt about them. In all, I interviewed seven disability service employees in the five institutions, as well as twelve “policy-makers” or “policy-implementers” in those institutions. Interviews lasted anywhere from 30 minutes to an hour and fifteen minutes, and were digitally recorded and transcribed. Institutional employee interview questions are listed in APPENDIX B: INTERVIEW PROTOCOL FOR INSTITUTIONAL EMPLOYEES.

Data collection: student interviews.

Among my original research goals was to interview students from all five of the institutions that participated in the study. To this end, I recruited Disability Services employees at each institution to help me identify and recruit students to interview. Emails were sent via listservs from all five institutions, and a small incentive (\$10 Starbucks card) was offered, following IRB approval of recruitment materials and incentive.

My goal in conducting student interviews was to discover the meanings that individual students assigned their experiences with foreign language substitutions in higher education. In addition to the nineteen disability service employees and policy-makers, I was able to interview four students with learning disabilities who had successfully secured foreign language substitution recommendations. Each interview lasted between thirty and forty-five minutes. Statements made during the two interviews that occurred as part of the pilot study were hand-noted, while the latter two interviews were digitally recorded and transcribed. The interviewees were three men and one woman; none were students of color.

While not a primary goal of my research, discussing with students their experiences with processes/protocols helped inform my understanding of the implications of choices made by higher education policy-makers and policy-implementers. Given the qualitative nature of this research, it was never the intention to use student interview responses to generalize about the experiences of students undergoing foreign language substitutions. The small number of student respondents, and the fact that all were from the same institution, naturally even further limited the utility of student feedback in understanding a “student perspective.” Nevertheless, what I learned from the four students interviewed for this research yielded a sense of their interpretations of experiences and outcomes associated with the foreign language substitution process at the institution they attended. Student interview questions are listed in APPENDIX C: INTERVIEW PROTOCOL FOR STUDENTS.

Data Analysis

For both written information and interview data, I elected to determine what themes emerged after collecting all data. Known as emergent coding, this method allows the researcher to identify themes and constructs that “emerge” from data, rather than approaching data with a

set list of concepts or theories expected to appear in the data (Glasser & Strauss, 1967). This type of “analytic induction” allowed me to first preview the data, and then analyze them for emerging trends and patterns (Bogdan & Biklen, 1998, p. 63).

Data analysis: written information.

The goal of content analysis is to “examine data, printed matter, images, or sounds – texts – in order to understand what they mean to people, what they enable or prevent, and what the information conveyed by them does” (Krippendorff, 2004, xviii). Since the goal of this research was to examine academic policies and identify the disability models in which these policies were rooted, it was important to explore the manifest (explicitly stated) and latent (subtext) messages (Krippendorff, 2004) that may be embedded in the language utilized in protocols and processes. The goal was to evaluate the messages students may be receiving though the narrative chosen by the institution, as well as to identify points of departure between stated goals and actual practice (information gleaned from interviews).

For the data analysis, I used emergent coding to explore what patterns emerged in disability service online and print materials related to course substitutions. While content analysis can have quantitative components (how often certain words are used, for example), my research goal was to examine both the potential origins of, and the potential impacts of, the language of substitution protocols. Again, then, qualitative research – which examines not so much numbers as interpretations – is the more appropriate given my goals of identifying language that conveys, in text or subtext, in which theoretical frameworks foreign language substitutions may be situated.

Data analysis: interviews.

Interviews with deans, directors, department heads, committee members, Student Affairs administrators, and Disability Services employees were recorded and transcribed, and emergent coding used to explore opinions on the origins of policy formation and contemporary policy/practice. In the manner suggested by Bogden and Biklen (1992), I used a codebook to track data. Emerging themes were incorporated into an excel spreadsheet with the following columns for each interviewee: *Key Ideas*, *Priorities/Values*, *Strategies/ Protocols*, *Implications/Analysis*, and *Questions*. In the *Key Ideas* column, I identified emerging themes (for example, faith or lack thereof in existing policies or deference to other decision-makers in the institution). In the *Priorities/Values* column I copied and pasted direct quotes from the interviews that reflected value judgments or affective responses to policies or practices. The second column in my codebook was thus used for direct quotes that spoke specifically to the speaker's priorities and values when it came to language study, learning disabled students, institutional priorities, and sense of institutional allegiances, irrespective of policy.

In the third column, *Strategies/Protocols*, I copied and pasted specific references to institutional policy and practice, including origin and change. Also included were procedural steps: what each person stated needed to be done, by whom, and by when, as part of the foreign language substitution process. In the fourth column, *Implications/Analysis*, I critically analyzed the information in the first three columns in light of consistency, equity, clarity, and potential fairness. The final column was filled with questions I identified that emerged from the findings per the first four columns.

Data Analysis: student interviews.

Four student interviews were conducted, and emergent coding was used to identify words, phrases, or sentences that captured, reflected, illustrated, or underscored possible meanings students give their experiences with the foreign language substitution process they experienced. Again in the qualitative tradition, I was not looking for the number of times an idea was stated, but more at which ideas arose, the contexts in which they arose, and how these ideas may represent themes in student experiences.

The student codebook I created has four columns: the first contains what I identify as main ideas/emerging themes, and the second column contains student quotes that speak to each main idea. The third column contains what I identify as implications of the quotes and themes, and the last column is used much as it is for the director and policy-maker codebook: filled with questions that emerge from the implications identified in previous column.

Analytical Frameworks

As noted in the Review of the Literature, two theoretical frameworks were used to evaluate, understand, and contextualize my findings: Universal Design and Strategic Ambiguity. Each is described in turn in the following sections.

Utilizing the theoretical framework of Universal Design.

Universal Design suggests that when options are created inclusively to begin with, people need fewer or no “accommodations” to existing processes, policies, and requirements, because within the available options are opportunities for achieving a common goal through different means. In the case of foreign language substitutions, I utilize the theoretical framework of Universal Design in analyzing my data to observe what, if any, ramifications its absence has on academic policy and practice. Significantly, institutions that allow course substitutions of culture

for language classes have de facto asserted, as required by disability law, that the two options are comparable. Despite this assertion, students are nevertheless expected to go through a substitution process that may require significant effort to complete, and that may in fact strongly suggest that the culture classes that have been substituted are not comparable to the language classes other students take. If Universal Design informed curricular options in the area of language classes versus cultural classes, might institutional discourse and latent messages about learning disabilities and course substitutions be different? Might student experiences be different? Exploring how academic policies that are *not* grounded in Universal Design may impact students and institutions gives me an opportunity to theorize how policies that *are* grounded in Universal Design might contribute to sounder, more consistent, more inclusive academic practice.

Utilizing the framework of Strategic Ambiguity.

There are four main advantages of Strategic Ambiguity when forming policies and implementing practices, each of which is reviewed below.

Strategic Ambiguity 1: Promoting Unified Diversity.

The first component of Strategic Ambiguity is that it promotes “unified diversity.” While institutions of higher education are complex bureaucracies responsive to a variety of stakeholders with their own specific interests and agendas, colleges and universities nevertheless have shared histories and values that can unite stakeholders. As conceptualized by Burton Clark (1972), shared histories and values can be considered “organizational sagas,” uniting fronts underscored by the “collective understanding of unique accomplishments” at the institutional level (p. 178). As generally understood in higher education, organizational saga refers to the way an institution sees itself in light of its contemporaries and its community, and can serve as a “powerful means

of unity” (Clark, 1972, p. 183). Under the model of organizational saga, buy-in from all departments and units with a stake in particular policies and practices would be expected.

That said, higher education organizations must also function in light of a multiplicity of claims and responsibilities. For this reason, Weick (1976) suggests that organizational practice is more complex than may be suggested by Clark’s notion of organizational saga, insofar as some units, departments, or individuals may not subscribe to identical interpretation of what unites an institution. What results in such cases are examples of “loose coupling,” wherein elements that are coupled (i.e. units within an organization) are “responsive” to one another, but wherein each element “also preserves its own identity and some evidence of its physical or logical separateness” (p. 3). Weick thus notes that though we may speak of institutions as singular entities, sharing in an organizational saga and cohesively run when it comes to goals, institutions are in fact run by a variety of actors with the authority to make decisions on behalf of the institution.

Weick posits that loosely coupled systems “bestow some net advantage to their inhabitants and/or their constituencies” (p. 18), particularly in the area of delegation of discretion (p. 5). In loosely coupled systems, discretionary powers are given to different actors, and thus the particular values of those who make final determinations impact policy formation and implementation the most. Strategic Ambiguity advances the concept of loose coupling by suggesting that policies written ambiguously can be interpreted in various ways by actors in loosely coupled systems. In allowing diverse interpretations, organizations can have full buy-in in written policies, because the policies allow for a diversity of interpretations in practice.

Strategic Ambiguity thus allows for unified diversity in that all stakeholders abide by the same seemingly-concrete policies, but different notions of fairness and equity impact how the

policy plays out in practice. Relative to foreign language substitutions, unified diversity can explain any lack of alignment between policy language and academic practice, or between different academic practices within the same institutions depending on the party implementing the policy.

Strategic Ambiguity 2: Preserving Privileged Positions.

Strategic Ambiguity allows for the “preserving (of) privileged positions” (Eisenberg, 1984, p. 227) within the hierarchies that exist in higher education organization and administration (such as ‘the institution’, Deans, Associate Deans, faculty, student affairs professionals). As per Critical Disability Theory, the politics of inequality inform policy and practice; higher education faculty and administrators, by virtue of being in the educated elite, are among the privileged groups that have “created and maintained” systems that are thus “dominated by, centered on, and identified with privileged groups” (Johnson, 2001, p. 139).

In practice, privileged positions grant their holders the right to make statements that may be non-supported by research or data but that are nevertheless taken as accurate due to the perceived legitimacy of the speaker. Thus “a seasoned diplomat or professor emeritus giving a speech, for example, is traditionally given the benefit of the doubt by supporters who may have to fill in some gaps in understanding” (Eisenberg & Goodall, 1997, p. 24). The status of the person in a privileged position, in other words, can trump accuracy or need for elaboration in ambiguous policy formation environments.

The privilege in such scenarios is not necessarily overtly wielded; as noted in the Review of the Literature, the most systematically engrained level of power is not the power to control or influence but rather the power to perpetuate already socially acceptable assumptions (Lukes, 1978). Gramsci (2001) observed that those who make or enact laws (“legislators,” in his

parlance) have both the power to create “directives which will become a norm of conduct for others” (p. 538) **and** the power to establish the norms under which these directives function, thus yielding the “consent of the masses who must ‘live’ those directives, modifying their own habits, their own will, their own convictions to conform” (p. 539). As Johnson (2001) further notes, “systems of privilege provide endless ways of seeing and thinking about the world that that make privilege invisible” (p.142). Thus Strategic Ambiguity in policy formation allows those who, by virtue of having attained their academic credentials and higher education positions, can speak on behalf of “faculty” or “the institution” without necessarily having their positions or their statements called into question.

Strategic Ambiguity 3: Deniability.

While Strategic Ambiguity focuses on promotion of “unified diversity,” it also allows for the option for stakeholders to deny culpability (Eisenberg, 1984; Eisenberg & Goodall, 1997). This is because the number and variety of influences on policy formation allows any one member to attribute complications, problems, or inconsistencies with policy in practice to other agents. Such an allowance for “deniable discourse” (Eisenberg, 1984, p. 235) enables agents to act in ways that absolve them of accountability when policies do not function consistently in practice.

Strategic Ambiguity 4: Facilitating Organizational Change.

A fourth area in which the utility of the Strategic Ambiguity framework is evident is that it helps illuminate how organizational change can occur not necessarily centrally but rather in the margins of institutional awareness. For this reason, institutional agents can forward agendas that match their own sense of justice and propriety but that may meet resistance should the agendas be brought to formal light. The “facilitating organizational change” facet of the Strategic

Ambiguity frameworks allows researchers to understand how it is that procedures outside of mainstream administrative awareness can be incorporated into practices allowable in strategically ambiguous policies.

Limitations

Limitations of this study include questions of validity and ethical considerations, both of which are discussed in this section.

Validity.

Qualitative research is fundamentally descriptive; its goals are to understand the “whats” of a situation: what affective responses are being shared? What meanings are assigned to different experiences? What interpretations have people employed to make sense of their experiences? Explanatory questions, such as *how* it is that certain experiences come to be interpreted in particular ways, are not necessarily examined. Qualitative research of the sort I conducted is also limited in that the interpretations of the researcher affect the ways in which data are gathered, evaluated, and understood. This limitation is somewhat ameliorated by the fact that research consistency (i.e. reliability) was controlled through a well-articulated and clearly followed protocol; my codebook makes transparent my methods and analyses. Further, what was valid to interviewees was their individual subjective experience; my goal was to gather from those interviewed what the subjective experience of participating in policies related to disabilities has been like. My research is therefore valid to the degree that I am able to understand and communicate interviewees’ (valid) experiences accurately.

Clearly, it cannot be inferred from the type of program – Structured/Proactive or Self-Directed/Decentralized – the type of discourse the institution or its employees used to communicate information about its position relative to foreign language substitution; this

research did not assume a relationship between the type of institution and the language employed. The goal of this discourse analysis was to explore if, where, and how value-laden language infused the language of substitution procedures, regardless of how an institution may be categorized as far as delivery of disability services.

Ethical considerations.

Because my research involves interviews, I submitted my study to the Human Subjects Protection Program/Institutional Review Board (IRB), as per federal law, and received approval to conduct my research. A review through the IRB helped assure that my interview protocols and my recruitment methods were acceptable and posed minimum risk to those who elected to participate.³

A second consideration comes courtesy of Critical Disability Theory, which posits that the very language of disability is value-laden; research and reflection on disability, per CDT, is so informed by normative standards of disability that it is difficult if not impossible to divorce inquiry from these standards (Biklin, 2000). In asking questions about disability, I was cognizant of the power that language – particularly medicalized language, grounded in non-disability standards – has to perpetuate inequality. As Foucault (1969) noted, science is “but one practice” among many (p. 205), and while it happens that science has been the dominant paradigm in discussing disability, I, as a researcher, have other options from which to choose. I thus used language not embedded in scientific practice in creating interview questions and conducting my research.

Positionality.

As a former academic advisor, I have worked with many students with learning disabilities, and had observed the challenges some students experienced in gathering and

³ <http://orcr.vpr.arizona.edu/irb>

submitting required information to disability services offices, their academic advisors, and then back to disability services. I have seen students reduced to tears of frustration, and have also witnessed their profound relief when learning that their substitution requests had been approved. The fact that many disability-related substitutions protocols marginalize and “other” students with learning disabilities is, in my opinion, antithetical to the ethos of fairness and inclusion, as envisioned by the notion of Universal Design, that should characterize the college experience for *all* students.

CHAPTER 4: FINDINGS

Introduction

The research objectives posed in this study were to discover the influences on policy formation for foreign language substitutions; to better understand the issues impacting policy and practice; to identify the theories underscoring policy and practice; and to examine foreign language policy and practice outcomes for students with learning disabilities.

Part 1: Institutional Overviews, Policies & Procedures, and Alignment reviews the policies and procedures that operate at each of the five institutions that participated in this study. For each institution, I present an overview of the policies and procedures, alignment between perceptions of fairness on the part of those who form or implement policies and the policies themselves, and alignment between institutional agents with one another in their perceptions of the legitimacy of policies and practices. Part 1 concludes with an analysis across institutions, including the use of committees, the preference for flexibility in policies, and commonly identified problems in policy formation processes. All data in Part 1 are from institutional employee interviews and content analysis.

Part 2: Strategic Ambiguity in Policy Formation and Academic Practice examines the findings per Part 1 in light of the framework of Strategic Ambiguity. Strategic Ambiguity, with its attention to hierarchies and privileged positions, deniability in practice, tolerance of multiple viewpoints, and allowance for the promotion of agendas, sheds light on why it is that policies and procedures at institutions result in so much variability in practice. Student interview findings are integrated into the Finding Chapter from Part 2 and on.

Part 3: The Student Experience critically explores how ambiguity in policy and practice at institutions can influence the experiences of students with disabilities, with a specific

focus on implications for students with disabilities when it comes to fairness of and equity in experiences and outcomes of higher education.

Part 4: The value of Universal Design for fairness and equity examines how Universal Design in curricular options could mitigate the issues of fairness and equity that emerge as problematic throughout this study.

Part 1: Institutional Overviews, Policies & Procedures, and Alignments

In this part of my findings, I evaluate findings for each institution based on interviews, information available on websites, and/or information sent to me by agents of each institution. For each institution, I include three parts: Overview, Policies & Procedures, and Alignment.

In the **Overview** for each institution, I describe relevant policies and how they were formed. I also identify whether or not diagnostic evidence of disability is required, and whether or not a foreign language attempt is required as part of the substitution protocol. I also include information regarding whom within the institution is ultimately responsible for deciding whether or not a substitution is a “reasonable accommodation,” and based on what criteria. The Overview also examines the accessibility of information related to foreign language substitutions online per institution, including whether or not information on a foreign language substitution option is included on the Disability Services Office website; whether or not a web search yields results of a foreign language substitution policy; and whether or not the steps to the substitution process are available online.

Table 2: Availability of information, by institution:

	Substitution option listed on Disability Services website	Substitution option “findable” with website search	Steps of substitution processes listed online
Verdant			
Pinetree	✓	✓	✓
Coastal	✓	✓	✓
Snowcapped	✓	✓	
Tumbleweed	✓	✓	

After each institution’s overview, I examine **Policies & Procedures**, including what students are expected to do in order to complete the substitution request process. Finally, I present findings about **Institutional Alignments**, which examines two areas: 1) alignment between interviewee perceptions of fairness/legitimacy and institutional policies, as suggested by statements of faith in policies and procedures, and 2) alignment of perceptions between employees within the same institution. Alignment thus includes two considerations, one of which is whether or not those interviewed express confidence in the validity of institutional procedures and practice, and the other whether or not there was alignment in perceptions between different actors in each institution.

Part 1 concludes with an analysis of policies, practices, and alignment across institutions, including statements about the value of flexibility, the importance of committees, and problems identified that span institutional boundaries. The findings in Part 1 are largely descriptive and thus do not include critical analysis, which will be presented in Parts 2, 3, and 4.

Verdant University.***Verdant University overview.***

At Verdant University, the foreign language substitution policy originated in the 1980s, because academic departments wanted standardization in what courses students could take when completing foreign language substitutions. The policy requires that diagnostic testing be presented. In addition, students are expected to attempt a foreign language before a substitution can be considered. A committee recommends to an academic dean whether or not to approve a substitution request, and the academic dean makes the final decision while considering the committee's recommendation.

Verdant University does not include a reference to a foreign language substitution option on the Disability Services Office website, nor does information on the foreign language substitution policy appear when searches are conducted from the Disability Services Office webpage or from the institutional website, though the institutional website does yield search results about meeting minutes that subsequently lead to "page not found" error messages when clicked on. The only way to learn of the substitution policy is through a conversation with someone familiar with the policy (academic deans, student affairs professionals, disability services employees), and specifics about the policy itself is available through the Disability Services Office.

Verdant University policies and procedures.

At Verdant University, students initiated the substitution process by submitting a request that included their diagnostic documentation and statement explaining the impact of their disability on their learning. The goal of the combination of diagnostics and student statement, said a Disability Services Employee, was to allow students the opportunity to add their

qualitative experience to their diagnostics to justify their case, because “most diagnostics give us a diagnosis – they don’t really do a lot on impact.” The three issues students were expected to address, per the Disability Service employee, were “what’s going on right now (as far as) the impact of the medical condition/disability; what it’s been like for the last two years; and what accommodations do you think might be necessary.” Students were thus expected to articulate the intersection of the disability with language learning.

Once students put together a packet, foreign language substitution requests were evaluated by a committee, which was assembled, per a Verdant University Disability Service employee, “because we believe that access is an institutional commitment, and our office is not responsible for that.” The committee, which included disability services employees, learning specialists, and psychologists, was charged with determining whether or not a student was eligible for accommodations. Upon reaching a conclusion of eligibility, the committee would refer the student to the Disability Services Office, where employees would work with the student to determine what accommodations the student could use, such as extended test taking time or alternate grading rubrics, in attempting a foreign language.

After students attempted a language course, with accommodation, they could be considered for a foreign language substitution recommendation – but only if they failed the course. In other words, students were expected to prove that they could not pass a language course before a substitution could be considered. Part of that “proof” involved getting documentation from instructors – “we ask for the information from the tutors, we ask for information from the faculty,” noted a Disability Service employee – and giving evidence that “they really, really went all-out,” as a Verdant University senior Student Affairs administrator put it. To help the committee understand the request, students had to articulate what their

problems were in the course, and, per a Disability Service employee, “Faculty has to report how many times to you were in class. Did you turn your homework in?” If faculty reported that students did well in certain parts of the course (say, homework) but poorly in others (testing), the committee could recommend grading on a different scale or evaluating in an alternate way, “as opposed to saying ‘you don’t have to do language’.” At Verdant University, per those I interviewed, a foreign language substitution was seen as a last resort.

If students earned a passing grade in an attempted course, they could be considered for a substitution at the next level of proficiency, provided they attempted the next level and failed. A senior Student Affairs administrator explained the logic this way: if a student has passed the course, “it becomes very very carefully scrutinized if they indeed are deserving of this accommodation. Because if you can pass, even barely, then you’ve passed.” Only when students reached the level of their absolute inability, and offered proof they had reached that level by failing a course, could they petition for a foreign language substitution for any remaining language requirement.

Once students had proved they were going to fail by actually failing, the failing grade could be removed from the transcript at an academic dean’s discretion, based on whether or not the dean felt the student made a bona fide attempt. The reason grades of D were not removed, per a number of those with whom I spoke, was because the institution did not want to “move students in the wrong direction,” as a Student Affairs administrator put it, by removing credits toward graduation that a student had earned.

After approval for substitution, students chose from a list of courses selected by an academic dean. The academic dean with whom I spoke said that prior to the early 1990s, the institution did not have an established policy for the courses that could be used for second

language substitutions. The academic dean said she was on the group that first created a more formal substitution process, and the courses selected for substitution were intended, as much as possible, to mirror what students gained from foreign language study. The list of available options thus included courses in linguistics to teach how people acquire language; courses of literature in translation to increase understanding other cultures; and courses in history to explain historical and contemporary issues affecting others in the world. The courses from the list could only apply toward a substitution if the courses had not already been taken (meaning, any course taken before a foreign language substitution was approved could not apply as a substituted course).

Verdant University alignment.

The interviews I conducted suggested considerable alignment in the policies and affective responses at Verdant University when it came to faith in the policies themselves. Additionally, there was alignment between Disability Service employees, academic deans, and Student Affairs administrators, all of whom felt that the policy was pedagogically sound: “There is scrutiny and all of the stakeholders get to have a say,” noted Verdant University academic dean; “I think it’s quite fair” added a Verdant University Student Affairs administrator.

An academic dean noted that in her opinion – one she felt was shared by others in the institution – securing a foreign language substitution was difficult because it was important that students, “especially our smartest students,” study language, and that “an educated citizen in the 21st century needs to know a second language, at least at some basic level.” A tenuous grasp on language was thus seen as better than no study of language at all, and for this reason, institutional agents were comfortable with compelling a student to attempt a foreign language, even when the diagnoses suggested that foreign language acquisition would be prohibitively difficult.

Pinetree University.***Pinetree University overview.***

The Pinetree University policy, per those I interviewed, was created about a decade ago, with the goal of preventing confusion and creating consistency. Per an academic dean, the institution wanted a policy that focused on “clarity, transparency of procedures, (and) diagnostic testing.” As a Disability Service employee at Pinetree University recalled, the policy “was actually written by the dean’s office, but we did a lot of work with them on that – they ran it by us and (we) said what we thought worked and didn’t work about it.” The policy formation process was thus inclusive of both academic affairs professionals and disability services professionals.

At Pinetree University, the foreign language substitution request process was available to students with “documented disabilities,” per the website; the policy required students to present documentation, or arrange to take diagnostic tests if documentation was unavailable or dated. Like at Verdant University, students were expected to attempt a foreign language course at the college level; also similar to Verdant University, a committee was charged with making a recommendation of a foreign language substitution, which an academic dean could then either accept or reject based on his or her evaluation of the situation and of relevant institutional policies.

The foreign language substitution policy was listed online among available accommodations such as extended test-taking and note-takers, and the Disability Services Office website included steps and requirements to secure a foreign language substitution recommendation.

Pinetree University policies & procedures.

Like at Verdant University, students at Pinetree University had to attempt a foreign language as part of their substitution request. For students who came to Pinetree University with documentation, the procedure involved attempting a foreign language course, with accommodations, before a foreign language substitution could be recommended. These accommodations could include extended test-taking time, tutoring, or alternate grading rubrics that placed more weight on different elements of the course (speaking versus writing, testing versus homework) than might be offered to other students.

In anticipation of the start of the course, a representative of the foreign language department was notified that a student with a learning disability would be attempting a course; this representative, in turn, notified the instructor of the course. Students then attempted a foreign language course at the institution with accommodations. The reason an attempt was required, per an academic dean, was because:

We don't want diagnosticians making curricular decisions simply by their test results from the laboratory. In offering a liberal arts education, we want the departments, the faculty, the classroom to be involved in that. So what a diagnostician does is present and norm the data, and reach conclusions. It's our attempt, not at skepticism of students, but equity and fairness and consistency.

Mid-way through the semester, if students proved unable to pass a foreign language course with the accommodations, students could be considered for a foreign language substitution. The process involved presenting a packet that included statements from the instructors as well as diagnostics and a statement of need. This packet was then reviewed by a committee comprised of representatives from academic affairs, student affairs, and disability services. Typically, it was

the combination of attempt and diagnostics that ultimately legitimized the request for a foreign language substitution. Based on the information presented, the committee would make a recommendation to an academic dean, who could either accept or deny the recommendation based on his or her judgment and applicable academic policies.

The reason that so many checks of the process existed, per a Disability Service employee, was because a foreign language substitution was “essentially changing the curriculum so that a student (can still succeed at the institution) – it’s a big decision.” A foreign language representative further noted that their policy was “not a matter of letting students off the hook for the work just because it’s a harder subject for them.” The curricular change was seen as so significant, in fact, that student transcripts were modified to note that a foreign language substitution occurred if a substitution was ultimately approved.

Finally, after an attempt was made, and if a substitution request was approved, students picked from a list of alternate courses that had been selected by a designated faculty person and vetted by a faculty committee. Like the list at Verdant University, the courses available for substitution were intended to mirror the types of knowledge gained through language study: linguistics, literature in translation, and non-Western histories.

Pinetree University alignment.

The institutional agents I spoke with at Pinetree University expressed great faith in their policies and procedures. “When I see the students and talk to the students and the instructors for whom we recommend that change, I have no question about what they’re doing and about the substitution,” noted an academic dean. Unique to Pinetree University was that at the start of every year, a foreign language representative conducted a training for incoming graduate assistants and new faculty to provide them with information that could help them identify

students who may have a learning disability, diagnosed or not. The training was available on the institution's website, and encouraged new faculty to be attuned to some of the signs of learning disability. The training of foreign language instructors at Pinetree University thus enabled instructors to consider not only the needs of students with disabilities, but also gave them the tools to help students who may not have been aware of potential disabilities.

The foreign language representative charged with training new faculty was tremendously positive about the relationship between the language department and the Disability Services office, observing that

I find it fabulous to have the support of our (Disability Services office). They provide the information on diagnosis and recommendations as to accommodations we can make in our classes, and they're always available for consultation... I'm not very knowledgeable about specific language learning disabilities, and I supervise about 25 instructors who may or may not have much teaching experience... I find the system and the support works very well.

At Pinetree University, where the contributors to the foreign language substitution policy included a broad cross-section of the institution's policymakers, an academic dean noted that while the process was not always smooth, it was always thorough:

We had experiences, we had disagreements, we had threats of lawsuits, we had frictions. What we worked out with language departments and with (disability services) (is) a basis in which the legitimate needs of the student were addressed in a professional manner.

The collaboration and trust between the stakeholders was seen as an essential element in legitimizing the institutions policy decisions; per a Disability Services employee: "I don't remember ever hearing of a time, and we probably would have heard of time, if there was a

disagreement between (institutional stakeholders). I've never heard of it happening.” The ultimately collaborative nature of the policy formation process contributed to policy legitimacy in the eyes of institutional stakeholders.

Relative to alignment between institutional agents, the importance of foreign language study as part of the institution's history and prestige was a uniting factor among Pinetree University's Disability Services employees and its academic and student service administrators. A Pinetree University Disability Service employee, for example, stated that “coming to (Pinetree) and saying ‘I don't even want to try a foreign language’ is like going to medical school and saying ‘I don't even want to try anatomy’ – it's just not going to happen.” A Pinetree University academic dean likewise focused on the importance of foreign language study, noting that students attending Pinetree University should expect to study a foreign language because “we have a very publicly stated foreign language requirement.” Pinetree University's prestige and institutional history, both of which were referenced by the Pinetree representatives with whom I spoke, were a rallying point when it came to the fact that foreign language substitutions were only considered in the event that it would be impossible for a student to pass a foreign language course.

Coastal University.

Coastal University overview.

The Disability Service Employee at Coastal University with whom I spoke said before she introduced Coastal University's formal foreign language substitution policy about five years ago, there were no written policies for students with learning disabilities who struggled with foreign language learning at the institution. Like at Verdant University and Pinetree University, the Coastal University substitution policy was only an option to “otherwise qualified” students

for whom foreign language study could prove a “barrier” to degree completion. Also like at Verdant University and Pinetree University, the policy emphasized the importance of disability and diagnostics.

To qualify for a foreign language substitution, students at Coastal University had to demonstrate that they have attempted a foreign language, where “attempt” could be at any point in the student’s academic history – high school, community college, or at the institution. This is a departure from Verdant University and Pinetree University, where the attempt had to be made at the institution, with oversight by a committee that evaluated the attempt as part of the substitution process. The reason an attempt was not required specifically at Coastal University, per a Disability Services employee, was because “I wanted it to be very open-ended and flexible so that it would be more of a procedure rather than a hard-and-fast policy.” The policy was formed, in other words, to introduce some consistency, but was created with the intention of allowing for individualized customization in practice. At Coastal University, a recommendation for foreign language substitution was made by Disability Services Office employees, and as with the previous institutions, the final decision rested with the academic dean.

Relative to accessibility of information, the foreign language substitution policy was listed on the Disability Services Office’s website, along with a mention that the Disability Services Office works with students on degree modifications. The Coastal University Disability Service employee with whom I spoke stated that the goal was “a policy to be out there so that it could be searchable and so that a student would be very clear about what the requirements are or what the process is.” To this end, all steps in the foreign language substitution process were listed on the website.

Coastal University policies & procedures.

Procedurally, students at Coastal University provided diagnostic evidence and a statement to the Disability Services Offices, along with a form requesting foreign language substitution consideration. The Disability Services Office then made a recommendation to the academic college's dean, who could either accept or deny the recommendation based on whether or not the foreign language requirement was considered essential to the student's particular program of study (college major). Consistent with Verdant University and Pinetree University, the involvement of the dean was important because it was the academic dean who ultimately decided if a student would graduate from the institution "without meeting the requirements of the degree," per a Coastal University Disability Service employee.

At Coastal University, the requirement of providing diagnostics was identified in interviews as the only procedural area in which students might have some difficulty. Relative to the need for diagnostics, a Disability Services employee noted,

it is a very short process, if the student has provided us with the appropriate information.

Are they already registered with us? Have they already provided their psycho-educational assessment, which outlines a specific learning disability? Or do we have to wait for that assessment? It really depends on the groundwork that has been laid or not laid.

Confirmed a Coastal University Student Affairs administrator, "We have had people that have said 'I've never been able to do this, I've tried it so many times, I've never been assessed for a learning disability but I think I have one.' We can't just give that as an accommodation if the student doesn't have that as a disability, so then that person has to get assessed, so that could be months." The fact of an academic history of foreign language difficulty was insufficient; per the policy, diagnostics were needed to augment the experiential component. Relative to policy and

procedure, the lack of a committee that made determinations about acceptability of foreign language requests resulted in a process that was less bureaucratic compared to the processes at Verdant University and Pinetree University.

Coastal University alignment.

There was alignment at Coastal University to the degree that interviewees agreed that academic deans should have the final word on a substitution determination. As a Student Affairs administrator noted,

I would not feel comfortable if a disability services office would make all these decisions and not inform either the academic unit or the student affairs office or the associate dean or even a faculty member. And I can't imagine any disability services office who wouldn't be communicating with the faculty.

A Coastal University academic dean furthered the narrative by confirming that academic deans made final course substitution determinations, but went on to add that while he may have the authority to make substitutions, "my job is to make sure students meet requirements. (And someone with my job title) is not supposed to muck around with requirements that the senate has passed." It was the involvement of the Disability Services Office that enabled him to approve substitution requests, since disability was a condition under which adjustments could legitimately be made.

At this point I will offer a disclaimer: by chance, I interviewed an academic dean who had a particular history with the foreign language substitution policy. When I first asked him to participate in my research, he asked if a Disability Services employee had suggested him. When I said I picked his name along with a few others at the institution, he said that he "thought it kind of odd that you came up with my name, because when (director) first came here, I think it was

her first year here or soon after, we actually had a disagreement over this particular issue.” The disagreement stemmed from the “attempt required” verbiage in the proposed policy, and the fact the policy, per the academic dean’s assessment, “essentially requires (students) to have an F on their advanced education academic transcript. And I didn’t think it’s fair that you have an F.” The academic dean added that “90% of the time” the accommodation process “works perfectly great” but in the case of this policy, there was disagreement. Thus while the relationship between the Disability Services Office and the academic dean was spoken of in positive terms writ large, the requirement that students experience failure was an area of disagreement.

In addition to the requirement that students fail a course (which was not made explicit on the university website), an additional cause of tension at Coastal University was the fact that the institution’s policy language was vague when it came to the definition of “attempt.” Unlike at Verdant University, where an F was required for a substitution consideration at the institution, and unlike Pinetree University, where a student could withdraw from an attempted course mid-semester, the policy language at Coastal University brought up broad issues of fairness and equity because of what a senior Student Affairs administrator termed “interpretive language.” In practice, a policy that allowed for various interpretations of “attempt” meant that the ultimate decision on allowing a substitution would “come down to the value and philosophy” of the academic dean charged with making a decision, per a senior Student Affairs administrator at Coastal University, as opposed to the decision being based on standardized measures.

The potential tension between the Disability Services Office and an academic department was evidenced in the following anecdotes, shared independently by an academic dean and a Disability Services employee: At one point, per an academic dean, the Disability Services Office at the institution concluded that a foreign language substitution was not warranted for a particular

student, after which the academic dean reviewed the student's petition. At that point, the dean noted,

I said 'wait a minute. I'm the dean. I'm the one who has to make this substitution. The Disability Services Office makes the recommendation on whether or not a substitution is required. And I view this test report as sufficient for me to make the substitution, even though Disability Services Office doesn't...Because I'm the one who makes this substitution.

The point of this quote is that it highlights the fact that at Coastal University, the institutional alignment came less from the fact that the policy itself was agreed upon and more from the fact that ultimately, the academic dean could legitimately make a final decision regardless of the policy or the Disability Services Office recommendation. A Disability Service employee at Coastal University, meanwhile, shared a similar story from her perspective, recalling that one student seeking a substitution

just asked the Dean, not even thinking of asking us, even though he worked with us too. He just thought of it as an academic issue and not as a disability issue. And so he on his own just asked and the dean contacted me and said 'this is what we're going to do' and I said 'ok'."

While the policy was clearly established, in other words, the procedure allowed for variation in practice and a clear hierarchical decision-making structure. The hierarchy – the Disability Services Office makes a recommendation, the dean decides, and there are no others involved in the process in terms of committees – appeared to result in less alignment than had been evident at Verdant and Pinetree Universities, at least among the agents with whom I spoke. A senior Student Affairs administrator at Coastal University, for example, observed that students seeking

substitutions need to “have some conditions that impedes them from learning an actual language, and that’s why we need to at least call upon the disability services: you guys are supposed to be the experts and so what’s your take on it?” While the verbiage itself acknowledges the importance of the Disability Services Office in making disability determinations, the “you guys are supposed to” comment suggests a lack of conviction in the ultimate contribution the Disability Services Office was making in the final determination.

Snowcapped University.

Snowcapped University overview.

At Snowcapped University, an academic dean noted that their foreign language substitution policy originally came about from the observations of a previous academic dean who had

this concern that there were students out there who truly had stuff going on that was going to prevent them from actually graduating from our college, and they couldn’t really get through the traditional (foreign language requirement), and they had some sort of disability

– the impacts of which could redressed with a reasonable accommodation. As with the previous three institutions, a foreign language substitution accommodation was available only for students with “certain disabilities,” per the website, and “extensive” diagnostic testing was an essential component of the foreign language substitution request process. At Snowcapped University, a committee comprised of people with expertise in medical, learning, and psychological disabilities made the final decision on whether or not a foreign language substitution should be approved for individual students. While an academic dean sat on the committee, the dean was

not a voting member when student applications for a foreign language substitution were reviewed.

Information on the foreign language substitution policy at Snowcapped University was available on the Disability Services Office website, and was also available along with other institutional policies in the university's academic catalog. The steps for the accommodation process itself were also available online, as was the substitution packet that initiated the request for accommodation.

Snowcapped University policies & procedures.

Because of the importance of language study, per a Snowcapped University Disability Service employee, students seeking accommodations for foreign language had to answer an essential curricular question: "What is it about foreign language that is unique and different that you should have a different set of courses in front of you than any other student?" In other words, students interested in a foreign language substitution at Snowcapped University needed to justify a departure from the established curriculum. Procedurally, students seeking a foreign language substitution applied for consideration by submitting documentation and describing how their disability interfered with language learning. Once the application was completed, it was forwarded to a committee whose charge was to decide whether or not each student was eligible for a foreign language substitution. To help students create their applications, Disability Services employees coached students on the process. Per a Disability Services employee, their support included a review of the diagnostics ("this is pretty old, this is from 7th grade, there's a pretty good chance the committee is going to ask you for updated documentation") and coaching about statements confirming foreign language acquisition struggle ("you might want to get a letter from your High School Latin teacher because your transcript says you had As and Bs – if you did

that well in High School why are you asking for a course substitution?”). Per the Disability Service employee, those students who took advantage of the consultation typically received a foreign language substitution recommendation, though it was not clear from the interview whether the recommendation was a result of having been coached in what to say and how to say it, or whether the recommendation was a result of having an independently compelling case in the eyes of the committee members evaluating the applications. This lack of clarity was evident in this statement too: about those students who did not meet with professionals in the Disability Services Office, the Disability Service employee noted that “generally the committee will bounce them back out and say ‘you don’t have a complete application. Go back and meet with someone in the Disability Services Office, get it all together and reapply next semester.” The application, in other words, needed to be compelling and well-crafted, which meant having sufficient, current diagnostic results and a compelling self-analysis of the impact of the disability on language learning.

The Committee at Snowcapped University then evaluated requests for foreign language substitutions, and was also charged with identifying the courses that would be available to all students approved for a foreign language substitution. The courses selected by the committee, per an academic dean, aimed to mirror the foreign language experiences using courses in English. Thus the committee, in addition to determining the merits of individual applications for foreign language substitutions once a semester, had also been charged with identifying the primary goals for language study:

The first is exposure to non-English speaking culture, and so they do that with the substitution packet, the first part is a cultural component. The second is that it would give a student an appreciation for how language in general works, so that is why there was a

linguistics component. And then the third is it helps students actually with their English, so that is why there's an English composition requirement.

The committee was thus charged with not only evaluating requests for foreign language substitution, but also providing curricular options once a request was approved, similar to the committee service at Verdant University and Pinetree University (though, unlike at those institutions, Snowcapped University did not require a foreign language attempt before a substitution request could be approved).

Snowcapped University alignment.

Snowcapped University employees expressed great faith in their policies and procedures; a Disability Service employee with whom I spoke, for example, stated that “I’m really comfortable with the policy. I think it’s fair and it does what we would want it to do... We’ve had the right people on the committee, who really understand disability... They’re really looking to try to understand each student’s situation, and be fair and consistent.” An academic dean at Snowcapped was equally enthusiastic, saying he thought the process was “phenomenally good.” The dean expressed faith in the process because of the strength of the expertise of others: “we have enough people who are qualified to work with students from a medical standpoint and from a learning ability or disability standpoint that I feel confident when I’m on the committee.” The combination of experts, coupled with the guidance of the Disability Service Office, impacted people’s comfort with the policies, and this confidence extended among and between those interviewed.

Tumbleweed University.***Tumbleweed University overview.***

The Tumbleweed University policy was developed, per a Disability Service employee with whom I spoke, between representatives of a curriculum committee and representatives of the Disability Services Office approximately fifteen years earlier; as part of the review, the policy went to “academic units with the clear understanding that if there was any curricular impact, then it’s not a reasonable accommodation. So of course there had to be approval from academic side,” the Disability Service employee noted. The policy required that students complete a form describing their foreign language learning challenges, meet with an academic advisor to get confirmation in writing that a foreign language substitution would not compromise the integrity of the degree, and then gather documentation and submit the request to the Disability Services Office for consideration.

The policy language at Tumbleweed University reads that “extraordinary circumstances” are required for a substitution, and that disability is among the possible “extraordinary circumstances” that can apply. Diagnostic testing is required, per the policy language, but students were not required to attempt a foreign language, at the institution or anywhere else. Academic advisors approved or denied foreign language accommodation recommendations, which were made by the Disability Services Office. Academic deans or department heads made unit-level decisions about whether or not foreign language substitutions were acceptable to their units, but were not involved in approving or denying individual foreign language substitution requests.

The foreign language substitution policy was available on the Disability Services Office's website, and the procedural steps were also listed on the website, as was the application for foreign language substitution.

Tumbleweed University policies & procedures.

The process of securing an accommodation at Tumbleweed University was less complex than at the institutions that required an attempt (Verdant University, Pinetree University, Coastal University) and than at the institution that had a committee make determinations as to whether or not a student should be granted a substitution (Snowcapped University). The relative simplicity of the process was due to the fact that the entire process was handled between an academic advisor and a Disability Services Employee. While a curriculum committee created the original policy, their charge, once the policy was implemented, was completed.

Procedurally, once a student was approved for a substitution, the course options at Tumbleweed University were based on a list of courses that had been made years before by a student services center that was no longer operational; while some departments still had copies of that original list, it had not been updated in almost a decade. Students approved for a substitution met with an academic advisor to review their options; per a senior Student Affairs administrator, students were informed that "Your language requirement is not waived but that we want you to have at least the cultural experience through a classroom experience of that linguistic area or areas. We do talk to them about it so they can choose accordingly." As with Verdant University, Pinetree University, and Snowcapped University, the courses substituted for foreign language included courses in linguistics, literature in translation, and non-Western cultures.

Because Tumbleweed University did not require that students attempt a foreign language, students approved for a foreign language substitution did not necessarily have an opportunity to

attempt a course with accommodations such as differential grading, where more or less weight was placed on different types of assignments depending on student learning strengths. An academic dean noted that in her opinion, giving students the chance to study a language was important, and she would have been more satisfied with a policy that allowed for differential grading rather than a substitution: “I would want to talk to them and explore alternate pathways. Is there a way we could make this language thing work for you? Without the written component, focus on the oral, or vice versa?” In order for the possibility of offering different ways of evaluating learning, however, the academic dean noted that she would need to work with the Disability Services Office, both for guidance on the types of assignments and assessments that might be most effective depending on the learning disability, and also to legitimize a grading scheme that was different from what other students in the class experienced. However, at Tumbleweed University, there was no policy structure to support this kind of accommodation; while students with disabilities could use accommodations such as extended test-taking time or note-takers, there was no policy provision for alternate grading rubrics. Thus while the policy was fairly straightforward, what it did not include was an allowance for alternate routes to language acquisition.

Tumbleweed University alignment.

Trust and reliance on the expertise of others were identified as essential policy components at Tumbleweed University. Relative to policy formation, for example, a Tumbleweed University curriculum committee member observed that given the number and variety of representatives from units and departments on the policy decision-making committee, “I’m hopeful that we have the expertise to look at things from a lot of different directions, with different perspectives, to catch something that’s not appropriate.” A second Committee member

at Tumbleweed University made a similar observation, noting that when it comes to academic policy changes, by the time decisions are made, “everybody has seen the proposals, and has had a chance to evaluate them.” For this reason, noted a committee member, “we have confidence that...with that kind of breadth of expertise, somebody would pick up on an item that is unusual or inconsistent with other policies or expectations.” The buy-in from a variety of institutional agents, in other words, was what legitimized the policy. For this reason, non-Disability Services employees expressed confidence in the policies as consistent with institutional and personal priorities.

Employees in the Disability Services Office, relative to alignment between personal ethics and policies, expressed considerably less confidence in the policies and procedures at Tumbleweed. Part of the problem, per a Disability Services Employee, was that when the policy was first written in the early 1990s, the department that represented students with disabilities functioned under “the older model,” where documentation and diagnostics were the essential variables. For this reason, diagnostic testing was still required to secure a substitution.

In contemporary practice, however, by the time individual students worked with the Disability Services Office on a substitution request, the students would have already seen an academic advisor who, acting on behalf of a unit or college, would have already attested that a substitution would not impact the integrity of the degree. If the substitution was not going to impact the integrity of the degree, per some of the Disability Services employees with whom I spoke, the need for students to actually secure diagnostics was seen as (unnecessarily) costly and time-consuming.

The problem with eschewing diagnostics and testing, however, was the acknowledgement on behalf of Disability Services employees that others in the institution were counting on the

Disability Services Office to require diagnostics, because that was the agreement when the foreign language substitution policy first became effective. Such reliance was articulated by a curriculum committee member I interviewed from Tumbleweed University:

Disability Services Office has certain guidelines that they use.... They're the experts on that; we didn't get into how they do that. We trust them because they know what they're doing in that sense...I have to say I have no idea what they do, how they determine these things. We basically trust them – whatever decision they make regarding a student's disability and what their needs are, we go with that.

Since the published, curriculum-committee-approved policy required diagnostics, it would have been problematic for the Disability Services to eschew diagnostics when they were entrusted with evaluating medical need for a substitution.

Along with the diagnostics consideration, other problem the Disability Services employees observed was that as long as the substitution did not “fundamentally alter” the degree requirements – in other words, if the academic department had already confirmed that a foreign language substitution would not compromise the value of the degree – then there was little reason for the Disability Services Office to require testing and diagnostics if a student felt a substituted course was a better fit for his/her learning than a language course. By that point, a Disability Service employee enquired, the department has “already make this determination, you've already done the paperwork, you've already signed it, so why do you need us? You've handled it, handled it beautifully, you've determined that that was appropriate, and that's great.” The Disability Service employee went on to state that if students

come in here with a presigned letter from their advisor saying its perfectly fine curricularly and we say “no”– well, there isn’t a good reason here. It’s like, wow, who’s fault is this here? This feels like this is a barrier, and here the academic person is saying – not a problem – and here is the Disability Services Office saying you can’t have that. It’s a really awkward kind of position – on what basis do we have to say ‘no you can’t have that,’ especially if the advisor would give it to them? No, there’s not a disability-related reason, but....

In other words, because the department has already affirmed that a foreign language substitution would not diminish the integrity of the degree, and because the student had already gotten to the point of asking for a substitution, the Disability Service employee at Tumbleweed University questioned whether or not the Disability Services Office was really essential to the process.

Another Tumbleweed University Disability Service employee noted that for her, the “real” answer to the issue of foreign language substitutions is that any student could have the choice of culture or language study. The Disability Service employee went on to say that such a suggestion was “not going to come from here. That shouldn’t come from here. It’s not what we do. That’s an institutional rigor question.” To this end, the Disability Service employee observed that the protracted processes and uncertainty experienced by students would be mitigated by a firmer, less-ambiguous institutional stand: “I would love for faculty to come back and say NO, course substitutions are not reasonable,” the Disability Service employee argued, because “then we’d have something to go on...to understand...why it’s so difficult for a non-disabled students to have substitutions.” As it stood, students were asked to present documentation and petition for a substitution when it had already been established that a substitution would not diminish the integrity of the degree, calling in to question the need to present documentation and petition in

the first place. Of the five institutions that participated in this study, the alignment at Tumbleweed University – between individual values of Disability Service employees I interviewed and the policies on the books, and between individual stakeholders at the University – seemed the weakest.

Procedures, policies, and alignment: analysis across the five institutions.

Part 1, which thus far has presented overviews, examined policies and procedures by institution, and examined institutional alignment, also includes identification of three areas in which institutional practices existed across institution. Areas of commonality across institutions were reliance on committees to create legitimate policies; the preference for flexibility in policies; and a recognition of problems associated with gathering data needed to make informed decisions. Each of these areas is examined below.

Committee responsibilities.

Part of the policy creation process at each institution involved determining who was responsible for different elements of policy formation, and identifying who had the expertise and the authority to speak to various parts of an institution's academic expectations and student experiences. Because of the importance of reliance on the expertise of others, committee participation at some level was a component at each institution, whether committees were responsible for policy formation, vetting policies, or reviewing specific requests for foreign language substitution. Typically, the goal of committee-led decision-making was to ensure that a variety of institutional agents had enough collective expertise, whether that expertise was in the form of academic programs, learning issues, or institutional policies, to make sound decisions. As a Pinetree University policy maker pointed out, the goal of having explicit policies was to

mitigate confusion among multiple stakeholders, especially when those stakeholders had different agendas:

Parents advocate for the easiest, most direct, easiest resolution for anything that gets in the way of their student; the student advocates for the easiest, quickest way of anything that gets in the way of the student; the instructors want to make sure that legitimate and same substance are constant in all of their classes. You just run right through it and you can see, if you don't have (academic policies), you're going to have nothing but endless trouble.

The main stakeholders – and, therefore, the voices most represented on committees that existed at each of the five institutions that participated in this study – were representatives of Disability Services Offices, representatives of academic departments, and administrators such as Deans and department heads. One of the reasons that considerable faith was expressed in the policies formed was because of the types and variety of representatives on the committees. Committee compositions were intended, as one academic dean put it, to meet “a compelling and necessary logic.” The considerable deliberation and intentional decision-making that had gone into the creation of policies and practices largely resulted in confidence that students with disabilities were being served effectively.

Intentional flexibility in policies and practices.

An additional commonality across institutions was the flexibility built into the policies and procedures. In some institutions, the flexibility was in the area of the policies themselves; per Snowcapped University Disability Service employee, for example, the policy “intent is to be flexible.” Per a Verdant University policy maker, “even though there is a policy, it's written (in a way that) it's flexible enough to consider each case individually and there's always something

different.” A similar approach was evident at Coastal University, where a Disability Service employee noted that their approach is “very open-ended and flexible - more of a procedure rather than a hard-and-fast policy.” Flexibility in the policy itself was seen as a virtue when it came to implementation.

At other institutions, the flexibility was less in the policies themselves but more in institutional practices. Per a Tumbleweed University Disability Service employee, when it came to diagnostics and documentation, “I think really we’re willing to be more flexible in what we require.” At Pinetree University, meanwhile, the accommodations for learning disabled students attempting a foreign language course included flexibility in adapting grades: “you don’t treat all students by the same rigid, inflexible scale of the number times speaking in classes, the number of essays without a mistake. You measure effort, progress, grasp, comprehension,” per an academic dean at the institution.

Whether the flexibility manifested at the policy level, at the procedure level, or as part of the accommodation itself, the intent of flexibility was to allow for institutional requirements and student needs to intersect in a variety of ways. Per those I interviewed, flexibility was a virtue.

Problems identified in policies and practices.

Despite the faith in policy-making by committee, and the flexibility intended to allow for variation when and as needed, there were also some areas of concern that emerged regarding policy-making by committee across institutions. In particular, though policies were formed in environments in which institutional agents relied heavily on one another to legitimize their decisions, the data, organizational communication, and professional expertise needed to justify the reliance was occasionally absent. A Tumbleweed University Committee member, for example, shared that

I personally am a little bit frustrated ...when decisions that we make are not as well-informed as they should be.... in some cases, (we) cannot have the hard numbers that would be helpful to make decisions. And then you know what happens – you rely on (the) anecdotal.

Since informed decision-making relies on data – a sense of how many students are impacted by different policies, anticipating course availability for disabled and non-disabled students alike – a lack of numbers in terms of those served and their needs was problematic.

A second issue that proved problematic across institutions was related to the gathering of information needed to submit a foreign language substitution request; at each institution, a critical step in the process involved having students gather information about foreign language substitution processes, according to those I interviewed. Often those processes were straightforward: read the policies, meet with professionals, and follow the steps. What my interviews also revealed, however, was that websites were not always controlled by those who administered policies, making information difficult to get. In looking through the websites of the institutions in this study, I found a number of dead or old links. Per a Disability Services employee in Pinetree University, their website includes “links from other sites, that we don’t monitor, we’re not in control of. (There’s) stuff ...from 1992 and we’re like ‘that’s not correct’ but we’re working on it.”

Institutions of higher education are centers of tremendous yet fragmented knowledge. A challenge thus emerged from the fact that academic deans, deans of students, Disability Service employees, and committee members often juggled multiple responsibilities, such that they themselves were not always up to date on policies and practices. For example, some interviewees

were not aware of current practices at their institutions. A dean of students at one of the five institutions stated, “it’s interesting because I don’t believe there’s an actual, explicit wording or policy here on campus about language substitutions” (there is). In another institution, when I asked Disability Service employee about a document I had looked at regarding their substitution process, the Disability Service employee’s response was “Boy, you found an old document...there’s stuff out there on the web; we’re working on revisions now. There’s stuff out there that’s totally old and not really how it’s happening right now.” The Disability Service employee was unaware that the document I found was the only one available on the website at that time. At one institution, where the policy states that a notation is made on student transcripts when a foreign language substitution is approved, a Disability Services employee stated that “I don’t think that happens any more” (it does).

A final issue related to the flow of information in policy-making was the fact that lags in communication could make it hard for institutional agents to stay abreast of current policies, which in turn impacted the students that relied on them. A dean of students from Coastal University, for example, discussed how difficult it was to make sure that changes and adjustments to policies were communicated efficiently and effectively, noting that “when there’s a breakdown of any communication, whether it’s a new policy or a policy that’s being (re)drafted, (the) delayed effect always translates into students getting a little lost in what they’re being advised about.” Students relying on institutional agents to get the information needed to make informed decisions could sometimes be led astray.

Unfortunately, as a senior Student Affairs administrator at Coastal University noted, when units such as learning centers, career centers, and disability centers were slow to update their websites or to share current information, their own staff are “going to be misinformed, and

then they're going to misinform their own students when they advise them." The senior Student Affairs administrator went on to relate how students will come with an understanding of a policy that they'd heard from a different office, and

they'll say 'well we were told this' and it's like, well, wait a minute. That's not the right way of interpreting this policy, and by the way, the procedure has changed recently....students will get one story from one story from one office and then they'll come to us and they'll get a different story. And that frustrates students.

When students are hearing different things from different university agents, and then, as the senior Student Affairs administrator went on to note, "there's even more bureaucracy on top of that," the experience of asking for and receiving a foreign language substitution becomes more protracted and frustrating.

The findings thus indicate that there is sometimes a lack of data to guide meaningful decisions, and an over-reliance on others in the institution both for information and for communicating changes to colleagues and students. Such challenges notwithstanding, most of those I interviewed felt quite positive about the policies in place. The mechanisms in place at each institutions – the input of various stakeholders, the pedagogical considerations that went into academic decisions, and committees that had the necessary credentialing and gravitas to speak on behalf of "the institution" when it came to ensuring curricular integrity – allowed those charged with implementing policy to feel confident in their charge. Because members of the committees were selected in light of their particular expertise or institutional authority, the resulting policies were believed to be legitimate given the deliberation that went into how they were formed and implemented. The only exception was at Tumbleweed University, where a

change in leadership in the Disability Services Office had lead to dissonance between older policies and contemporary practice.

Part 2: Examining Findings in light of the Strategic Ambiguity Framework

With very few exceptions, and as evidenced in Part 1 of the Findings, interviewees at each of the institutions that participated in this study expressed confidence in policies, procedures, and outcomes of foreign language substitution processes. Despite the specificity of different committee's charges, and the confidence that those interviewed expressed in the policies, this study uncovered significant departures and divergences from policies and procedures when it came to actual practice. For all the controls placed on establishing fair and consistent foreign language policies, every one of the people I spoke with discussed (sometimes repeated) exceptions that they had witnessed to the stated policies. Even more importantly, however, was that these exceptions were not spoken of with rancor or concern; instead, they were discussed as acceptable and even expected. In this section of the findings, I critically examine the findings of departures from policy and practice through the lens of the Strategic Ambiguity framework.

The Strategic Ambiguity framework: a brief review.

As per the Review of the Literature and the Design and Methodology chapters, the Strategic Ambiguity framework suggests that language can be explicit, and carried forth consistently, yet still result in variation in practice. Such variation is in fact an *expectation* of policy in practice, because while a committee may be comprised of all of the right people, there will be inevitable ambiguities that can accommodate a variety of interpretations. Webster's defines "ambiguous" as both "doubtful or uncertain, especially from obscurity or indistinctness" and as "capable of being understood in two or more possible senses or ways." It is the latter

definition that is more germane in the case of academic policies in higher education. Ambiguity need not generate uncertainty or doubt; rather, ambiguity can serve as a deliberate strategy to allow multiple understandings during policy formation, implementation, and reevaluation. The Strategic Ambiguity framework, therefore, explains how well-vetted policies result in considerable variation when it comes to academic practice.

The Strategic Ambiguity framework, with its attention to a) **unified diversity** b) **the preservation of privileged positions** c) **fostering of deniability**, and d) **the facilitating of organizational change**, thus sheds light on why it is that established policies and procedures at institutions resulted in so much variability in practice, despite the fact that policies were committee-vetted and procedures were largely believed to be fair and effective. Each of the areas is addressed below, as are the outcomes of such inconsistencies in terms of student experience.

At this point in the findings, I start incorporating student quotes and perspectives as appropriate, to begin examining the impacts of ambiguity on the four students I interviewed.

Unified diversity.

Relative to this study, strategically ambiguous policies allowed institutional agents to legitimately make decisions that were consistent with their own sense of right, regardless of the policies on the books, without fear of institutional repercussion. Such variation, far from being an unintended consequence of policies, was arguably among the *goals* of foreign language substitution policies, in that institutional agents could maintain the relevant narratives (“foreign language substitutions will only be considered with diagnostics and a recommendation from the Disability Services Office”) while taking advantage of ambiguities in order to act according to their own understandings of fairness and legitimacy.

A Disability Services employee at one institution, for example, noted that the “foreign language policy you found online isn't put into practice exactly the way you see it written any more. There's a lot of variation by department.” An anecdote from an academic dean at another institution, meanwhile, focused on a department that was “kind enough to accommodate” a few students that wanted to pursue a major that required significant levels of language study. The ambiguity in the policy explained why “kindness” could be a legitimate alternative to diagnostics, and how multiple viewpoints could simultaneously operate under the rubric of one policy. The allowance for a unified diversity of viewpoints meant that a policy vetted by committee and approved by a variety of stakeholders could be legitimately set aside, giving particular actors the power to override all of the thought and deliberation that went into forming the policy or determining a recommendation.

Protocols could thus be bypassed when and if actors deemed it necessary, such as when an academic dean felt a student’s case was compelling even if the institution’s Disability Services Office did not, or if a Disability Services Office felt a student’s narrative was compelling even if the diagnostics were not. A variety of viewpoints, under the framework of Strategic Ambiguity, could be accommodated by ambiguous policies.

Preservation of privileged positions.

As discussed in the Review of the Literature, the power to control agendas is considered the uppermost level of power. Privilege – “to be allowed to move through your life without being marked in ways that identify you as an outsider, as exceptional or ‘other’ (Johnson, 2001, p.34) – is what legitimizes decisions that institutional insiders like deans, faculty, directors, and senior student affairs administrators make. Others, non-disabled and disabled alike, must then either abide by those agendas, or find ways around them through petitions and accommodations. There

are two areas in which privileged positions intersected with ambiguous policy formation and practice: 1) lack of scrutiny of claims made by privileged actors, and 2) the use of the medical model of disability to inform institutional decision-making. Both areas of preservation of privileged positions are addressed below.

Lack of scrutiny.

Lack of scrutiny was particularly evident in statements about what was important to other stakeholders in each institution, in particular what was important to faculty. Repeatedly, statements about faculty concern for foreign language study were presented as a justification for the complex and bureaucratic processes that existed to secure a substitution. Such a sentiment was captured by this academic dean:

faculty generally would say that the ability to use and understand at least one language other than English, as well as knowing about the culture and the people who use that language, is a highly desirable goal of any student with an undergraduate degree.

The assumption that faculty think language study is superior to courses in culture emerged throughout my interviews. Yet the question of how much ‘faculty’ as a group actually care about foreign language study was vague. Per one academic dean, “most faculty, in my experience, are apathetic” about the language-versus-culture issue (with the exception of faculty in language majors), adding that “like an average faculty member I could’ve cared less about undergraduate requirements. We’re concerned with major requirements and with graduate student requirements, not with general breadth requirements.” An academic dean from another institution, meanwhile, noted that “support is measured in different ways: by the absence of criticism, by the absence of contention. I would say the faculty – the faculty worry about lots of things, but not this.” From yet another academic dean came the statement that “I don’t think most faculty pay attention.

They realize that there's a committee out there that work with students who may need this type of service, so they defer to (disability services) for assistance." A Disability Services Employee, meanwhile, observed that in her experience, faculty reactions to language substitutions was "mixed, it was very mixed. It's mixed from 'this is an important component of a students education and they should do their best' to 'I think you should go to the Disability Services office and get a foreign language substitution'." Yet the fact that broad statements to the effect that "faculty care about this topic" were bandied about as justification for protracted protocols suggests that the privileged position of the speaker overrode the need to actually investigate the claims.

The use of the paradigm of disability as a medical problem.

While the expectations of students seeking substitutions varied from one institution to the next, in all cases, interviewees identified documentation as a critical piece in substitution for foreign language requests. At each of the five institutions that participated in this study, in other words, the existence of a disability was essential for foreign language substitution consideration, and students were required to identify as disabled in order to secure a recommendation for a foreign language substitution.

For students with previously diagnosed disabilities, the process of gathering and submitting documentation could be fairly straightforward. A Disability Services employee, for example, noted that in her experience, "most (students) come in with their documentation, because this stuff doesn't come out of mid-air. Usually it's been identified early, they've had services throughout the years, they show up at college – it's not really a different situation." Indeed, two of the students that participated in this study had a well-documented history of disabilities, and had learned over the years to self-advocate. Both had attended private secondary

schools that offered extra support for learning disabled students, and both could effectively communicate the impact of their disabilities on their academics.

For students without previously undiagnosed learning disabilities, however, these processes could be completely foreign. One student I interviewed shared that until he came to college, he had not seen his IEP, which included “technical terms I hadn’t seen before.” Another student added that having to write about the impact(s) of his disabilities was difficult for him to do on the application for foreign language substitution: “it’s hard to get your argument down in 500 words.”

For students without a history of disabilities, the foreign language substitution process could be even more alien, in that it requires the adoption of a new identity. Per a Disability Services employee:

I’m sure that there are lots of students (to whom one might say) ‘It sounds like you’re struggling, you should look at Disability Services Office options, but then they are going to respond ‘but the Disability Services Office is for disabilities, I don’t have a disability’ and you don’t ask any further. They’re not going to seek something out, explore further, especially if (they feel like) ‘I don’t fit that mold, so I’m kind of left stuck.’

In order to secure consideration for foreign language substitution, students have to identify as ‘other’ – accept a label of disabled, seek medical documentation confirming the label, acknowledge a disabled identity – when current societal norms hold that being disabled is less desirable than being non-disabled.

In large part, the people who participated in decision making regarding foreign language substitution policies were either faculty members or those with expertise in various disabilities. Policies were thus in part made or implemented by those who had a) already successfully

navigated the higher education system, and had the credentialing to speak to “academic standards,” or b) studied disability as a pathology. Neither group – faculty nor medical doctors – had in their purview a mandated awareness of CDT, nor a required awareness of how policies may be perpetuating privilege. This is not to say that specific faculty, Disability Services employees, or medical professionals were not attuned to potential social justice issues embedded in policies, but rather that it was not evident that the lived experiences of those in non-privileged positions was systematically considered as part of the decision-making process. Heavily medicalized environments, therefore, may be among those that most perpetuate “the sense of entitlement and superiority that underlies most forms of privilege” (Johnson, 2001, p. 127). One is either abled, and therefore not eligible for non-standardized higher education delivery, or disabled, and belonging to a group identified as having special needs relative to the “norm” of ability.

This sense of non-disabled positions as privileged may also impact students. When I asked one of the students I interviewed about his experiences with foreign language study in the past, he shared that his early study of language went well, but his grasp weakened considerably when material became increasingly complicated: “I did Spanish in my sophomore year and did actually pretty well, and then I did it in junior year and I did ok but not great, and then senior year I just totally fell on my face.” At that point, he says, “I took a test with an educational tester that basically said that I would be very poor at learning foreign languages... I would be horrible.” Despite the fact that both his experience and his documentation suggested foreign language difficulties, he was remarkably philosophical about what he felt institutions could require of students seeking foreign language substitutions. When asked how he feels about an institution requiring language study before a substitution would be considered, he answered that

institutions have their standards and he will do whatever he needs to do to meet them. Another student I interviewed was less philosophical, noting with puzzlement the possibility that compelling students to study language “could keep them from having their degree” when the entire purpose of foreign language study, in his estimation, “is to show appreciation of difference.” There is a certain irony embedded in requiring the study of difference while simultaneously restricting the study options for differently abled students.

Fostering deniability.

In addition to allowing for unified diversity and the preservation of privileged positions, Strategic Ambiguity also creates ideal situations to avoid accountability. In foreign language policies and in foreign language substitution procedures, the number of people involved, and their various roles, meant that in the case of controversies or uncertainties, those involved were able to excuse themselves from responsibility. The ambiguity in the policies meant that there was always another party on to whom responsibility could be passed. Excusing from responsibility was evidenced in three areas, each of which are examined below: deniability of responsibility for substitution approvals, deniability of specific student-service responsibilities, and deniability of accountability in decision-making.

Deniability of responsibility for substitution approvals.

The reluctance to grant substitutions for anyone but disabled students – a reluctance, per one Disability Services employee, rooted in “fear” and “history – because this is the way it’s always been done” – leaves academic administrators feeling that they “can’t make that decision, it has to be through Disability Services because they’re the responsible party’.” Having Disability Services Offices as the legitimizing party (i.e. the “bad guy,” in the Disability Services employee’s estimation) in course substitutions meant that academic administrators were relieved

of responsibility. Interestingly, one of the students I interviewed clearly picked up the tension between academic departments and the Disability Services Office, noting that in her experience “it was like a child’s battle – who signs first.” Another student, having already received conflicting messages from institutional agents about how to secure a substitution, told me that he chose to save the voicemail he received telling him that his approval paperwork was ready, due to his concern that he might get different information later.

In an institutional environment where the needs of disabled students can come into conflict with the priorities of those whose worldviews stem from their privileged positions, Disability Services employees could benefit from policy environments that preserved *their* deniability as well. A Disability Services employee from one institution, for example, offered that foreign language substitutions are “not even a real disability accommodation if you think about it; schools don’t have to change their core curriculum.” With that statement, the Disability Services employee established that the Disability Services Office at her University was not responsible for foreign language substitution processes and outcomes.

A further example comes from a Disability Services employee at a different institution, who noted that while his office took some responsibility in the foreign language substitution process, the final decision lay elsewhere:

the Disability Services Office is just the screening process for the dean; we do not make any definitive decisions – we just make recommendations based on the information that we have... (but) the decision is up to the dean...He’s overturned twice in the last year.

In other words, the Disability Services Offices only made recommendations, and whether or not those recommendations were accepted was in the hands of other institutional agents. Strategic

Ambiguity allowed for deniability on the part of all involved when it came to ultimate responsibility for the curricular change.

Thus not only did Disability Services Offices preserve their deniability, because they were only involved in making recommendations, not in approving requests, academic administrators *also* maintained deniability, because administrators were not responsible for individual allowances – the substitution was a “disability related” and therefore under the aegis of Disability Services Offices.

Deniability of specific student-service responsibilities.

Another area in which deniability was evidenced was in statements allocating responsibility for different elements of the foreign language process to other actors – who may or may not have actually taken any responsibility for the particular actions attributed to them. From referring students to the right people on campus to get the process started, to explaining to students their foreign language substitution course options once a substitution had been approved, many of those I interviewed shifted responsibilities to others on campus.

When speaking with a Committee member at one institution, for example, I asked if there was someone who talks students through the classes they will be taking instead of foreign language once students are approved for a substitution. The Committee member responded that

if we don't do that, we really should, shouldn't we? I'm pretty sure that the people who are working with the students with documented disabilities in the Disability Services Office are trying hard to understand all of the courses in context.

Given that the issue was alternate curricular options, which the interviewees from Disability Services Offices clearly stated were under the aegis of academic departments, it seemed that an academic department, not a disability services office, would be the one charged with talking to

students about the learning outcomes expected from courses completed as a substitution for the foreign language curriculum. Charging the Disability Services Office with that responsibility meant deniability of the Committee's responsibility.

Academic advisors and counselors were often identified as those who work with students on substitution issues. When I asked the one of student I interviewed if anyone had talked to her about her substituted courses, she replied that her advisor "just gave me a list and said 'here, take four of these classes – pick them'." At no point did anyone talk to her about the goals of culture courses as a substitution for language courses; in the end she talked to her mom to figure out which substituted courses to take. A second student likewise noted that when he first spoke to his advisor, the advisor did not know how to help him select courses as a substitution for foreign language, noting that "I actually don't know what classes I have to take, because my advisor really hadn't dealt with any of that before. So she was going to talk to someone else in the department about what classes their major requires for people doing course substitutions." Advisors, in other words, are not necessarily trained in areas of foreign language substitution, yet may be ascribed responsibilities within the process by others within the institution.

Meanwhile, two policy makers, at different institutions, suggested that academic advisors were the ones most likely to refer students for a foreign language substitution evaluation request. When asked how students come to know about the foreign language substitution option, a Disability Service employee at one institution answered, "I think generally through their academic advisors. Because they meet with them on a much more regular basis than they meet with us." When asked whether or not advisors have any sort of training at all regarding the issue, the Disability Services employee answered "No. They (the advisors) just know to refer them to our office." An academic dean at another institution, also in relation to the knowledge that

academic advisors were expected have regarding learning disabilities and substitution policies, suggested that “I think most of our advisors are knowledgeable about disability issues. I don’t see any evidence that they’re not, or that they’re unsympathetic. Where they got that training originally, I don’t know.” The academic dean went on to add, “I think our advisors would ask, if a student is repeatedly failing, have you had any testing, or have you considered having testing, to see if you have a language learning disability.” As a former advisor, and having been involved with advising networks and organizations for years, I know that many (if not most) advisors do not receive training, formal or otherwise, related to disabilities; students who have not disclosed a learning disability are typically not advised to reflect on the possibility that they have one. Because Strategic Ambiguity allows for the “shielding persons with power from close scrutiny” (Eisenberg & Goodall, 1997, p. 24), policy makers were able to make statements about how things happen on their campuses without confirming that those things *actually* happen. While all the right stakeholders could be brought into policy formation and practice, in other words, there were still significant assumptions when it came to what others were expected or trained to do.

Deniability of accountability in decision-making.

Finally, the fact that decisions were committee-made also allowed for deniability when it came to controversial or problematic policies. When I brought up a policy issue that might strike students as unfair at one institution, the senior Student Affairs administrator replied that “Yes, and I would not disagree with that, but that’s kind of where the policy-makers came down.” The policy-makers, in this case, were the responsible party, and others could maintain deniability in a policy environment that was potentially controversial.

Facilitating of organizational change.

A fourth Strategic Ambiguity advantage for institutional employees is that it allows people “the interpretive room to change their activities while appearing to keep those activities consistent” (Eisenberg & Goodall, 1997, pg. 24). At two institutions, Disability Services employees found ways to promote the models of disability that matched their values and judgments without undermining institutional policies or procedures. At one of the two, where a Disability Services employee identified the office’s model of disability as rooted in social justice, the office worked to develop a program with a neighboring university to house graduate interns who completed their assessment practicum by evaluating diagnostic results from students seeking accommodation. A Disability Services employee created this program as a response to concerns that students would be unable to find the funds necessary to undergo testing:

the getting of the assessment, if they didn’t already have it in high school, (is) a very expensive undertaking. (I worried) that a student would just walk out our door and say ‘oh I can’t afford \$3,000 dollars to do that and I guess I’ll have to fail out.’

Having the autonomy to make such decisions allowed for this individual to move forward a social justice agenda within the Disability Services Office without necessarily needing to publicize the fact that its evaluators were not yet certified diagnosticians.

Another area in which agenda-promotion is facilitated by ambiguity in policies was evidenced at an institution whose Disability Services Office philosophy was moving away from diagnostics and towards student experience as the most important variable in decision-making. A Disability Services employee with whom I spoke noted that while “historically we’ve come from that place where we need X, Y and Z tests to be able to sign off on course substitutions,” his office was putting more weight on the non-quantitative aspects of the student experience –

conversations with students about their experiences of and with previous foreign language. The Disability Services employee stated that in those circumstances, while there may not be documentation – “and documentation to go out and support is *really* expensive” – he did not “think it’s appropriate to send someone out for thousand-dollar testing that’s going to tell me what I already know.” At this institution, subtle shifts in the operations of the Disability Services Office itself allowed Disability Services employees to promote, albeit cautiously, their agenda.

Part 3: The Student Experience

While Part 1 of my findings examined institutional policies and alignments, and Part 2 examined outcomes related to Strategic Ambiguity in academic practice, Part 3 looks critically at the foreign language substitution experiences of students with a specific focus on fairness and equity. Legally and institutionally, protections for students with disabilities exist, but the safeguarding of fairness and equity in ambiguous situations can be likewise ambiguous. One outcome of Strategic Ambiguity in policy formation and practice is that responsibilities for compliance of disability law and protection of equity were diffused across multiple institutional departments and agents. Disability law requires that students with disabilities experience, to the highest degree possible, a curricular experience similar to their non-disabled peers; ensuring a comparable experience when a variety of institutional agents with indistinct responsibilities are involved is difficult.

At each institution that participated in this study, interviewees spoke to the commitment their Universities have made to students with disability. A Verdant University Committee member, for example, observed that “I think that the university here is incredibly student-centered, certainly on the undergrad level, and if students have some sort of issue, problem, concern there’s a very good advising system; those will surface.” A senior Student Affairs

administrator from Verdant University, meanwhile, confirmed that the institution had a “commitment to make reasonable accommodations for students who have difficulties with various kinds of learning.” At Pinetree University, an academic dean noted that when it comes to the experiences of students with learning disabilities, “they graduate on time in their classes; they don’t come in and complain that they were cheated, robbed, or deprived.” Despite these commitments, problems related to equity and protections were apparent at each institution. Such problems are largely explained by the fact that at all five of the institutions in this study, the number and variety of people involved in foreign language policies and procedures diluted the attention any one party needed to give when it came to safeguarding disability law. The hand-off of responsibility had implications for both the letter and the spirit of disability law and equity for those with disabilities, because it became more ambiguous who in fact was responsible for safeguarding equal access and protecting against discrimination, as required by the ADA and Section 504 of the Rehabilitation Act of 1973. This study uncovered four main issues when it came to assuring equal access to educational opportunities throughout the foreign language substitution process. The first is **responsibility for ensuring ADA compliance**; the second involves **responsibility for determining realistic expectations** of students seeking a foreign language substitution; the third is **ensuring equity** between the courses completed as a substitution for foreign language courses; and fourth was the problem of **adversarial relationships**. Each of these issues is examined in turn.

Responsibility for ensuring ADA compliance.

Among the goals of the ADA are to provide “clear, strong, consistent, enforceable standards addressing discrimination” [ADA (12101)(b1)(p.6), coupled with an ethos that “fundamental fairness...(should be) the key factor in responding to the needs of the disabled”

(Essex, 2002, p.153). My findings indicated, however, that Disability Service Offices were not always aware of how policies played out in the student experience; their role was to review student circumstances and make determinations about whether or not an accommodation was reasonable. Meanwhile, academic departments were relying on Disability Services Offices to monitor legal compliance with disability laws and policies. Thus arose a question of accountability: whose job was it to ensure that students with disabilities experienced an educational experience that mirrored, as closely as possible, the experiences of their non-disabled peers?

The role of Disability Services Offices, among the institutions that participated in the study, was largely to provide due diligence in examining disability-related documentation, so that recommendations for accommodations were based on diagnostically-justified necessity. To this end, “my first two constituents on this campus are faculty and staff,” stated a Verdant University Disability Services employee, adding “we can not tell a department to modify their requirements, and we won’t.” A Snowcapped University Disability Service employee noted the same thing, asserting that the Disability Services Office’s job “is not to tell (administrators) one way or another to determine ‘yes you should do this’ or ‘no you shouldn’t,’ because that’s not our call.” A Disability Service employee at Coastal University echoed the same sentiment, asserting that while the Disability Services Office may make a recommendation, it is the academic department that will “need to sign off on that and approve the substitutions. So that they can give that degree in good confidence.” Disability Services Offices, in other words, deferred to academic departments; the employees saw their role as providing the expertise needed to evaluate the diagnostic data, not to make decisions about academic policies or practices.

At each of the institutions that participated in this study, in fact, Disability Service Offices had no say in curricular matters when it came to foreign language substitutions. Further, it was not in their purview to understand the implications of academic decisions made at the curricular level: the role of Disability Services Offices was strictly to make recommendations about a substitution as a reasonable accommodation. Whether or not the recommendation was approved was not in their control, nor were the processes by which students subsequently demonstrated a need for a substitution (such as making an attempt, transcript modification, and other processes noted earlier in the Findings). The courses ultimately selected for substitution were also not under the watch of Disability Services Offices.

In practice, what this meant was that once Disability Services Offices personnel made a recommendation, the remainder of the process was handled by academic units; once Disability Services Offices made the recommendation, in other words, they were no longer involved in determining the reasonableness (including the fairness) of the subsequent student experience. This quote from a Verdant University academic dean illustrates the hand-off of responsibility; the dean noted that foreign language substitution requests are at first

handled by the Disability Services director's office; he's the one that hires the professionals, and had the committee comprised of professionals who review the documentation. They have their standards. That's why I usually defer to them, because they take such care and it is case-by-case. Normally I go with their recommendation.

Yet if Disability Services Offices recommend a substitution based on their expertise, the fact that that such a recommendation could subsequently be denied by those who do *not* have that expertise – that a dean could only “usually” or “normally” (as opposed to “always”) go with a recommendation – is problematic from both a policy perspective and an equity perspective. If a

procedure, based on a sound policy, accounts for all possible contingencies, then by the time the recommendation reaches the final decision-maker, there would be no justification for denying the recommendation. The fact that recommendations are only “usually” or “normally” approved suggests that something in the policies or procedures fails to account for all of the contingencies.

Further, while most of those I interviewed spoke of access as an institutional commitment, there was still sense that the Disability Services Office was ultimately the responsible party when it came to ensuring disability law was followed, a sentiment captured by an academic dean at Pinetree University:

with ADA and Title 504, all schools are under the federal laws. So that if there is a degree requirement and...there's a person with some form of (disability that prevents degree completion), then the school is obliged to work with the Disability Services Office to see that we are responding properly under the law.

Such reliance is clearly problematic if Disability Services Offices only initiate the process but do not determine the ultimate outcome. This statement, from a Disability Service employee at Pinetree University, spoke to the fact that with many parties involved in a substitution process, the ultimate responsibility was diffused:

we don't necessarily even know that a substitution is happening – we're the first part of the process but the substitution is going to happen after the try period – it'll go through (other units on campus), it'll go to the dean's office. We don't track and they don't necessarily report back to us that the substitution happened. Because in a way it's not really relevant to what we're trying to do here. I know that probably sounds strange, but what's relevant is: did the student meet the needs of the curriculum? (Other designated offices) are most heavily involved in the changing-the-curriculum part, where as we're

just, our most important deal is to read the documentation, bring that expertise and say ‘head’s up, there may be a problem here.’

If Disability Services Offices do not even know that a substitution request is being reviewed, how are they intended to confirm that the response is proper under the law? Who determines if the process of receiving approval for the accommodation *itself* is reasonable, once Disability Services Offices determine that the student has a need for a reasonable accommodation?

Interestingly, the diffusion of responsibility was often characterized as deliberate; as a Disability Services employee at Verdant University observed, their office was “trying to stop being ‘gatekeepers’ which so many places are.” While such a stance obligated the rest of the institution to share responsibility, however, the number of people involved in decision-making meant that it was unclear which office or employee was ultimately responsible when it came to ensuring equity of experience and protection under disability law.

Determining realistic expectations of students.

Along with problems in establishing responsibility for ensuring ADA compliance, another consequence for students is a lack of oversight to ensure that securing a foreign language substitution does not require excessive or unfair effort. In particular, the requirement that students attempt a foreign language course can test conventional notions of fairness, when fairness is defined as freedom from injustice. Requiring an attempt of a foreign language course when the diagnostics suggest such an attempt would be prohibitively difficult could certainly seem unjust, yet in order to secure a foreign language substitution, students at four of the five institutions – Pinetree University, Snowcapped University, Verdant University, and Coastal University – were expected to enroll in and attempt a language course. A Disability Service employee at Coastal University noted that their policy required an attempt because “we have a

really difficult time determining an appropriate accommodation such as a substitution if the student has on no occasion ever tried to learn a foreign language.” While “there might be a few students where it might, in theory, be unfair for them to try,” noted an academic dean from decentralized Pinetree University, students

come in with diagnosis and information from different places, and I don’t know who would be capable of looking at the paperwork and saying, ‘this person is never going to be able to do it, and this person, if they work hard, can do it.’

The policy requirement that students attempt a foreign language stemmed from a concern that diagnostics were insufficient when it came to establishing a student’s ability to learn a language. A Disability Services Employee from Snowcapped University, for example, pointed out the importance of diagnostics in conjunction with a more qualitative experience, noting that a committee will “set aside psychometric data” if they hear from instructors that the student made a concerted effort. The expectation on the part of Snowcapped University is that the students would have met with an instructor or teaching assistant every week throughout the semester in order to establish that the issue was not one of motivation; the Disability Services employee noted that in terms of effort, “I think the committee looks more favorably on this than any kind of diagnosis.” The student experience in a language course was thus to the student’s advantage if the diagnostics were not particularly compelling.

The reason that diagnostics alone were not sufficient, per an academic dean from Pinetree University, was that diagnostics should not dictate curriculum; equity and fairness in this paradigm rested on giving students an opportunity to learn a language, and then assessing their success. Thus an attempt, the “Medical +,” as it were, was what ultimately enabled policy makers to approve a recommendation. Rather than being a potentially punitive experience, or

one that unfairly penalizes students, the argument was that giving students the opportunity to attempt a language was to the student's benefit, and further, that it would actually be unfair *not* to compel an attempt at foreign language study.

When I asked an academic dean from Verdant University what the student response was when they were told they would need to attempt a language, the response was that

I think students are generally compliant because I think they understand what you're doing when you go to college. And I also think that students really want to understand what their barriers are, and that most of them don't take that sitting down. 'I'm sorry, you can't study Spanish,' we tell somebody in the 7th grade. Well if that's really what they want to do, have we done them a favor in that regard?

Under this lens, requiring an attempt allowed students to challenge themselves academically, which is an essential part of the college experience. Yet there is a difference between academic rigor and creating barriers to success. One of the students I interviewed mentioned that he chose the institution he is attending despite admission to other institutions specifically because he worried that at some of the other (less prestigious) institutions he was admitted to, "I wasn't going to be challenged enough." Four of the five institutions that participated in this study were ranked among the top 25 public schools in the nation; students do not attend these institutions expecting their experience to be easy. That does not mean, however, that academic challenges beyond what non-disabled students experience are acceptable.

Requiring failure.

In addition to the expectation that students attempt a course and give that course a reasonable effort, at two institutions students also needed to complete the entire course, and fail the course, to have a recommendation for a foreign language substitution considered. At Verdant

University, a Student Affairs administrator noted that “students in most cases cannot request a course substitution unless they have already attempted a language course at the college level and have experienced failure.” Further, noted a Verdant University Disability Services employee, the effort being put forth must be significant:

Don’t tell me this just ‘happened’ – how many times did you go to class? How much extra effort did you make to try to learn? Did you try to get a tutor? Did you go to tutoring? Tell us about that.

Thus not only did was an attempt required, “extra effort” was required as well. The challenge with this policy, of course, is that it privileges non-disabled students, who are not expected to make “extra efforts,” get a tutor, or otherwise make Herculean efforts to succeed in an academic course. While it is true that many non-disabled students hire tutors and make extraordinary efforts to learn, the difference is that disabled students are judged worthy or unworthy of a reasonable accommodation based on their efforts, which is not true of their non-disabled peers.

Buy-in to the requirement of failure was not universal. At Coastal University, the policy was questioned by an academic dean I interviewed, who noted that the policy “essentially requires them to have an F on their advanced education academic transcript. And I didn’t think it’s fair that you have an F.” As noted earlier, the Strategic Ambiguity inherent in policies meant that individual actors could override policy requirements if those policy requirements did not align with their beliefs and judgments; while the “failure” requirement was formally written into the policy, in practice such a mandate could (and was) overridden.

Other challenges to fairness in requiring an attempt.

In addition to the extraordinary effort requirement and the requirement that students experience failure, other challenges to equity in requiring an attempt also existed – challenges

that impacted students with learning disabilities but not their non-disabled peers. Such disadvantage was acknowledged by institutional agents, including this academic dean at Pinetree University, who noted that four weeks into an attempt of a foreign language,

we can recommend that they be allowed to drop the class with no penalty. So if it's just very obvious it's not working, they're not going to be able to do it, they're trying, then they're not penalized in terms of their transcript. They are penalized, I guess, cause they've put in four weeks of effort that maybe they could have put in someplace else....and they haven't been able to sign up for something else in the meantime.

The people I interviewed thus identified two areas in which requiring an attempt disadvantaged students with disabilities: for one, students had less time to study for other courses, because they were expected to make such extraordinary efforts in language courses, and two, students were not able to take alternate (required) courses, because they needed to enroll in language courses. As a result, students would conclude the semester with fewer completed units than their non-disabled peers.

A third disadvantage, one not mentioned in interviews but that I am adding based on published academic policies at each institution, is that Dean's List eligibility requires a minimum number of completed units per semester – 12 or 15, depending on the institution – and dropping or failing a course could put students at too few units or too low a GPA to make honor rolls or Dean's List.

The implications for fairness of a Herculean effort that results in a D is also problematic, because the same level of student effort could well have resulted in a stronger grade and a more legitimate reflection of student learning if students were able to put that effort into courses less affected by learning disabilities – culture courses, for example. I asked a student interviewee

what she thought about a requirement that students attempt a foreign language course before a foreign language substitution could be granted. Her reply:

It would have been a waste of my time. I would have sat there and been so confused, I would have gone to (tutoring) every day to see how much they could help me, I guess, but it wouldn't have been worth it... my brain doesn't function like that. It's part of my learning disability. It's a processing problem. So I don't think I would have even applied here if I had to, even though it was a perfect school otherwise.

When asked how an institution could compel an attempt when the diagnostics and documentation suggested the result would be failure, a Disability Services employee at Pinetree University offered an explanation:

Truly this is a curriculum decision...I don't know how else to describe it, but the foreign language accommodation is essentially not a 'real' disability accommodation— it's a concession on the schools part, that this really might not work for this student, so we'll consider changing the curriculum but only after they've given it a reasonable try period. And I think that's one of the reasons that schools can get away with saying, 'yeah, you really have to give it a good try. You have to go to tutoring, we need to be sure that you're going to class.' If it was a true disability accommodation, I'm not really sure that schools could take that kind of approach.

In other words, the laws in place to ensure fairness of experience for students with disabilities may not even be applicable under the circumstances of curricular substitutions, and therefore no one party – Disability Services Offices, academic deans or directors, institutional policy makers – was necessarily obligated to consider whether or not requiring an attempt met legal standards of equitable treatment.

Ensuring equity between foreign language courses and substituted courses.

Along with issues associated with diffused responsibility for ensuring ADA and for determining realistic expectations of students seeking foreign language substitutions, a third issue related to fairness that arose in this study concerned what happened after a substitution was determined to be a reasonable accommodation. In particular, there was a lack of accountability in determining that the accommodation, once approved, was itself actually reasonable. When I asked Disability Services employees, their replies clearly prioritized the requirements of the institution. For example, when I asked a Disability Services employee at Coastal University whether or not he thought substituted courses were comparable to foreign language courses, the reply was “It’s not up to me to decide if they’re comparable. My decision is: is it a reasonable accommodation?” In other words, if a student was approved for an accommodation, what that accommodation looked like was subject to the judgment of academic departments, and out of the purview of Disability Services Offices.

At Snowcapped University, an academic dean shared that until four years ago, students completing the foreign language requirement through substituted classes were expected to complete one course *more* than they would have completed in the language sequence, such that four courses of required language were met by five courses of culture. That “didn’t really jive well with students... because they had to do one additional course. We talked about this as a committee and now we streamlined it,” noted the dean, so that students would take a comparable number of courses: “we thought it wasn’t fair to students to have to do one additional course since they qualified for a substitution...We thought it should be parallel to what would happen if the student was doing a traditional language track.” Such fairness-checking must be an institutional responsibility to ensure equitable experiences. A Committee member at Verdant

University, where Committees determine whether a substitution as a reasonable accommodation is warranted, and provide a list of substituted courses if students are approved, shared that at Verdant, decision-makers tried to be attuned to any substitution practice that placed an additional burden on students with disabilities. When discussing courses from which students could choose a foreign language substitution, for example, the Committee member noted that “some of them have prerequisites, but very few. And that was one of the concerns – that students not have to jump two hurdles to take one course (to substitute).” The attention to this detail was paid by the Committee, but had the Committee elected to require twice as many courses as a reasonable accommodation, the Disability Services Office would support that decision too, based on Disability Services employee claims of deference to academic departments.

In addition to quantity considerations – student not needing to complete more courses for a substitution than they would have completed for a language sequence – the difficulty of the substituted courses also merits consideration. A Coastal University Disability Services employee, for example, observed that certain departments at Coastal University “may require something like a linguistics, which is far more difficult than the actual foreign language... something like linguistics, for a person who may have a reading disorder or a math disorder, that’s a pretty tough course.” The “toughness” of the courses chosen for substitution were not something that the Disability Services Office interpreted as a concern, since the substitution was a curriculum piece, and thus the responsibility lay with other institutional agents. No one took responsibility for ensuring that the substituted courses were not unreasonably (and unfairly) difficult.

Another example of ensuring that substituted courses functioned similarly to foreign language courses came from an institution where a double-use policy that disproportionately impacted students with disabilities was revisited in 2010, after existing at the institution for over

a decade. The goal was to create equity between the uses of foreign language courses and substituted courses in the curriculum, because the previous policy allowed non-disabled students the option of double-using their third and fourth semester language courses to fulfill other academic requirements, but the culture or history courses that substituted for language for disabled students were not eligible for the same double-use.

As part of the policy formation process, the Disability Services Office made a recommendation that foreign language substituted courses at the 200-level or above function the same way a foreign language course would in fulfilling more than one requirement; such a policy would align the double-use option for foreign language courses and for substituted courses. The sub-committee charged with reviewing the policy, comprised of faculty members from a variety of disciplines, decided to accept the recommendation that 200-level courses be acceptable as a substitution for third- and fourth-semester courses, but then suggested that only *300-level* substituted courses or above (in other words, upper division courses) could be double-used.

What drove the subcommittee to make the suggestion was the fact that third and fourth level language courses have pre-requisites; this knowledge was then coupled with an assumption that only upper division courses are appropriate for double-use because upper division courses have prerequisites.

Further, the substitution-committee member with whom I spoke clarified that those on the sub-committee

felt that it should be up to the colleges to make that decisions... We felt like, it's a suggestion to say it's probably a good idea to offer courses that are higher level, but it wasn't something ... where everyone felt strongly that it needs to be this way necessarily.

Despite the fact that the upper division course requirement was based on a curricular assumption and emerged as merely a suggestion rather than a requirement to be codified in policy language, somewhere between a sub-committee suggestion and a full committee ratification, the upper division component of the policy was adopted as official.

Unfortunately for students, the new (revised) policy thus still raises questions of equity. The biggest problem was in the assumption that most upper division courses have prerequisites. Per data I was able to secure through a request to the curriculum office, most (non-honors) upper division courses at the institution do not in fact have pre-requisites; only about one in five actually do, and even fewer if independent studies courses are removed from the equation.

At no point in the process did any institutional agent challenge the decision to require upper division courses, for two likely reasons: 1) Committee members assumed that if there was problem from a Disability Services Office perspective, Disability Services employees would challenge the policy, but 2) Disability Services employees were not experts on curricular issues, and could not have known that requiring upper division courses – based on assumptions about pre-requisites – continued to burden non-disabled students, because upper division courses are generally more rigorous than lower division, creating an academic burden, and they cannot be transferred in from community colleges, creating a potential financial burden.

To summarize: a policy that was blatantly unfair was amended, yet the revised policy was still unfair – not because of any overt, intended discrimination, but rather because of a lack of meaningful data to guide the conversation, and a lack of understanding on the part of decision-makers about who was safeguarding equity. Disability Services employees did not object because they did not have the technical expertise in curriculum matters to recognize a problem; Committee members did not object because they assumed if there was a problem with the new

policy, Disability Services employees would object. Because no specific, designated policy maker or institutional official was explicitly charged with critically examining the policy to ensure equitable experiences, the policy was approved despite the inequity.

The problem of adversarial relationships.

Added to the three issues already identified with diffused responsibility – ADA compliance, assurance of equity in expected effort, and considerations of equity of outcome – a fourth finding related to the student experience was that learning disabled students faced adversarial experiences with institutional agents, including Disability Services employees, academic deans, and others involved in the foreign language substitution process. In fact, anecdotes related to adversarial relationships between students and institutional agents arose repeatedly throughout the interviews. A main source of adversity between students and institutional agents stemmed from the fact that academic policies were often contracts of adhesion, meaning that while all parties were bound by the rules, only one side – university employees and administrators – actually determined what those rules were, and only that side had the authority to circumvent or override the rules. Students, therefore, were not able to negotiate the terms of the policies that applied to foreign language substitutions. While institutional agents had the “flexibility” to make adjustments as they saw fit, the only choice for students was to react to policies that were in place.

Navigating complex and unclear systems was one area in which the student experience was impacted by ambiguity in procedures. Per one student I interviewed, her frustration in trying to get foreign language substitution approval was intense: “You don’t want to be running back and forth. And calling people and saying ‘I don’t know what to do and can somebody please help me.’ I felt like I was going around in a circle. Nothing got done.” Only by working her way up

the managerial letter and talking to the head of her department was the student able to get some resolution – and even that resolution was incomplete, because the department head simply sent her back to the Disability Services Office to start the whole process over again:

She said, ‘ok, go to the Disability Services Office, tell them that they need to give you the paper that your advisor needs to sign off on first, and I’ll talk to your advisor and tell him to sign off on it, and then take it back to the Disability Services Office, and then bring it back to your advisor.’

As noted previously in this research, the assumption that others are trained to do whatever your office or department is not doing, or that academic advisors are aware of all policies and practices related to disability, can impact the student experience of trying to acquire access to the resources available to them.

The complicated nexus of disability identity, the cost of diagnostics, the protracted protocols at some institutions, and the fact that policies rarely advertised their “flexibility” all contributed to adversarial relationships. Examples from a Disability Services employee at Verdant University illustrated the problems that arose when students were expected to understand the minutia of policies and be ready to anticipate problems. In one case, the Disability Services employee shared, a student who had never completed a foreign language course in high school but made an attempt at Verdant University wanted a course struck from his record “because it was going to mess up his GPA for graduate school, and the committee wrote back and said, we understand, however...you voluntarily took (a foreign language) and got a D in it. ..” The reason the student’s attempt was considered voluntary – despite the fact that the institution requires an attempt – was because the student had not followed the proper protocol of first alerting the Disability Services Office to his disability. The Verdant University Disability

Services employee shared another example of a student who identified as having difficulty with language learning who chose to take “the hardest language we teach on this campus, which is Arabic,” because the military considers Arabic a premiere language and the student was in ROTC. The Disability Services employee continued:

But he flunked it and because of that (asked) ‘*Can I get a substitution?*’ and we’re like, ‘why don’t you try Swahili? It’s a great language – just because you can’t do the hardest language we’ve got doesn’t mean you can’t do it.’ ‘*Well can I get this F removed?*’ ‘No.’

In the case of these examples, the fact that students made choices that were not aligned with policies and procedures meant that the typical foreign language substitution accommodation process became increasingly adversarial. Per the Verdant University Disability Services employee’s anecdotes, if students did not identify as disabled before making an attempt, they lost their chance to secure a substitution approval; if they passed a course – albeit barely – they also lost their chance of securing a substitution approval. The importance of having students follow exact protocols was identified as essential for consideration for a foreign language substitution.

Thus the findings were that students were expected to be cognizant of all aspects of applicable policies at each of the institutions; as an academic dean at Coastal University put it, “Look, you cannot unring the bell. We cannot ‘unfail’ you.” This is because “unringing the bell” had implications not just for GPAs but also for financial aid and insurance policies. An academic dean at Verdant University observed the importance of letting students complete the courses for which they are registered, noting that since the federal definition of a full-time student is twelve hours, unringing the bell can have unintended consequences:

If you're in a car accident...in November, but the claims are happening in March, and back in the Fall you had originally been registered in four courses, twelve hours, but we, out of the goodness of our hearts, dropped you from one of them and you ended up in nine hours, insurance companies across the country have sometimes claimed that you weren't a full-time student and therefore you didn't have to be covered with insurance.

This academic dean went on to state that students were encouraged to enroll in more units than they would eventually complete in a semester so that they could still have twelve units if they needed to withdraw from a foreign language course after making the attempt required to secure a recommendation for a substitution as a reasonable accommodation. However, what this practice requires is that students with disabilities be disproportionately aware of all drop deadlines and drop procedures, thus adding to the burden disabled students face that non-disabled students do not, in that non-disabled students need not track the academic calendar with the same vigilance.

The requirement of attempting a course created considerable antagonism between students and institutional agents. A senior Student Affairs administrator from Verdant University, when asked how students responded to the requirement that they make an attempt, replied that

they get it but that doesn't mean that everybody likes it. They get it, but they can disagree with it. But they understand where we're coming from, but then they feel that their position is just as valid - 'Here I have a history of issues, documented, and why are you making me do this?'

For students who were admitted to the institution without ever completing a foreign language, the requirement that they try could be particularly rattling, as per this Disability Services employee from Verdant University:

(Students will say) *'well I've never had that'* – 'you've got to take it' – *'but I've never had that!'* – 'you've got to take it!' ...They come in with these deficits and say *'I can't learn a language'* – but you have to...because it's a requirement.

A Disability Services employee at Pinetree University, where an attempt is also required, noted similarly antagonistic relationships with some students: "they come in saying 'oh my gosh, you folks are trying to kill me by making me take an foreign language,'" but added that

once you kind of explain the situation to them, they by and large – well, some of them will fight it, fight it tooth and nail – 'I can't believe you're making me do this' and blah blah blah kind of thing. But I think once they get kind of resigned to it they get through it ok.

Such anecdotes illustrate the frustration students might feel, and the attendant adversarial interactions that occur, in institutions that require a foreign language attempt. The adversarial relationships existed not only between students and institutional agents; parents too can get involved. Per an academic dean at Verdant University, "Do I ever talk to angry parents? Sure I do."

Even at institutions where an attempt is not required, the paperwork and protocols could be flustering. At Tumbleweed University, the procedure for requesting a substitution required connecting with the Disability Services Office to review the substitution policy, then with academic advisors to confirm that a substitution will not impact the degree, and then back with the Disability Services Office to get the recommendation, and then back to the advisor to select alternate courses. Per a Disability Services employee at Tumbleweed University: "I think there's some angst; there's always that immediate angst, because it's different, it's not what they

expected,” since in high school the process was likely more centralized and since parents were more likely to be involved.

The students I interviewed expressed opinions that bear out the statement of angst; one student noted that she tried to start the process of securing a foreign language substitution before she even came to the institution, but was told to wait until she was on campus. When she arrived, someone in the Disability Services Offices

gave me the form and said to have your department sign off. So I did that – I went to talk to him (advisor) and he said ‘no, *they* have to sign off first’ and Disability Services Offices said ‘no, *he* has to sign it first.’ So it was a lot of phone calls being made and a lot of back-and-forth and a lot of annoying people.

This student was just arriving on campus and her relationships with the Disability Services Office and with her academic advisor – resources that we know contribute to academic success (Mottarella, Fritzsche, & Cerabino, 2002; Metzner, 1998) – were already tense.

Misinformation could thus lead to adversarial relationships when students received different information from institutional sources. As a student I interviewed noted, a large part of his distress when undergoing a foreign language substitution request was that “they don’t tell you what they’re looking for.” The finding of students receiving misinformation or conflicting information extended across institutions. A Verdant University Committee member, for example, said that students were advised to drop a failing course after a four-week period, but a Disability Services employee at Verdant University stated that in order to be considered for a substitution, students must actually have completed the entire semester in a language:

You have until half-way through the semester to drop a course. And too many students, if they're not doing well, presumably, assumedly, have not reached out to other tutors and stuff like that – they just drop the course. And they say 'well I can't do this.'

Per this Disability Services employee, it was the willingness to risk failure that served as a condition for a substitution recommendation: "When you sit here and say 'I failed the course' – ok, there is some hard evidence." Following the Verdant University Committee member's suggestion of dropping the course mid-semester, in other words, would actually nullify the attempt for foreign language substitution purposes.

While there is nothing inherently unfair about adversarial relationships, the dissonance between the rhetoric of inclusion and the many anecdotes remarking on conflict emerged as a finding in this research. Such a finding is troubling; the policies and practices, across institutions and regardless of specific procedural steps, create tensions between students and administrators, students and Disability Services Offices, and students and their academic advisors – and none of these tensions are necessarily experienced by non-disabled students, who do not have the need to go through the foreign language substitution policy.

Part 4: The value of Universal Design for fairness and equity

Part 1 of the findings presented Institutional Overviews, Policies & Procedures, and Alignment, and Part 2 of the findings examined themes in light of the Strategic Ambiguity framework. Part 3 of the findings examined challenges to equity, fairness, and justice in the student experience given policies, procedures, and ambiguity. Part 4 of the findings examines how the theoretical framework of Universal Design provides substantive solutions to the problems identified in Part 3.

Universal Design in curricular options mitigates three particular problems in current foreign language substitution policies and practices. The first problem is that foreign language study is situated in narratives of institutional history and prestige, which may perpetuate the privileged perspectives that marginalize students with disabilities. The second problem is that, while there is considerable variation in the conviction that culture courses can substitute for language courses, there seems to be sufficient faith in alternate courses that creating systems that burden disabled students may be completely pointless. The third problem is that of exclusionary options for “disabled students” only. Current practices, because they require disability as a condition of completing alternate courses, create two distinct populations of students – disabled and non-disabled. Practices based on “separate but equal” doctrines have consistently failed; current higher education practices based on such doctrines are therefore problematic. If the study of language or culture was made optional for all students, those students with a variety of different learning needs or interests would have choices now reserved only for students with disabilities. Each of these issues, and the remediation offered by Universal Design in curricular options, is examined below.

Marginalization.

A number of institutional employees made references to institutional requirements that went back hundreds of years and in which they took great pride. An academic dean at Verdant University, for example, noted that the foreign language requirement had

been a part of the curriculum...since 1793, when the University opened. (This institution) is really, really, really interested in the study of foreign language. There are universities all across the country that have given up foreign language requirements. We are not one of them.

Often history and prestige were intertwined in statements about foreign language study. A Disability Services employee at Verdant University, for example, made a reference to institutional prestige with the statement that “we’re a world-class institution. And foreign language and understanding other cultures is critical.” In other words, students attending prestigious institutions needed to be prepared to either complete foreign language study or challenge a requirement that was considered historically significant and that contributed to the prestige of the institution.

The historical and contemporary importance of language study was less compelling to some of those I interviewed than others; per an academic dean in Coastal University, for example, if academicians are

saying that we’re doing this because we’ve done this historically, if we’re looking at a broader historical timeline, that doesn’t really hold water in my mind.... I’m not sympathetic to people who say ‘well this is a major institution and this has been part of our major forever and we’re going to hold tradition.’ Well that kind of rings hollow to me. It shows a lack of historical appreciation of the basis for those requirements to begin with.

Per the Coastal University academic dean, the traditional goals of language study – analyzing Latin or Greek texts in the original language – were dated. Cultural studies, per the dean, could meet the goals of contemporary foreign language study in a way that was superior to language study for gaining an understanding of other cultures.

While history and prestige as reasons for foreign language study were thus not compelling rationales to all those I interviewed, there were still a number of people I spoke with who alluded to history and prestige as reasons for foreign language study. Such narratives could

be marginalizing because historically, students with disabilities attended prestigious institutions in far fewer numbers, and accommodations for learning disabled students did not exist. For this reason, students with disabilities were less likely to attend institutions (much less graduate). Per an academic dean at Verdant University,

I was in college in the late 60s/early 70s and those were the years of ‘look to the right, look to the left, only one of you will be here’ – and when that happens, anybody with medical problems or some kinds of disabilities...just ended up not in college.

Today, institutions are much more sensitive to the needs of students with learning disabilities than they may have been in the past. Universities have robust and integrated Disability Services Offices, and an ethos of inclusion and support, as articulated by the same Verdant University academic dean:

Now we say, ‘look to the right, look to the left, all three of you will be here’ and the university is taking a lot more responsibility for helping the students who go to an awful lot of trouble to get admitted. It’s hard to get in to Verdant University but if you get in, then our assumption is that you’re going to graduate.

As a result of the assumption that students will have the institutional support needed to graduate, foreign language substitutions were created, reactively, as an option for students who would otherwise not be able to complete degree requirements. I write “reactively” because the narrative framing the foreign language substitution process, among those I interviewed, tended to pit historically mandated elements of a college degree against the needs of learning disabled students. Despite the fact that students had already gained admission to their respective institutions, people I interviewed from Verdant University, Pinetree University, and Snowcapped University prioritized the historical importance of foreign language study over the learning needs

of students admitted with learning disabilities that suggested language study would be disproportionately difficult.

I will add a word of clarification: many of the people I spoke with, across institutions, embraced language study for its contemporary (not just historical) value. For the purposes of this study, however, the most relevant statements about language study alluded to its historical and institutional significance. Statements to the effect of ‘this is how we have always done things’ spoke to the glorification of historical student populations over the needs of some contemporary student populations – not because the value of language study has changed, but rather because these same speakers who were exalting the value of language study were also attesting to the value of culture courses as an alternative. The fact that alternatives were only considered if students had absolutely no other way to meet requirements – as evidenced by attempts of (and even mandated failure in) foreign language learning – is illogical given the existence of multi-page curricular lists identifying legitimate alternatives. There is something deeply troubling about subjecting learning disabled students to ‘othering’ protocols while simultaneously expressing confidence in the alternatives ultimately granted.

Apples to Apples.

At four of the five institutions, a variety of curriculum committee members and foreign language experts spent considerable time and effort creating optimal substituted course alternatives. These substituted courses were closely vetted to mirror, as much as possible, the benefits of foreign language learning: understanding other cultures, understanding how language works, understanding the structure and properties of language to help improve English. Students at the four institutions with lists, once approved for a substitution, selected appropriate alternate courses from designated options. (At the one institution where no list of substitution options

existed, Tumbleweed University, professional and/or faculty advisors worked with students to choose appropriate substituted courses.)

At the four institutions with defined lists, a variety of policy makers, including faculty and academic department heads, participated in the selection of courses for possible substitution. The process of determining alternate courses was extensive. At Verdant University, for example, a Committee member charged with updating the list observed that “the lists are approved by the administrative boards of the general college and the college. So they have had board approval, just as all curriculum changes have to be approved by the board.” At the same institution, a Disability Services employee noted that scrutiny of the courses took place through a curriculum office, a general education committee, and the Disability Services Office. Such scrutiny existed in all four institutions with pre-set substitution lists.

In light of the breadth of options that students could choose from, and given the care that went into making sure that alternate courses met the spirit of language study, it was notable to find that these alternate courses were nevertheless only an option for the small minority of students for whom language study had proven impossible.

Institutional agents at the five institutions expressed significant differences of opinion about whether or not foreign language and substituted classes were in fact equal. A Verdant University Student Affairs administrator, when asked about the value of culture courses, observed that “I think they’re comparable to a foreign language requirement and the goals of a foreign language requirement in the general education curriculum.” There were statements from a variety of interviewees that concurred; per an academic dean at Verdant University, for example, “I think that is certainly our intention, that they meet the spirit of the requirement if

they don't meet the actual substance of the requirement." Meeting the spirit of the requirement, in other words, legitimized the substitution.

A number institutional employees I interviewed characterized substitutions for foreign language courses as "good enough," if not actually comparable. As a Pinetree University academic dean noted, culture classes are "another way to meet the graduation requirement for people who have demonstrable needs that are covered under federal law," but are not comparable to language classes:

it's not just my own specific background but it's my experience that students who want a liberal arts education get something less than the optimal if they take a course on cultural history rather than engaging the language and learning how language as a phenomenon exists and develops and changes and influences our thinking and introduces us to the authors of that culture.

For a similar reason, a Verdant University academic dean observed that "we really think a language substitution should be an exception – it should not be a norm that students are trying to get." For students with disabilities, in other words, a foreign language substitution could be considered. It was not ideal, but "if somebody isn't going to be able to access the culture through the language because they have too much trouble with the language itself, by all means, we want them to study it in translation as a second choice," a Pinetree University academic dean noted.

The students I interviewed, meanwhile, were unequivocal in their faith in the value of culture courses to meet the goals of language study, albeit in an alternate fashion. As one student put it, "It's sort of useless to know how to say the most complex sentences in Spanish without knowing what Dia de Los Muertos is." Another student, who is studying Classics as a

substitution for foreign language, observed that her accomplishments will be no different than those who studied a foreign language:

I know I won't think that I'm different from all these kids. People take such different courses that I won't feel that different from people who take Chinese or something. I don't feel different – it's just different fields that you know more about now. If you want to go speak Chinese, you can. If I want go to a museum, I can tell someone about a painting.

To these students' understandings, the curricular rigor and complexity of culture courses make the students' academic achievements no less significant or legitimate. As one put it, he and someone who studied language “just took different paths to get the same knowledge.”

While students are certainly not the arbiters of curricular integrity, and while there was not consensus about the value of language study, there was enough variation in responses to suggest that opening up curricular options to all students would not be unjustifiable. The availability of alternates to all students would not only redress problems associated with adversarial protocols, they would also open up the possibilities to a variety of learners.

APPENDIX D: DIRECT QUOTES ABOUT THE COMPARABILITY OF FOREIGN LANGUAGE COURSES TO ALTERNATE COURSES WITHIN THE CURRICULUM offers both perspectives.

“Disabled Only.”

The possibility of allowing all students the choice of language or culture study was met with uniform hesitation among those who participated in this study, a sentiment captured by this academic dean from Snowcapped University:

That's a complicated one. I don't know. I know there are people who probably would enjoy doing (a culture route) as opposed to doing a foreign language... but if a student has the ability, it's always good because the...average American does not know another language, unlike Europeans (and) everyone else. And we seem to be so isolated, insulated in not understanding other cultures. Because we don't try to learn other languages. And it's not because we're a culture of people with lots of disabilities, (it's that) we're not being driven to try to learn about 'the other.' And that's why I see learning a foreign language, even if someone learns it so/so, (as critical).

Pitting a so/so understanding of language against a potentially full and nuanced understanding of culture largely resulted in a preference for the so/so. The underlying messages that students may get is that substituted courses are "good enough" – but only if you have a disability that prevents you from completing the preferred language study option, even if your grasp is painfully sub-par.

Medical documentation and diagnostics were spoken of as essential components of a request for a foreign language substitution. Procedures and practices were clearly situated in the medical model of disability, which, per the Review of the Literature, places the onus on people with disabilities to find ways to have their particular learning needs met. The main advantage of the medical model for these five institutions was that it established under what circumstances students could ask for exceptions to curricular requirements. The main disadvantage of the medical model for students with disabilities was that those with foreign language learning difficulties needed to petition institutions for exceptions to requirements through protocols that promote confrontation and expense, at the potential cost of equity and fairness. What is particularly egregious, however, is that the medical model winds up burdening not only disabled students, but also limits the options for *all* students. Given the institutional resources committed

to identifying comparable courses to language study, it would be much more consistent with the goals and strengths of Universal Design to simply give every student the option of choosing one course of study or the other.

Because of the weight of historical requirements and the contemporary commitment institutions had to language study, academicians, as one academic dean at Coastal University put it, were not supposed to “muck around” with degree requirements. Not “muck[ing] about” required just cause for curricular adjustments; just cause required extraordinary circumstances. Disabilities, learning or otherwise, were spoken of across institutions as the only legitimizing circumstance that justified the study of culture in lieu of foreign language. In each of the institutions that participated in this study, a substitution was only officially considered in the event that students had a compelling and extraordinary disability-related circumstance that warranted consideration for a substitution as a reasonable accommodation; the experts at Disability Services Offices were largely identified as the only sources of legitimate requests for substitutions. In other words, despite the fact that many of those interviewed expressed confidence that substituted courses were legitimate alternatives for foreign language study, only certain students had the option of completing them.

At Tumbleweed University, a Disability Services employee and I reviewed the written academic policy related to substitutions; the employee was quick to point out that the very first line out of the catalog reads that substitutions are “not encouraged” and will only be considered in “extraordinary circumstances.” The employee then noted that such verbiage “is interesting too because the second sentence goes on to say that there are disability accommodations and there are other accommodations. So there must be extraordinary circumstances in other situations.” Yet there were no other circumstances beside disability that were identified in any of the

interviews that I conducted with agents at each of the five institutions that participated in this study. As an academic dean from Snowcapped University noted, only with documentation and a medical need could a culture classes instead of language classes be considered, because the medical necessity was the current litmus for any variation from the established curriculum. When I asked if substitutions were ever made under circumstances not related to disability, the Snowcapped University academic dean responded that they are not,

because otherwise we have no way of justifying why we would allow one student that option. We'll have lawsuits to deal with – ‘well, I'm being discriminated against’ because ‘this particular student didn't qualify but you allowed them to do that track.’ So no; if a student wants to do the foreign language substitution, they (have to work with disability services).

Back at Tumbleweed University, an academic dean with whom I spoke noted that as long as she has held her position, she had never had a discussion about offering alternate courses to language for non-disabled students, “so I'm assuming it hasn't happened, or if it has, our undergraduate advisor has made the adjustments on the students' plan....I know he was pretty flexible – I think he was, anyway – in working with students who have different needs.” The Tumbleweed University academic dean went on to note that her department now had a different advisor making decisions, and that current advisor “takes a pretty strict line” when it comes to foreign language learning, only considering requests that were Disability Services Office-vetted. Another Tumbleweed University interviewee, a faculty person who sits on a curriculum committee that reviews foreign language substitution policies, affirmed the critical importance of disability as a deciding factor in substitution considerations:

We would not allow substitutions unless the Disability Services Office said that the person required it. If we're told by the Disability Services Offices that they need that, then we can consider it. If it's not Disability Services Offices vetted, we are not experts in this. We cannot say you deserve this substitution, this person doesn't. We have requests from students that haven't gone through Disability Services Offices. We say no because we cannot be the judge of that. The Disability Services Office is the authority on that so we defer to them.

At Pinetree University, a Disability Services employee likewise noted that it is the disability piece that legitimizes a request to study culture instead of language: "I can't recall (an accommodation request) ever happening in isolation. It's always in the context of 'there is a learning disorder there, there is an attentional disorder'... the Disability Services Office is always involved." A senior Student Affairs administrator at Coastal University, meanwhile, observed that "generally what we do with students with disabilities is we send them to the Disability Services Office and they look at the person's medical records, if they're taking medication that's messing with them, whatever it is, and then they come back with proposed recommendations." The question of allowing non-disabled students the option of a culture study instead of language study thus consistently elicited reactions such as this one, from a Snowcapped University academic dean:

No. No. No... because we would have no leg to stand on. We always consult with our lawyers about lots of things, and the lawyers always tell us 'as long as you're consistent in your practice you have nothing to fear'. So to allow a student who doesn't necessarily qualify to do a (substitution) would open the Pandora's box.

In other words: disability is a requirement for consideration of a substitution because it is the only legally defensible approach to allowing individual exceptions to curricular requirements.

This research, which is consistent with previous literature on the topic, has therefore found that foreign language substitutions policies and practices are complicated: they require students to self-advocate in ways that their high-school experiences may not have prepared them for; they may result in adversarial relationships; and the applicable laws and policies are complex. The underlying messages that students may get is that substituted courses are “good enough” – but only if you have a disability that prevents you from completing the preferred language study option, despite the fact that the courses taken in lieu of language courses are often considered just as good, if not superior, to language courses in connecting students to the broader world in which we live. The expansion of curricular options would not preclude students from choosing foreign language study; the expansion would simply allow more than one avenue to meet requirements, which would be best for meeting the needs of a variety of differently abled students.

CHAPTER 5: CONCLUSION AND IMPLICATIONS

Statement of the Problem

Policies and procedures that stem from fundamentally adversarial premises, wherein the needs of students and the priorities of institutional administrators are in opposition, can frustrate or demoralize students who may need accommodations for academic success. Further, institutional policies and procedures that are not clearly presented can confound even the most organized, academically prepared, motivated, and savvy of students, learning disabled or not. Foreign language substitution policies are an ideal area of exploration to identify if and how institutions are providing students who are at a potential disadvantage the support they may need, while also shedding light on how ambiguous or adversarial policies may affect a variety of vulnerable populations (first generation scholars, for example).

Summary of the Findings

My findings were presented in four different parts. Part 1: Institutional Overviews, Policies & Procedures, and Alignment reviewed the policies and procedures that operated at each of the five institutions that participated in this study. What I found was that there was considerable variation in the level of accessibility of foreign language substitution information. Two critical pieces of information – institutional acknowledgement that a substitution for foreign language was even an option, and information about the steps required to secure a substitution – were only available on two of the five institution’s website. People with whom I spoke at each institution expressed varying levels of faith and comfort in their institutional policies, ranging from complete confidence in the protocols (“I’m really comfortable with the policy. I think it’s a really good policy; I think it’s fair and it does what we would want it to do”) to utter dismay

(when asked what policy language of the one interviewees liked or disliked, the response was “I don’t know if I like any of this language”).

Just as often as there was confidence in the policies and practices at each institution, there were also feelings of discomfort or uncertainty, with interviewees acknowledging consistent, institutionally-sanctioned departures from policies in practice, citing their own or others’ sense of fairness as a legitimate, justified explanation for divergences between policies and practices.

Part 2: Strategic Ambiguity in Policy Formation & Academic Practice examined the findings per Part 1 in light of the framework of Strategic Ambiguity, which offered an explanatory mechanism for understanding why it is that policies and procedures at institutions result in so much variability in practice. When policies are written ambiguously, the findings suggest, institutional agents are not only justified in taking action outside of the specific parameters of policy designations, they are in fact *expected* to take outside action. This is because ambiguously written policies allow for individual sense of fairness to dictate decision-making. Interviewees gave numerous examples of situations wherein policy and practice were not aligned. The flexibility afforded by ambiguous policies allowed for individual actors to align their sense of fairness with their academic decisions and practices. The Strategic Ambiguity framework explained how various perspectives of disability, notions of fairness, sense of importance of foreign language study, and what constituted a reasonable accommodation could all exist within one policy structure.

Another finding was that ambiguous policies create environments in which responsibility is concentrated in one area (Disability Services Offices) but in which accountability is diffused across multiple offices and departments (such as academic deans and professional advisors). Thus the expertise of Disability Services Offices was heavily relied upon, but their

recommendations could be overturned. Further, the double-use policy per Part 3 of my findings, wherein a clearly unjust policy was revised only to be replaced by a *still*-unjust policy, illustrates the problem with relegating all advocacy and safeguarding of fairness to Disability Services employees, who may or may not have the policy expertise to recognize inequity in academic policies.

How ambiguity in policy and practice at institutions could influence the experiences of students with disabilities was critically explored in Part 3 of my findings. In theory, the fact that university employees could override or circumvent policies to match their own sense of fairness and equity was laudable. In practice, however, the result of ambiguous policies on the student experience was problematic. One unintended consequence of ambiguous policies was a lack of scrutiny of statements made about institutional values and priorities, such as the justification for making a foreign language substitution difficult to attain because “faculty care about language study” – without actually asking faculty if they care. A second unintended consequence was a lack of accountability when it came to ensuring fairness and equity in policies: no designated institutional agent or office was formally charged with protecting students from unfair practices, while at the same time, people assumed that others were doing whatever it was that they were not doing in terms of checking data, abiding by disability laws, and otherwise providing services to students that they themselves were not providing. As an example, in preparation for my interviews, I had emailed a number of university employees at various institutions asking to schedule a time to discuss my research. One academic dean I emailed responded with the statement that “I am not in the disability services business and as such, I can’t speak to the other topics you mention.” The “other topics” I mentioned, however, were not actually related to disability, but rather focused on academic policy formation, for which, per the institution’s

website, this particular dean was largely responsible. This example speaks to the dangers of ascribing the responsibility for inclusion and advocacy to an isolated office within an institution.

Part 4: The value of Universal Design for fairness and equity explored the problems that current policies and practices create, for both disabled and non-disabled students. In light of the fact that institutions took tremendous care to create lists of courses acceptable for foreign language substitution, the fact that only certain students were eligible to complete these courses, and only after taking protracted and sometimes adversarial steps, is not only illogical, it is inefficient. This is not to suggest that foreign language is not important; for a variety of reasons, ranging from global harmony to personal edification, the study of other languages is vital. However, the fact is that not all students can successfully complete language courses – and there are other options that exist. The fact that institutions would rather have students eke by language courses with poor or marginal understandings, such as would be suggested by barely-passing grades, than allow students the opportunity to potentially master courses focused on culture or literature in translation is frankly strange. Whether or not such practice is illegal – and it is not, if institutions insist that language study is essential – such practice certainly suggests that there may be more to consider in the area of foreign language substitutions than the importance of language study to institutional history or perceived prestige.

Contribution to the Literature

The goal in policy creation, per a senior Student Affairs administrator with whom I spoke, is to create “a mechanism by which the legitimate needs of students and the pedagogical commitment of the faculty and the pertinent federal laws that operate come together.” Though my research, I aimed to discover how and where these needs, commitments, and laws intersected in policy implementation. What my findings suggest is that institutions are not effectively

finding a solution to the foreign language substitution problem. Instead, policies are marginalizing students with disabilities by requiring protracted, sometimes-expensive processes that require students with learning disabilities to attest to their “otherness” from other higher education students. Meanwhile, institutions are also creating long, well-vetted, much-debated, thoroughly evaluated lists of alternate courses intended to mimic the goals of foreign language learning. Institutional agents largely speak of these alternates positively, and attest to their legitimacy as comparable to foreign language study. Despite the affirmation that substituted courses meet the goals of foreign language study, however, only a small sub-population of students – those with learning disabilities – have the option of completing the courses.

This study contributed to higher education literature on both practical and theoretical fronts. From a practical perspective, this research looked beyond formal policies and examined how policies align with institutional practice. What emerged was the recognition that ambiguity in policy formation and adoption creates opportunities for institutional agents to adapt practices to align with their sense of fairness and justice. What also emerged, however, was that such ambiguity did not necessarily bode well for the student experience, as evidenced by both the student feedback I received and the anecdotes shared by institutional employees. Essential considerations in student experiences of higher education – protections under disability law; an educational experience comparable to non-disabled peers; well-being and sense of efficacy – are all impacted by ambiguous policies.

The first contribution to the literature, therefore, is the knowledge that ambiguous policies can create environments where confrontation becomes *de rigueur*. In ambiguous environments, where it is not clearly specified who within the institution is responsible for different components of academic practice, the results are environments the breed convenient

assumptions of what others are doing (when often they are not); assumptions about what is important to others (and decisions made in the absence of verification of that assumed importance); assumptions about what others do vis a vis due diligence (to the end that due diligence may not be happening); and a culture of deference to others (who may or may not actually care in the same way you do). No one need advocate for the students, and it is not clear whose job – if anyone’s – it is do so.

The ethos of inclusion, so important per disability rights acts and movements, is compromised when student concerns about fairness are dismissed by those making and implementing policy decisions. Policies through which reasonable accommodations are determined can thus contribute heavily to a combative procedural environment. The vagaries and ambiguities associated with procedural steps that are insufficiently articulated put students in difficult situations. Reasonable accommodations are already being requested in academic environments wherein learning disability experts caution students to “ask nicely” because “sometimes educational institutions and employers are responsive, even though a court would not compel them to grant the accommodation” (Latham, n.d.). While I agree that civility is important in higher education, my findings suggest that if policies and practices were less ambiguous, students would not be the ones burdened with enforcing the law. This study contributes to the literature the finding that divergences between policy and practice make it difficult for students to know where to turn, much less to self-advocate.

The second contribution to the literature comes by way of findings related to foreign language study itself, and whether or not there are other ways of meeting the goals of language study in higher education. While the value of language study was acknowledged for both its historical and contemporary value, the goals of language study, per many of those I interviewed,

could also be met through alternate options that would result in equal educational outcomes. Gordon & Keiser (1998) note that often effort – “compensation,” in their parlance – is an important part of justifying claims of disability: “usually, claims of disability in well-compensated individuals are only convincing if the individual pays an enormous price for being able to compensate” (p. 12). In the case of foreign language substitutions, students are expected to justify their requests for alternate courses through expensive testing, expenditures of tremendous effort, and sometimes even the degradation of failure. These processes may be justifiable – or at least understood to be an unfortunate but ultimately necessary part of being a learning disabled student in higher education – if institutional agents truly believed that there were no reasonably legitimate alternatives to foreign language study.

What my findings uncovered, however, were significant differences of opinion about the relative value of language and culture study, with a number of academic deans and faculty members speaking to the comparability of language study with designated alternate courses. What this means is that not only are some students experiencing frustrating and expensive protocols, they are doing so despite the fact that institutions express confidence in the academic legitimacy of the alternate courses they may be allowed to complete. Section 504 of the Rehabilitation Act, which allows institutions to determine how much alteration of programs of study is too much, also mandates that students with disabilities be given “equal opportunity to reach...the same level of achievement” as non-disabled students. What this means is that if foreign language courses and alternate cultural courses are truly comparable, as many of those I interviewed believe, the educational outcomes are also truly comparable. By law, institutions can decide what elements of their degree programs are essential; if language courses can be met by alternate options, what is essential are the *goals* of language study, not the language study itself.

Foreign language study, while acknowledged across the board to be important, may not be “essential” enough to justify the frustration and demoralization that results from the adversarial policies in place for those seeking alternatives.

The final contribution of this study lies in the advancement of possibilities with Universal Design. Most Universal Design literature and recommendations focus on creating various options for curriculum delivery or design; there is significantly less on creating alternatives within the curriculum itself. If students with disabilities are permitted to complete alternate courses to language, and non-disabled students would also like the option, there are limited pedagogical grounds on which to deny such a request. If courses are truly comparable, allowing only students with medical needs to explore one branch of knowledge (culture) versus the other (language) is illogical, inequitable, and inefficient.

Implications for Policy

Institutions are obligated to provide students with learning disabilities comparable experiences to those of non-learning disabled students. Student experiences, per the interpretations of institutional employees and per the students I interviewed themselves, are compromised by current institutional policies and practices. As one of the students I interviewed characterized her experience, “it was the worst thing ever. It was awful.” Concern not just for the pedagogical outcome of a process but also for the emotional outcome is important, in that “a model of equity based on well-being as an outcome incorporates the premise that all humans – in spite of their differences – are entitled to consideration and respect as equals” (Rioux & Valentine, 2006, p. 54). Since the ethic of inclusion, as articulated by laws, policies, and acts, is clearly gaining currency nationally and internationally, the full spectrum of disabled students’

experiences in higher education – including their perceived outcomes of processes – should be a legitimate consideration in policy formation, implementation, and evaluation.

Critical Disability Theory (CDT), as per the Review of the Literature section, recognizes that policies have the power to perpetuate power differentials and the marginalization of people with disabilities. A policy that may appear fair or equitable but that does not take into account the well-being of those affected, per CDT, is a problematic policy. From the number and variety of anecdotes related to adversarial relationships that arose in this study, it is clear that foreign language substitutions are a particularly contentious topic. At the very least, policy-makers and policy-implementers need to consider the potential impacts of academic policies on student well-being. Policies that look fine on paper but that make students feel demoralized and frustrated are not acceptable. Further, policies that fail to allocate specific responsibilities to different parties can compromise institutional responsibilities to ensure that ethical, procedural, practical, and even legal requirements are being met.

Ambiguous policies are also bad practice when it comes to student service. We say to students “go get this form from that office” – and when students get there, they are told there is no such form. We say “so-and-so needs to sign this form” – but students then discover that so-and-so won’t sign it until someone else signs it first. Ambiguity in policy results in situations where students are sent pin-balling across campuses. When we do not do what we say we are going to do, we lose their trust. When we create environments that are inherently confrontational and adversarial, we lose their allegiance in what should be a shared goal: environments conducive to learning.

Implications for Practice

While acknowledging that foreign language study is important, there are alternative curricular options that allow students meet comparable goals. After institutions have created well-vetted lists from comparable options, these options should be open to all students, who can then choose the route that matches their learning needs, interests, and strengths. This way, all students can choose from comparable options, thus eradicating a source of anxiety and tension for learning disabled students, whether or not the students have formal diagnostic verification of their learning challenges.

If institutions could agree on lists of alternates that meet the goals of cultural study, such alternates could be available to all. Further, the goals of language study – and alternate courses to language study – could be more clearly situated for students. Currently many institutions have “diversity” requirements that may represent minute percentages of their programs of study. Such symbolic requirements fail to communicate bona fide institution values. If institutions really value the diversity that language (and culture) study contribute, such requirements should be a more intentional and integrated part of the curriculum. Instead of teaching students lists of vocabulary or how to conjugate verbs, institutions should instead consider educating students in the ways that language and culture intersect – how relationships to power are captured by language; how the gendering of countries and states in various languages contributes to or ameliorates international tensions; how political, social, economic, ethnic, technological, and even environmental debates are influenced by the language(s) we use.

Suggestions for Further Research

The findings in this study suggest that ambiguity in policy implementation may serve administrators in that ambiguity allows for the alignment of individual sense of fairness and

equity with academic practice. The findings also suggest that the same ambiguity holds the potential to negatively affect the experiences of students impacted by ambiguous policies. These findings are illustrative of bigger themes related to student experiences with higher education academic policies, procedures, and practices. Further research should focus on how students are impacted by ambiguity in policy environments, whether related to second language substitutions or to other policies that may affect students, among them admission policies, transfer course approvals, study abroad courses, leaves of absence, grade appeals, course withdrawals, graduation checks, and more.

Specific to foreign language substitutions, researchers should focus on recruiting students to better understand the impacts of experiences with substitution-related processes on both self-assessment of academic performance and on sense of self as scholar. The low student response rate in this study suggests that methods such as snowball sampling and recruiting directly at Disability Services Offices may yield a higher student response rate.

Conclusion

Universal Design in curricular options around language and cultural study would allow students to choose to either study language, or to study a specific culture for the same number of units or semesters currently required for language study. Not only would the ambiguity associated with current foreign language processes be mitigated, institutions would also be offering all of their students a variety of comparable options that approach language, learning, and culture from a variety of perspectives – historical, linguistic, anthropological, scientific, and others. Such approaches give students a sense of the triumphs and struggles in various parts of the globe in ways that can complement the strengths and interest students already have.

Ambiguous policies create tensions by virtue of their ambiguity; Universal Design, by contrast, reduces ambiguity because it provides mechanisms for clearly identifying comparable avenues to meeting specific goals. Universal Design in curricular options for meeting the goals of foreign language study would require conversations across different campus groups and consensus about what types of courses truly provide comparable learning outcomes. The expansion of curricular options does not preclude students from choosing foreign language study; the expansion simply permits more than one avenue to meet requirements.

Universal Design expands the options for all students. Just as many programs of study allow for various levels of types of math or logic to fulfill math requirements, and just as general education includes a variety of options for understanding the social sciences, arts, humanities, and sciences, offering alternatives intended to introduce or deepen student understanding and appreciation for other ways of living and understanding is viable. That an institution would elect to subject students to courses in which barely-passing grades are expected – when instead it could offer students a nuanced and rich understanding that mirrors foreign language study – compromises both the institution and the student.

Instead of focusing on the letter of the law, and on the minimums required for access, the topic of foreign language and disability offers the opportunity to focus on equity, which is a fundamentally different metric. Rather than abiding by what they *have* to do, higher education practitioners would be well advised to focus on what they *can* do, and on the routes they can take to be inclusive not because the law requires it but rather because everyone – those with disabilities and those without – benefit when more inclusive policies are shaped. Myopic interpretations of the ADA and accommodations prohibit real progress in the areas of design, whether in physical arenas, methods of curriculum delivery, or curricular options. Medical

understandings of disability generate situations in which legal and policy environments – rather than pedagogical environments – inappropriately become the arenas in which education is negotiated.

APPENDIX A: COMMON LEARNING DISABILITIES

Type of Disability	Areas of Learning Impacted
Dyslexia ⁴	Written language
Dyscalculia ⁵	Math
Dysgraphia ⁶	Letters/writing
Auditory and Visual Processing Disorders ⁷	Language, verbal or written
Non-verbal Learning Disabilities	“visual-spatial, intuitive, organizational, evaluative and holistic processing functions.” ⁸
ADD/ADHD	<p>Inattention, hyperactivity, impulsivity</p> <p>While ADD/ADHD is not considered a learning disability in and of itself, it often accompanies other learning disabilities^{9, 10, 11}. The Learning Disabilities Association of America’s website characterizes ADHD as an “associated disorder” in learning difficulties. Though not officially classified as a learning disability, ADHD is recognized as interfering with learning.¹²</p>

⁴⁻⁸Cortiella, 2009.

⁹ Gordon & Murphy, 2000

¹⁰ Gregg, 2009

¹¹ Mayes, S. D., Calhoun, S. L., & Crowell, E. W. 2000.

¹²Silver, 1990

APPENDIX B: INTERVIEW PROTOCOL FOR INSTITUTIONAL EMPLOYEES

1. How do students come to know about the second language course substitution policy?
2. How was the policy written?
3. Who selected the primary language for the policy?
4. Have there been significant changes to the language since the policy was first implemented?
5. Is there language in the policy that you particularly like or don't like?
6. How does the policy function in practice?
 - a. What kind of issues come up when students try to use the policy in practice?
 - b. What elements of the policy are flexible?
- 7) What kinds of conversations, if any, have been had in your office about this policy?
 - a. What kind of conversations, if any, have you heard about from others on campus – students, administrators, faculty – about this policy?

APPENDIX C: INTERVIEW PROTOCOL FOR STUDENTS

1. When were you first diagnosed with a learning disability? What did you think at the time?
 - b. Did you have an IEP? If yes, what was your involvement with the IEP like? Did you see it? Were you asked to contribute to it?
 - c. Did having a disability impact your decision to come to (this institution)? In what ways?
2. Did you have a foreign lang sub in HS?
 - a. What was that process like?
3. How did you first hear about the option of a foreign language substitution in college?
4. What did you think when you first heard about it?
 - a. What worries had you had related to studying another language?
5. What did you have to do to receive a foreign language substitution?
 - a. What kind of documentation were you asked to provide?
 - b. Was it hard to get that documentation?
 - c. Had you seen it before?
 - d. Did you read through it?
 - e. What did you think?
6. What do you feel you gain by having a substituted class?
7. Do you feel like there is anything that you miss out on in having a substituted class?
8. Do you think that all students should have an option of taking culture classes instead of language classes? Why or why not?
9. If you were in charge of creating a substitution process, what would you change about the process you went through? What would you say the perfect process would be? Why?
10. Do you feel like taking subbed courses makes you different as a college student?
 - a. Does it impact your perceptions of yourself as a (name of school mascot)? (College student?) (History Major)?
11. When you graduate, do you think you'll feel that your academic achievements were in any way *different* because you had some subbed courses? Why/why not?

APPENDIX D: DIRECT QUOTES ABOUT THE COMPARABILITY OF FOREIGN LANGUAGE COURSES TO ALTERNATE COURSES WITHIN THE CURRICULUM

Institution	Comparable (Apples to Apples)	Not Comparable
Coastal	I am sensitive to the issue that this country tends to be very xenophobic. We don't understand other cultures well. And it's my understanding from my colleagues in Humanities, which push the language requirement, is that the primary purpose of learning a language is not so that you can recite the vocabulary of French or Latin or Spanish, it's so that you become sensitive to that culture, so that you can talk to those people from another culture....I think it's important for Americans to be sensitive to this. And I think you can learn this sensitivity without knowing the language. I think you can know a lot more about French and French history by taking those courses as opposed to learning conversational French.	If you look at the mission of each university, how they deliver the curriculum, they want the students to be able to be global citizens and understanding of multi-cultural and international issues, and be aware of the global community. And part of being aware and exposed is not only through history and sociological and political science and anthropological sciences, but really to be immersed in the culture through its language.... And any university that has any type of social sciences or humanities degrees will definitely be pushing for that.
Pinetree	I feel it's very valid when I think about the individual students and the efforts they've made – they cannot learn it in this way. They do have to take something else that does pertain to a foreign culture; it's not going to be the language, but if they're not going to learn a language anyway, in our setting, I think it makes sense.	I think there's pretty good conviction that they're reasonable substitutions. It's not as good, because they're not learning a foreign language, but part of the reason you have a student take a foreign language is because you want them to be exposed to that culture and those ways of thinking...This is just my opinion, I don't think it's quite as good as an emersion experience as a foreign language is going to be. But does it get the job done? Does it meet the schools values? Yeah, probably.
Tumbleweed	They're all different kinds of experiences; it doesn't mean that they're not equally valid.	It's not the same. It is apples and oranges, I think. I don't think there's any way that learning a language is the same as learning the literature is the same as learning the culture.
Snowcapped	What the student is getting is a different curriculum but it's going to meet the same intent.	
Verdant	(substituted courses are) comparable to a foreign language requirement and the goals of a foreign language requirement in the general education curriculum.	We really think a language sub should be an exception – it should not be a norm that students are trying to get.

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