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Recommended Citation

Hawley, Elliott, "Disability Compliance at Western Washington University: A Long and Storied History" (2024). *Institute for Critical Disability Studies*. 7.
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Disability Compliance at Western Washington University: A Long and Storied History

What is access?

Accessibility is a complex topic, applying to physical spaces, online spaces, and even to the intangible in the case of curricula. Broadly, physical spaces can be considered accessible when they include elements like elevators, gently sloped ramps, automatic door openers, and Braille signage. Depending on the usage of a specific space there may be more considerations to achieve true access for all disabled people—a heterogenous group that requires various modifications to traditional building practices for full access. While buildings may comply with relevant laws, they still may not be fully accessible (Brewer et al., 2023; *What Are a Public...*, n.d; Wunschel, 2011). This is due to a variety of reasons, including pre-existing inaccessibility, the retrofitting processes, and the persistent lack of enforcement. Best practices continue to shift as technology evolves, and most legislation has not kept up with these changes. The internet is an example of a recent, fast-paced technological shift that often occupies legal grey areas and requires more input into accessibility. It is important to recognize that accessibility is a continuous process that requires frequent updates and repairs. The certain building code regulations¹ are updated every 5 years in acknowledgement of this fact and are some of the only continuously monitored and updated public standards for current physical accessibility (Bedigian, 2023).

Accessibility is one of the major components of disability inclusion anywhere, including post-secondary institutions like universities and colleges. Accessible spaces make attending and teaching classes feasible, though the mere physical and digital presence of disabled people on campuses does not constitute full disability inclusion. Physical spaces, curricula, digital spaces, and classroom climate all interact in a variety of ways to either impede or ensure full

¹ These are A117.1 Accessibility Standards by ANSI discussed later in this paper.

participation of people with disabilities. Therefore, a full accounting of the previous state of accessibility is necessary to understand prior to beginning both inclusion-schemes and further modifications for accessibility purposes.

The Law:

The history of disability inclusion in collegiate-level academic institutions in the US is intricately tied to Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). These two pieces of legislation have had enormous impacts on architecture, design, curriculum, and campus culture. The Rehabilitation Act of 1973 contains Section 504, a small clause that prevents organizations that receive federal grants from discriminating against people with disabilities (*Rehabilitation Act of 1973 (Original Text)*, n.d.; *Section 504*, n.d.). This small paragraph has radically reshaped many aspects of life in the United States but took several years after the Act's passage to be enforced. The ADA, another pivotal piece of legislation that codified rights for disabled individuals, was originally signed into law in 1990, and amended in 2008 (*Law, Regulations & Standards*, n.d.). The ADA was pivotal because it codified rights more specifically than Section 504, with minimum design standards that were federally mandated as opposed to more local legislative action. There was more awareness of the ADA, though implementation was still patchy.

While Section 504 of 1973 and the ADA of 1990 get a lot of attention, a practically unheard-of design standard set the stage for many of these reforms. The A117.1 Accessibility Standard, first issued in 1961, was a product of advocates for the disabled. It is thought to be traced back to the collaboration between the US President's Committee on Employment of the Physically Handicapped and the Veterans Administration in the 1950's to develop a guide on public building accessibility (Bedigian, 2023). This guide was first distributed to state employment

agencies in 1958. The next year, 1959, the American Standards Administration² along with other collaborators began creating the first Accessibility Standard building code. This was then approved in 1961 for release. This standard predates the Fair Housing Act (1968), Section 504 (1973), and the ADA (1990), the three most-well known laws protecting and codifying disability rights (Bedigian, 2023)

In 1974, post-Section 504, the Washington State legislature created the State Building Code Council with the passage of RCW 19.27. The following year, 1975, the Building Code Council was granted the authority to adopt state barrier-free regulations based on the then-current A117.1 Accessibility Standard developed by the ANSI. It is important to note that while these legal standards and building codes were in place, they were and are not always enforced (Wunschel, 2011). The only recourse a disabled person has, past or present, for a persistent accessibility challenge without private resolution, is a lawsuit. There is no national board that conducts audits of accessibility in public places. Reporting these issues is the responsibility of the disabled person(s) encountering barriers, not the government or building owners (Wunschel, 2011).

Western Washington University's Historical Approach to Disability Inclusion:

Located in Bellingham Washington, Western Washington University (WWU)³ is a higher educational institution that offers a variety of degree programs. Western first opened its doors as a Normal School—a teacher's training college—in 1899. The first building, now Old Main, had construction setbacks that mirror future building and renovation issues; due to low political will and budgetary concerns, the building, once nearly finished, sat vacant for 3 years, and required additional funds for the 1899 opening. Future buildings and renovations have also suffered from

² Later, the American National Standards Institute, (ANSI)

³ Also referenced simply as "Western" in this paper. This institution has gone through many names, which has proved difficult to track in this paper.

budgetary restrictions and cuts, though never quite as extreme as this first example. The normal school quickly grew in size. In 1903, the very-needed first Edens Hall was constructed, as previously students found lodging wherever they could in town (Hicks, 1974). Budget and constraints and time ravaged the building so that by 1919 “the dean of women referred to the

building... as a ‘rat infested fire trap with a sewer system that has overflowed three times this quarter leaving its poisonous gasses to be breathed by the forty-five hapless inmates’” (De Lorme & Inge, 2000, p. x). Accessibility is not just the sole concern of the disabled, a rundown

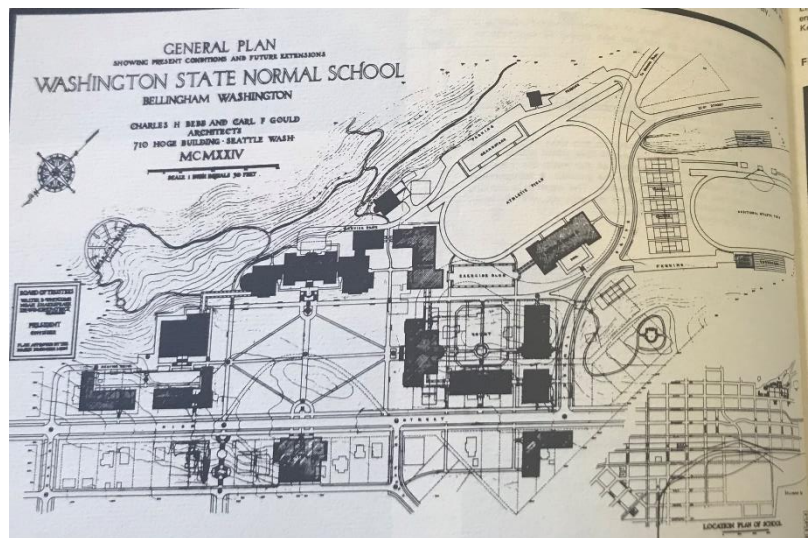


Figure 1: An image of the Original Bebb and Gould Campus Map Plan

building like this becomes inaccessible for

everyone. Thus, in 1921 the second Edens Hall was built to replace the previous one (De Lorme & Inge, 2000).

Charles H. Fisher, the 4th president of the institution began his long tenure in 1923. Shortly after his arrival, an architectural firm was consulted for new buildings and a development plan as the current campus buildings were not enough to cope with the demands of the developing college (De Lorme & Inge, 2000; Hicks, 1974). Messrs. Bebb and Gould from Seattle provided a broad campus development plan in 1925. The plan was envisioned to span twenty to twenty-five years but lasted much longer (De Lorme & Inge, 2000; Hicks, 1974). The first building of their plan, the library, was finished in 1928. The physical education building (now modified into Carver Gym) was the final building designed by Messrs. Bebb and Gould in 1936.

Then, in 1943, a new campus model school that now lives on as part of Miller Hall was designed by Bebb and Jones, the same firm by a different name (De Lorme & Inge, 2000; Hicks, 1974). College Hall (1947), The Auditorium/Music building (1951), Edens Hall North (1955) and Lower Highland Hall (1956), were all done by similar architectural firms, and most structures fit within the first development plan. The geography and topography of the building sites often proved challenging, with some proposed sites needing to be switched due to foundational instability (De Lorme & Inge, 2000). What is now North Campus is primarily built on a swamp, leading to difficulties with sinking and settling foundations (De Lorme & Inge, 2000; Felber, 2019). Other areas of campus proved difficult to develop due to the underlying rock layers of the Chuckanut mountain formation. The age of these structures, their placement, geological foundations, and their development prior to awareness of disability-related design considerations are all implicated when considering campus accessibility in the present day.

The 1960's and 70's proved to be an era of rapid expansion for the school, which became a state institution that offered far more four-year degree programs outside the original scope of a normal school's focus on education. This era also marks the first disability-related compliance laws coming into force. As early as 1974, Western administrators were beginning to take notice of the changing legislative requirements for disability inclusion. Mary Robinson, then Associate Dean, "surveyed Student Affairs personnel, Academic Deans, Department Chairs, facilities supervisors and others at WWU... for problem areas for handicapped students" (Givens-Seymour). Her interest in this area was unusual at the time, as many colleges and other institutions failed to comply with Section 504 directly after its implementation. Indeed, the State of Washington Handicapped Compliance Plan did not compel WWU to complete compliance forms until 1978 (Given-Seymour, 1989).

In 1977, Western's services for disabled students on campus were provided by the Office of Student life alongside "services for international students, returning adults, women, and minorities". Liz Partolan, the first person hired to work with disabled students in this capacity was also responsible for providing services to all of the above-mentioned students, and "spent from one eighth to one fourth of her time with students of disability. At the time the services were mostly counseling and referrals... very few other services were available at that time" (Given-Seymour, 1989, p. 7).

In the 1970's the aged campus was undergoing significant changes, with numerous building projects in the works. However, much of the campus infrastructure relied on old and extremely inaccessible buildings and public walkways. The Ridgeway dormitories, settled on a hill, were completed in 1970 and remain inaccessible to this day due to the stairs and building composition. Indeed, it has been noted several times that development projects in this particular area of campus were extremely difficult due to the topography (De Lorme & Inge, 2000, pp. 86-90). The fact that many campus buildings are inaccessible does not seem to be a priority for campus administrations in the past or present. Indeed, the 1978 Compliance Plan specifically calls out the distinction in Section 504 between so called "program accessibility" and full access to previously developed facilities.

"Western Washington University has taken an integrated approach to 504 handicapped compliance, using a management model. Since the regulations require program accessibility, not that each of the university's existing facilities be accessible (84.22), the handicapped compliance committee has surveyed the faculty and utilized staff and handicapped students in a campus wide survey to discover all inaccessible programs and activities" (*Western Washington University Han...*, 1977).

While this is acceptable legally, it is not true inclusive access. The report goes on to explain several other barriers and the ways Western will handle these without building modifications. They report that housing will continue to place disabled students in the available accessible housing, that faculty with inaccessible offices will meet with students in alternate locations, and that the registrar will schedule classes in accessible locations for those who need it. But the plan draws the line at most physical modifications, “the library will utilize staff to assist students as an alternative to physical alteration of the facility” (*Western Washington University Han...*, 1977).

These modifications to achieve “full program accessibility” fail to recognize the disproportionate burden that falls upon disabled people when their surroundings are largely inaccessible. Significant time, effort, and occasionally personal money are required to create personal accommodation plans on the fly without institutional support (Wunschel, 2011, p. 13). Scholarly research has highlighted that “disabled students may be required to spend additional time and energy making relevant arrangements for accommodations” (Brewer et al., 2023). Bureaucracy occupies a significant amount of time for a disabled person (Wunschel, 2011, p. 13) and having to make arrangements with faculty to meet outside of their office instead of dropping in for office hours like any other student constitutes a significant burden in aggregate. Additionally, scholarly publications have noted that “the attitudes and behaviour of academic staff vary widely. Whilst some may be supportive and sympathetic, others may be unhelpful and cynical towards disabled students” (Brewer et al., 2023). Asking faculty and staff who are often unfamiliar with disability issues can range from frustrating to publicly humiliating.

While universities tend to have endowment funds, disabled people tend to be unemployed.

Disabled students struggle to balance academics and working, and many disabled “students were

unable to obtain paid employment to pay for accommodation or other living costs. The financial difficulties experienced by students and the impact of this on student well-being and academic attainment are well documented” (Brewer et al., 2023). Compounding this employment issue, “disabled students may incur substantial financial costs due to their disability e.g. to obtain access to assistive technology or accessible accommodation and transport” (Brewer et al., 2023). Once out of the education system, disabled people are less likely to become gainfully employed, often due to stigma, *not* ability (Ameri et al., 2018). Wages for disabled people are lower than non-disabled people, despite the expenses this community shoulders (Ameri et al., 2018). These are costs that are often unseen by non-disabled people, including those that run institutions which refuse to implement accommodations due to their supposed price tag.

The 1978 Compliance Plan report goes onto say, “some present physical structures, since they were not built with the problems of the handicapped in mind, have aspects which prove inconvenient for the handicapped” and lists a variety of modifications to structures like water fountains and automatic door openers. While the report is correct that physical structures were not built with the disabled in mind, it is objectionable to describe these design choices and their incompatibility with disabled bodies as “the problems of the handicapped”, and it is also dismissive to describe these design choices as merely inconvenient when they can prove to be the difference between attending classes or not. It is inconvenient for an able-bodied person who wanted to take a broken elevator and now must use the stairs instead, but it is *disabling* for a wheelchair user who cannot get above the first floor without one. This language references ingrained societal myths of accessibility, mainly that disabled people ask for too much in terms of “expensive” accommodations. Disabled people are socially considered burdensome (Holly, 2023). It is true that building modifications are expensive, but they are necessary for access.

Attempts to navigate around present physical inaccessibility are welcomed, but permanent solutions must occur for *true inclusion*. Disabled people are familiar with daily inaccessibility and understand the difficulties of navigating this, but this does not mean that ignoring the issue is acceptable (Wunschel, 2011, p. 13,14). Eventually, change must occur. While a singular accessible entrance, one elevator that is a breath away from requiring emergent maintenance, or a ramp's slope might just barely meet ADA guidelines, these choices are very apparent to the disabled people on campus. A non-disabled student, faculty member, or administrator might not even notice, but the disabled community is very aware of the discrepancies between following the letter of the law and the spirit of it (Wunschel, 2011).

While the 80's was not an era that included national disability-related legislation, there were changes and discussions about disability at Western. In a 1981 edition of the *Western Front*, the student-run newspaper on campus, a section titled "Handicapped get evening lift" describes new changes to the transportation situation for disabled students. Previously, transit for disabled people to and from campus



Figure 2: 1982 Picture showing people at WWU playing wheelchair basketball.

was only available *until 4pm*. Brit Shero, a student at the time, mentioned "he will now be able to attend late-afternoon classes" and that he "hopes to participate in the wheelchair sports offered in the evening" (*Western Front*, 1981). Western's MABEL online archival repository contains a 1982 photo of people using wheelchairs and playing basketball, likely one of the same wheelchair sports referenced in the *Western Front*.

Another edition a few years later, in 1984, describes an event undertaken by 10 non-disabled students who traveled in wheelchairs for the day to experience the campus from this perspective. They mentioned different buildings that were inaccessible, due to a lack of automatic door openers, or difficulties moving chairs out of the way of aisles in the library. They said that other students helped them traverse difficult curbs, and how difficult it is to go up even a slight incline (*Western Front*, 1984). At the tail end of the decade, in 1989, a student, Susan Given-Seymour, conducted a survey of disabled students on campus rating the accessibility of different buildings, as well as administrator ratings of accessibility. Notably, 50.9% of students surveyed reported they felt “sort of” welcome at WWU. 46% of the same students reported they were not familiar with the sorts of disability services available to them. Many of the written responses suggest that door entries were too narrow, and many doors did not have automatic door openers (Given-Seymour, 1989, p. 55,78). The patchwork timeline of campus buildings and retrofitting, along with the original lack of access-provisions, makes rectifying these issues difficult.

The 1990’s were a period of intense expansion on campus, like the 1970’s and 1980’s. This era, however, differs due to the ADA’s passage. This particular law, a stalwart disability rights law, seems to have had an effect on the general public’s awareness of disability compliance, though occasionally there are misinterpretations. One such event occurred at WWU in 1995, when transportation shuttle services were being discussed. The shuttle service provider erroneously claimed that the shuttles would not need to be accessible under the ADA. Campus administrators did not accept this position, thankfully, but records are sparse on how the shuttle service responded to administrator’s looking into this issue (Archival Records, Civil Rights and Title IX..., 1995).

Additionally, another survey of disabled students was conducted in 1992, this time by disabled student services administrators. Common complaints also reflected in the 1989 survey included the number of stairs on campus, and lack of automatic door openers, but also frequently mentioned issues with elevators, difficulties with disabled parking, transit issues, and troubles with snow and ice in the winter of 1991. One anonymous student said, “you don’t realize the troubles until you are put into a certain position or a wheelchair” (Archival Records, Civil Rights and Title IX..., 1995). This is mentioned in the 1984 Western Front article by non-disabled students and remains true to this day. This author has spoken to many students who mention that there is a lack of understanding between campus administrators and disabled students, and that the Disability Access Center (as it has come to be called today) is overwhelmed and cannot assist with improving this communication divide.

The historical issues on Western’s Campus bleed through the pages and seep into contemporary life. Pictures of Western’s campus from the 70’s have virtually no change, other than wear. In 2011, a master’s student named Robert Wunschel documented several accessibility challenges. While disabled parking was paved in the Lincoln Creek Park n’ Ride, a picture of the changing topography of Red Square appears practically the same. Wunschel’s thesis heavily features the fact that the brick pathways, while they are beautiful and represent the architects’ attempts at unifying the theme of campus buildings (De Lorme & Inge, 2000), are hazardous.

“Decorative and textured pavements increase the amount of work required for mobility and create a bumpy, vibrating ride that is uncomfortable and painful for persons in wheelchairs, or for persons pulling wheeled backpacks, briefcases, and laptop bags. Damaged or loosely spaced pavers create grooves that catch wheelchair wheels, and bricks, cobblestones, and concrete pavers have a tendency to buckle creating sudden changes in surface level” (Wunschel, 2011, p.

109). Western's campus is built on a variety of different terrains, but as previously mentioned earlier in this paper, north campus and Red Square most particularly are built on swamp land with instable ground. This author intends to consult with engineering geologists, but some sources have advanced a claim that this makes brickwork more suitable, as well as being more aesthetically desirable, "The brick for Red Square was installed in sand, intended to be durable for pedestrian traffic in a marshy area that had once been a lake" (Felber, 2019). The fact of the matter is that campus has changed very little since the ADA. Another researcher I have consulted with reports the campus rec center that opened in 2003 contains major access barriers to this day, including a ramp that is not ADA compliant.

There are many more issues and challenges with architectural instability, curriculum inaccessibility and more that are beyond the scope of this paper. Nevertheless, while Section 504, the ADA, and relevant building codes continue to try and tackle the issue of physical and social inaccessibility, it is all too often that history repeats itself. Push button doors fail continuously, doors are not wide enough for disabled people to enter, and the brick walkways continue to sink into their swampy foundation. The law does not demand that Western Washington University's campus completely change, only that some aspects should be accessible, and others are not required to be despite the fact that making these changes would substantially benefit a huge population of individuals. If Western wishes to claim "inclusion" as a core value, as is published on the main website of the University at time of writing (*Accessibility, Diversity, Equity and Inclusion, 2024.*), substantial changes must occur. This includes more discussion of accessibility, and involvement of disabled students. With action, we can uproot these barriers to access and full participation. The only question is if WWU is up for the challenge.

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