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# THIRTY-ONE YEARS AFTER THE ADA: THE PERPLEXITY OF DISABILITY



# LEARNING OBJECTIVES

- To describe challenges of establishing and utilizing disability accommodations
- To list strategies for establishing disability accommodations
- To identify ways supervisors can be advocates for trainees with disabilities



# ADA IS ABOUT DISABILITY RIGHTS!

- How many of you can name a leader of the civil rights movement?
- How many of you can name a leader of the disability rights movement?
- Most people can name multiple leaders of the civil rights movement. It is very rare that someone can name a leader of the disability rights movement.



# HISTORY OF THE ADA

- Signed into law on 7/26/1990 by President George H.W. Bush
- Barred discrimination in employment, public accommodations, and federally funded programs on basis of disability
- Mandates inclusion and fosters independence
- Most significant piece of legislation ever enacted for people with disabilities in the world





# **AMERICANS WITH DISABILITIES ACT OF 1990**



# ADA'S DEFINITION OF DISABILITY

- ADA protects qualified individuals with disabilities
- “A physical or mental impairment that substantially limits one or more major life activities of an individual, a record of such impairment, or being regarded as having such an impairment.”



# DEFINITIONS OF DISABILITY

Visible disability may be defined as any observable indication of functional limitation that impacts daily life and may include physical changes to the body or the use of assistive devices (Wilbur Kuemmel, & Lackner, 2019).

Invisible disability may be defined as any condition—including both physical or mental health conditions—that may not be immediately discernible yet still impacts functional limitations in daily life (Davis, 2005; Wilbur Kuemmel, & Lackner, 2019).



# MAJOR LIFE ACTIVITIES

- In 1990, major life activities included: seeing, hearing, walking, caring for oneself, learning, breathing, and working
- In 2008, effective January 1, 2009, the ADAAA broadened the interpretations and added to the ADA examples including, but not limited to, performing manual tasks, eating, sleeping, standing, lifting, bending, speaking, reading, concentrating, thinking, and communicating" as well as the operation of several specified "major bodily functions."





# TITLES

- Title I: Employment
  - All aspects of work settings
- Title II: Public Services
  - Education and transportation
- Title III: Public Accommodations (includes professionals offices)
  - New and existing buildings
- Title IV: Telecommunications
  - TTYs and TDDs

Title V: Miscellaneous



# REASONABLE ACCOMMODATIONS

- Makes ADA/ADAAA unique
- Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.
- Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

# EXAMPLES

<b>Formal</b>	<b>Informal</b>
Job Restructuring	Flexible Work Schedule
Acquiring or Modifying Equipment	Wearing earplugs
Providing Qualified Readers or Interpreters	Extra storage space (for snacks, medications, layers of clothing, etc.)
Appropriately modifying examinations, training or other programs	Use of a quiet space during breaks

# LIMITATIONS

- "**Undue hardship**" is defined as an "action requiring significant difficulty or expense" when considered in light of a number of factors, including the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation.
- **Undue hardship** is determined on a case-by-case basis. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization.
- In general, a larger employer with greater resources would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer with fewer resources



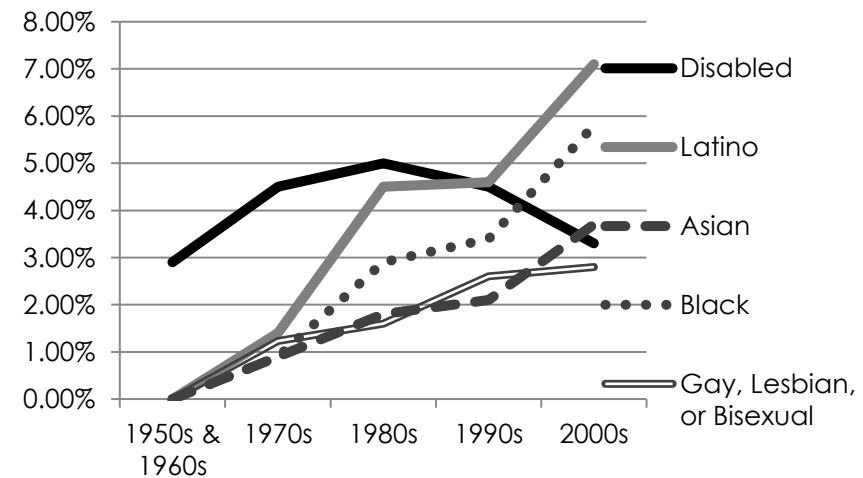
# DISABILITY IDENTITY AND CIVIL RIGHTS

- The disability rights movement encouraged identification with disability as a minority group
- Disability civil rights includes understanding an ironic balance of claiming disability identity and claiming that one is just like everyone else (Conway, 2018)
- Disability identification is strongly associated with disability advocacy throughout the lifespan (Nario-Redmond & Olsen, 2016)
- The more strongly people identify with the disability community the more they recognize disability discrimination (Nario-Redmond & Olsen, 2016)
- If an individual doesn't identify as an individual with a disability they won't utilize resources created by civil rights

# UNDER-REPRESENTATION

Diversity Group	Active Psychologists	United States Population (2016 Census)
White, non-Hispanic	83.6%	61.3%
Black or African American	5.3%	13.3%
Hispanic/Latino	5.0%	17.8%
Asian	4.3%	5.7%
Disability	4.21%	18.7% (7.86% of US workforce)

Figure 1. Characteristics of Doctoral Internship Respondents by Decade of Internship



Andrews & Lund, 2015

# REVIEW OF LITERATURE

- The earliest literature on psychology trainees with disabilities focused on academic accommodations (Crewe, 1994)
  - Equal admission to graduate training programs
  - Accommodating students with disabilities in psychology programs
  - Risk involved with assuming psychologists are not subject to the same biases as everyone else
  - ADA and Psychology Curriculum

# REVIEW OF LITERATURE

- ADA accommodations in clinical settings (Vande Kemp, Chen, Erickson, Friesen, 2003)
  - Unique challenge of securing accommodations in off campus practicum placements
  - Equal opportunity in applying for internship
  - Time, space, procedural, and testing accommodations in clinics
  - Training directors must be advocates for students with disabilities





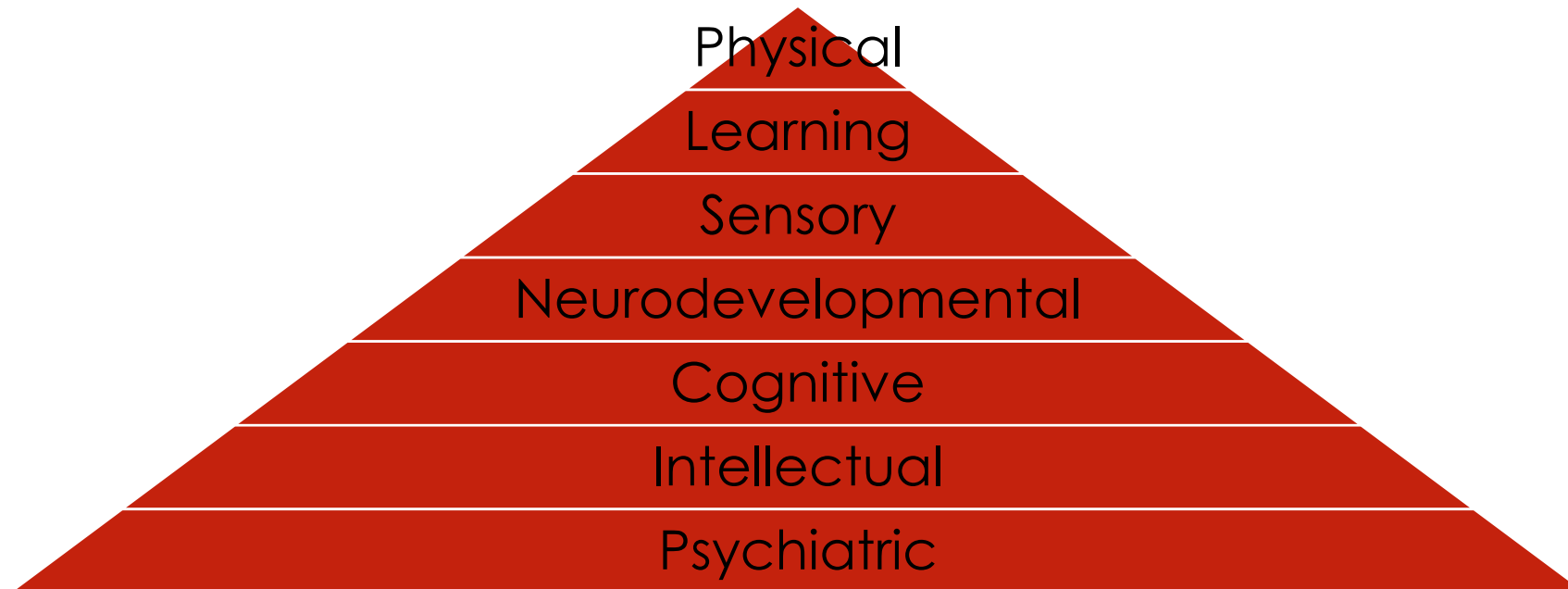
# REVIEW OF LITERATURE

- How we treat our own (Lund, Andrews, & Holt, 2014)
  - Influence of disability on training was significant
  - Selecting graduate programs
  - Disclosure
  - Mentorship
  - Accommodations
  - Discrimination and Support

# REVIEW OF LITERATURE

- Perceptions of Appropriateness of Accommodations for University Students: Does Disability Type Matter? (Deckoff-Jones & Duell, 2018).
  - Examined the biases in perception of how type of disability (visible, invisible, cognitive and psychiatric) impacts the perception of appropriateness accommodation type (Accessibility and Academic)
    - Hierarchy of perceived need/deservingness of accommodations
    - Visible disabilities were viewed as appropriate for academic and accessibility accommodations, followed by visible physical and invisible physical, then cognitive and last psychiatric

# STIGMA IS REAL



Andrews 2020

# WHO ARE THESE TRAINEES WITH DISABILITY?

- According to APPIC data from 2010, 2011, 2012 match cycles the most commonly reported types of disabilities reported by trainees were:
  - Chronic health conditions
  - Learning disabilities
  - Mental illness

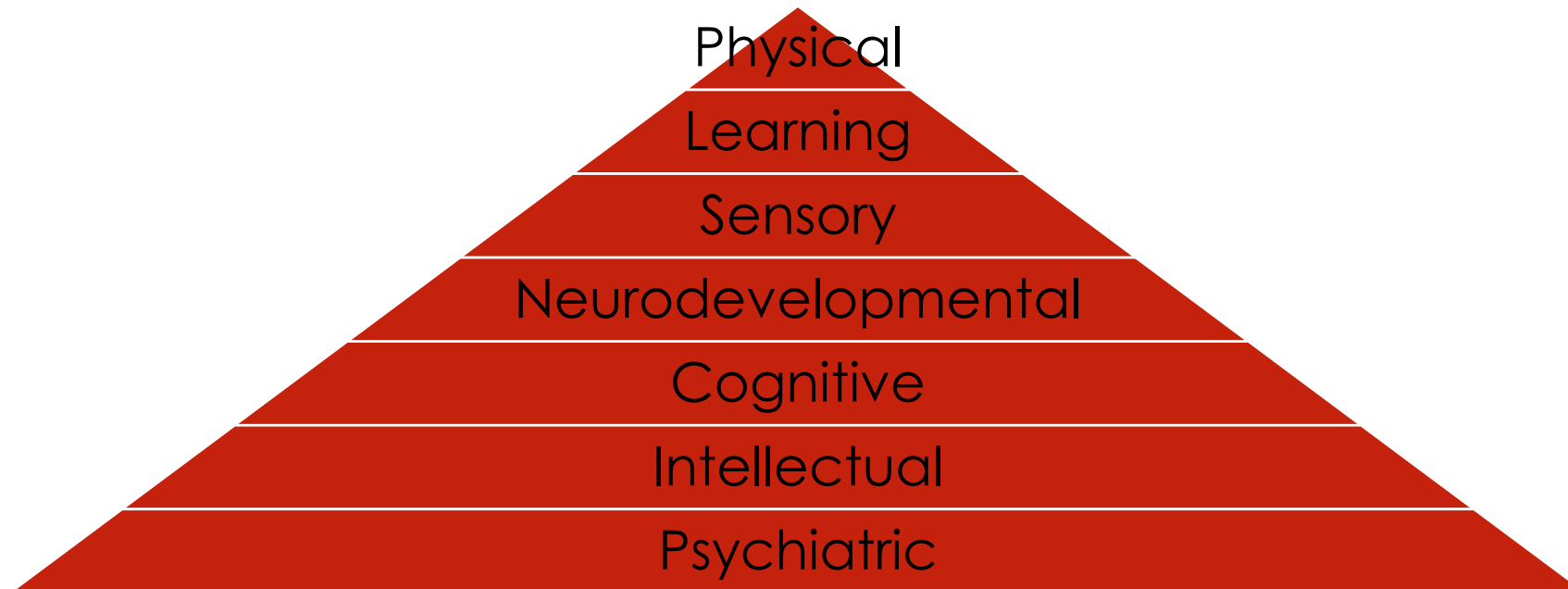
(Andrews, et al., 2013)



# WHO ARE THESE TRAINEES WITH DISABILITY?

- Data on Psychology Predoctoral Internship Match Rates by Disability
  - Andrews & Lund, 2015 found:
    - Only 3.1% of students identify as having disability in APA-Accredited Doctoral Programs
    - Only 1.4% of interns identify as having disability at APA-Accredited Internship programs
    - APA (2018) Workforce: 5% of Psychologists identify as disabled (Compared to 25.7% of the US population; Oroko et al., 2018)
  - Lund, 2021, Compiled and analyzed APPIC data from 2008, 2011, 2012, 2015 & 2016 for match rate by disability type.
    - Average of Non-disabled applicants: 2294
    - Average Disabled applicants: 219
    - Applicants with disabilities had a much lower match-rate (Except for those with cognitive disabilities, although the data pool was exceptionally small)
    - Applicants with physical/orthopedic disabilities, “other” disabilities, and learning disabilities had the largest ‘gaps’ in match rate when compared with non-disabled peers

# STIGMA IS REAL



Andrews 2020

# WHO ARE THESE TRAINEES WITH DISABILITY?

- Lund, 2021: We Must Do Better: Trends in Disability Representation Among Pre-Doctoral Internship Applicants
- According to the latest research examining APPIC data from 2005-2018 [excluding years that were not reported: 2013 & 2014]
  - There was a slight increase in applicants with disability over the years from 6% to 14% (Although only in the last 3 years did this number rise above 10%)
  - Most Common Disabilities:
    - Chronic Health Conditions
    - Mental Illnesses
    - Learning or Cognitive Disabilities
  - Mental Illness increased significantly over time

# SUPERVISOR'S EXPERIENCES WITH TRAINEES WITH DISABILITIES

Who's On First? Supervising Psychology Trainees with Disabilities and Establishing Accommodations (Wilbur, Kuemmel & Lackner, 2019)

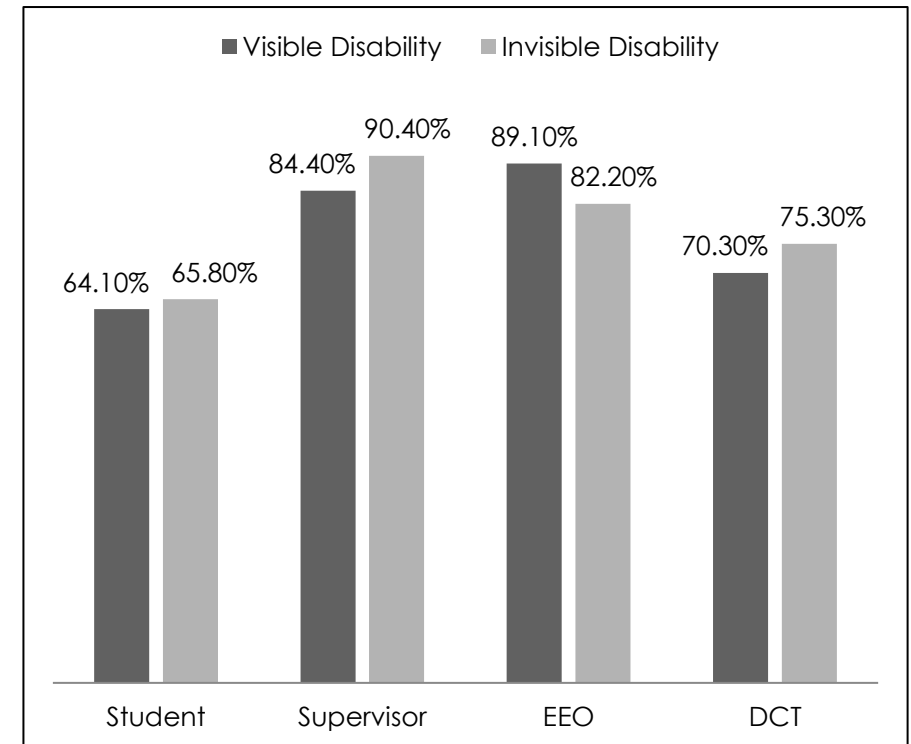
- Our research project sought to elicit and integrate supervisors' experiences, attitudes, and biases when working with psychology trainees with disabilities in the hopes that we may better understand, educate, and support supervisors.
- Anonymous on-line survey
  - Participants were invited through several APA listservs (Div 12, 18, 22, & 38) and every participating training director through APPIC
- Three Parts to the survey:
  - **Part 1: Demographics**
  - **Part 2: Supervisors' Experiences & Awareness of Disability in Training**
  - **Part 3: Randomized Vignettes: Trainee with Visible or Invisible Disability**

# RESULTS: SUPERVISORS' AWARENESS AND EXPERIENCE

Table 1  
*Percent of Supervisors Who Did Not Rate Very Competent*

Trainees with Visible Disability	90.7%
Trainees with Invisible Disability	91.4%

Bar Graph 1  
*Who Should be Responsible for Establishing Accommodations?*



# DIFFERENT PERSPECTIVES ON ACCOMMODATIONS

HR: The individual should initiate the accommodation request and tell us what they need.

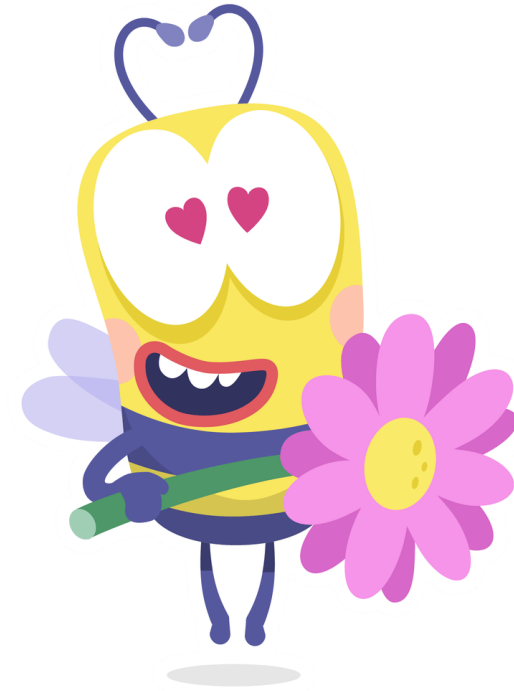


Image Credit: [hr-gazette.com](http://hr-gazette.com)



# WHY IS THIS SO CONFUSING?: DIFFERENT SCHOOLS OF THOUGHT

- Who's On First:
  - Supervisors must *ask* every trainee about disability accommodations!
- Make a DATE!
  - An environment of attitudinal awareness of disability culture and identity development and taking a strengths-based stance toward disability, with willingness to advocate for disability rights such as universal access, and dedication to establishing accommodations.



# WHY IS THIS SO CONFUSING?: DIFFERENT SCHOOLS OF THOUGHT

- ...well...maybe Don't Ask
- We advocate for having a discussion, initiated by the DOT and the supervisors but they should *not* ask about the disability or need for accommodations specifically.
- Resources:
  - Job Accommodation Network
  - VAHCSs Equal Opportunity Employment Office
  - APA Guiding Principles of Accreditation
  - US Department of Veteran Affairs Office of Resolution Management Diversity and Inclusion

# WHY ARE ACCOMMODATIONS SO CHALLENGING?

- Students with disabilities commonly underutilize resources and accommodations, especially in professional settings (Olkin, 2010).
- Students with multiple marginalized identities use them less.
- Why is this when accommodations are a hard fought disability right meant to help students succeed?
  - Stigma in using them
  - Students are subject to biases if they ask for them
  - Students don't know what they need to succeed as disabilities, expectations and training settings change
- Then there's the supervisors 😊
- Other stakeholders- DOT? Inter-professional team members?

# UTILIZING NATIONAL CONSULTATION THROUGH APPIC

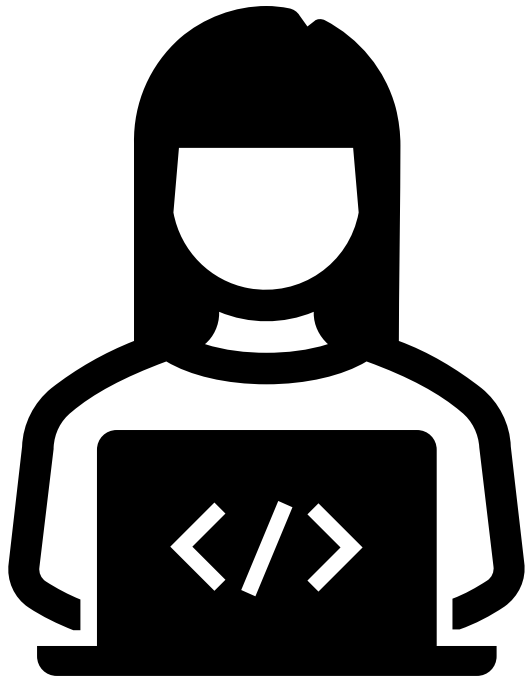
- APPIC has a process for informal problem consultation for which one of the examples includes:
  - An intern or postdoctoral resident and/or an internship or postdoctoral Training Director would like guidance in handling issues related to medical concerns, pregnancy, child/elder care, family hardships, disability, etc.
  - [Problem Consultation \(appic.org\)](http://appic.org)
- Long-term involvement in APPIC



# SCENARIO 1

- Sara, an intern with a chronic medical condition has a reaction to the construction at the college counseling center and requests a disability accommodation. This occurred pre-covid.

# CONSIDERATIONS



- Change the setting
- Telework
- Social impact of isolation
- The importance of having a mentor who is a psychologist with a disability



# TRAINEE NARRATIVE

- I can say that the Student Health Center did a lot for me in accommodating my health conditions. In particular they found me a new, off-site office from which to see clients when I became especially ill during construction on the building (I'm chemically sensitive). I was always afraid they thought I was "making it up" but they were supportive. Before starting the internship, I disclosed my disabilities (all of mine are invisible) which I think helped once I started developing more severe issues. The training staff shared with me about how they consulted with numerous offices and read some empirical literature on working with trainees with disabilities. So I think their knowledge level may be higher than other sites.

## SCENARIO 2

- Don is a new intern on the day hospital rotation at your VAMC, which includes running multiple groups each day. He had never run a process group therapy session prior to internship. Group is held in a big room and is regularly attended by 10-12 patients. In group, he is very quiet and when he makes comments they often seem off topic. His supervisor encourages him to try being reflective and ask thoughtful questions. When he is asked to lead group, he starts off fine but then seems to lose track of the conversation. When his skills don't improve, his supervisor puts him on a remediation plan.



# CONSIDERATIONS

- Don identifies as a veteran with tinnitus who had great difficulty hearing
- Emphasize group rules that only one person speaks at a time
- Use a microphone in group
- Hold group virtually
- Emphasize the importance of mentorship

# SCENARIO 3

- Haddie is a practicum student with quadriplegia who uses her tongue to activate the software she uses to document her patient encounters. When she starts a practicum at the local hospital, she is told she needs to wear a mask and can not activate her note taking software.

# CONSIDERATIONS

- Note taker; aide
- Budget difference for residents and interns versus practicum students
  - Until this is solved student is writing notes from memory
  - Student could claim she is being discriminated against



# SCENARIO 4

- Jon is an intern with quadriplegia at your VAMC who requests an alternate tour of duty from 9-530. His clinical supervisors can accommodate this request on all of his rotations, but he would miss the first hour of the weekly intern two-hour didactic seminar; a required part of the curriculum.





# CONSIDERATIONS

- Disability accommodations do not have to be granted if they conflict with an essential job duty.
- Does this concept fit with a DATE?
- How many programmatic changes do you make for one person?
- Could others benefit from a programmatic change?



# SOLUTIONS TO ENSURE ACCOMMODATIONS ARE RECEIVED AND UTILIZED

- Offer assistance
- Be an advocate
- Try to be understanding of the reality of being a maturing professional with a disability (Olkin, 2010)
- Reframe how accommodations are perceived
- Problem solving rather than a disciplinary approach

A red abstract graphic consisting of overlapping, curved, ribbon-like shapes in the bottom-left corner of the slide.

ULTIMATE  
GOAL:  
DISABILITY  
AFFIRMING  
TRAINING  
ENVIRONMENT

- An environment of attitudinal awareness of disability culture and identity development and taking a strengths-based stance towards disability, willingness to advocate for disability rights, such as universal access, and dedication to establishing accommodations.

# DEVELOPING A DISABILITY AFFIRMING ENVIRONMENT

- Increase Disability Awareness  
(Knowledge, Awareness and Skills)
  - Self-exploration
  - Continuing education
  - Consultation
- Know the accommodations process at your institution
- Supervisors must provide a safe place for students to disclose
  - BRING UP **ACCOMMODATIONS** WITH EVERYONE!
- Supervisors must be advocates for students

# WHAT CAN SUPERVISORS DO?

- Concept of multicultural responsiveness and impact on supervision (Jendrusina & Martinez, 2019)
  - Involves discussion of multicultural issues
  - Examination of privilege
  - Recognize how power, privilege, and identity impact supervisory relationship
- Being aware of implicit biases and working to reduce them
- Act to increase workplace diversity
- Continue to build your own multicultural competence in supervision

# WHAT IS A SUPERVISOR ADVOCATE?

- A supervisor advocate is someone who speaks in support of his or her students with disabilities, argues the cases of trainees with disabilities, and is effective in being heard.
- A supervisor advocate comes from a social justice perspective, seeks possibilities and solutions, and educates or encourages others to see what may be possible and problem solve





# HOW CAN I BE A SUPERVISOR ADVOCATE?

- Address attitudinal barriers
- Eliminate barriers in supervision
- Demonstrate competence in multicultural supervision

# SPECIFIC EXAMPLES OF SUPERVISOR ADVOCATE BEHAVIOR

- Following up on requested accommodations like Dragon Naturally Speaking Software (often times technology requests take a long time) or environmental requests (e.g. an automatic door opener also takes time)
- Remind other supervisors and colleagues of their legal duty to accommodate students with disabilities
- Recognizing and speaking out about disability biases verbalized by others
  - An intern interviewing for residency forgets her battery charger for her power assist wheels and needs extra help getting around the interview day because her wheels don't work. One faculty member thinks this is a sign of irresponsible behavior and wants to rank her low on the list. The supervisor advocate reminds everyone that it could have been her caregiver that packed her suitcase for the residency interview and the applicant shouldn't be penalized
  - A colleague comments "talking about disability accommodations with a trainee might offend them"
  - A supervisor speaks about a student struggling to turn in notes without grammatical errors in the training committee meeting

# BARRIERS TO BEING A SUPERVISOR ADVOCATE?

- A lack of awareness of disability literature and culture
  - This is ESSENTIAL to be an effective advocate
- Fear of being in the advocate role
- Competence in supervision of students with disabilities
  - 90% of supervisors don't feel competent to supervise students with disabilities(Wilbur et al., 2019)
  - Possessing basic understanding of one's institutional process to establish disability accommodations
  - Problem solving strategies to maximize success
- Trainees with disabilities report its difficult to find competent supervisors and even well-meaning supervisors have ableist biases(Lund et al., 2016)

# WHY DO SUPERVISORS FEAR ADVOCATING FOR TRAINEES WITH DISABILITIES?

- Fear of not knowing how to establish disability accommodations
- Fear of making students uncomfortable by asking if they need disability accommodations
- Fear of legal action or institutional discipline for differential treatment
- Fear of being perceived as ignorant about disability issues
- Even culturally competent supervisors fear not knowing or missing something important
- Disability is likely to trigger fear because individuals are protected under the ADA; there is a difference in asking about disability vs asking about disability accommodations
- Other ideas?



# OVERCOMING FEAR

- Knowledge is power
- Consult experts and peers
- Consult local disability office
  - Training site or students program
- Consult APA Disability Office
- Consult diversity committee
  - Local or APPIC
- Advocacy is needed





# FUTURE DIRECTIONS FOR OUR WORK

- Upcoming study on the experiences of trainees with disabilities with emphasis on:
  - Accommodations
  - Intersectionality





# BIASES IN ACCOMMODATIONS: RESULTS OF A QUALITATIVE ANALYSIS OF SUPERVISORS' COMMENTS



- The research that resulted in the findings from Who's On First, involved an anonymous on-line questionnaire that was developed to survey the current state field in terms of supervisors' experience, awareness and bias in working with psychology trainees with disabilities.
- The survey included multiple choice, rating scale, and open-ended questions.
- The comments of the supervisors' perceptions about the student were then analyzed, coded, and categorized into themes by four psychologists with research experience in the area of supervising trainees with disability.

# BIASES IN ACCOMMODATIONS: RESULTS OF A QUALITATIVE ANALYSIS OF SUPERVISORS' COMMENTS

- **Disability Affirming Environment:** Supervisor indicates willingness to cooperate/adapt or accommodate disability; supervisor demonstrates appropriate awareness of difference between supervisor versus supervisor-as-therapist role; supervisor expresses desire for advocacy, awareness and support and/or demonstrates a strengths-based stance towards disability culture.
- **Disability Bias:** Supervisor implies/demonstrates negative views towards disability, views disability as a burden, or views disability as a “tainted” identity.
- **Lack of (Disability) Awareness:** 2 Potential Sub-Codes
  - **Disability Identity:** Supervisor expects trainee with disability to educate them without indication of collaboration; Supervisor suggests that trainee needs therapy or to process their experiences because of disability.
  - **Accommodations:** Supervisor expects others to manage accommodations or denies responsibility in asking about the need for accommodations.
- **Same for All Students:** Supervisor does not perceive there to be any additional work in establishing accommodations or working with trainees with disabilities than in working with trainees without disability. “Disability Color Blindness.”

# QUALITATIVE ANALYSIS OF SUPERVISORS' COMMENTS

Question	Comment	Thematic Analysis Code
Is it appropriate for Dr. Smith to ask if anything has changed for Jami in relation to the recent decline in performance?	Be prepared to be blamed for whatever their response is.	Disability Bias
Is it your impression that working with trainees with disability will uniquely generate additional work as a supervisor?	Not necessarily, but it should require more thoughtfulness and consideration in helping trainee process their experiences	Lack of Disability Awareness: Disability Identity
If it were determined that Jessi's recent decline in performance was related to disability, would you adjust the performance rating?	I would discuss with her the performance ratings were lower due to performance, but then work with her to raise them with accommodations and improve over the future.	Disability Affirming Environment

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