

**UNIVERSAL DESIGN TELETRAINING  
FOLLOW-UP COMMENTS AND QUESTIONS**

**JANUARY 23, 2008**

**ADDITIONAL AUDIENCE QUESTIONS**

- **Has there been litigation to enforce Universal Design?**

**Melanie Thornton:** No. But an excellent question which brings so many different thoughts to mind. We often talk about the difference between meeting the letter of the law and the spirit of the law. I would say that the spirit of the ADA would be the implementation of universal design in built and program environments. However, and this is from a lay person's perspective obviously, when litigation occurs it enforces the letter of the law which would be the guidelines for implementing the ADA, referred to as ADAAG. I would say that these guidelines do contain some elements that are consistent with universal design but much is left to the discretion of the designer in terms of how they are implemented. So with the ADA, a separate but equal point of access is allowed.

**Carol Funcakes:** While there is no legal obligation in the United States to mandate the inclusion of universal design strategies, the United Nations Convention on the Rights of Persons with Disabilities, Article 4 (General Obligations) includes the following language: "To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines:.. So we can see that there are efforts internationally to move us in this direction.... And certainly 'good practice' in the U.S. often also incorporates inclusive, sustainable objectives. As an aside, it's interesting also to note the definition of disability in the Convention is also firmly based in socio-political views of disability that are consistent with ideas of Deaf Culture. The United States has not signed onto this Convention; 123 countries have.

- **I had an instructor who once upon learning there would be a deaf person in their class, made extensive powerpoint presentations to use during their lectures to benefit the deaf student, and then also printed out the notes... the instructor decided to print the presentations for everyone in class so all could benefit. Is this an example of universal design in action?**

**Melanie Thornton:** Yes! A good example.

**Sue Foster:** Yes this is a great example of Universal Design. The instructor made an excellent accommodation for the deaf student and then made it available to all students, thus extending the access to everyone in the class.

- **What ideas have you on how to sell the idea of UD to faculty when faculty are often being sold a number of competing teaching pedagogies that address the learning needs of all of our students?**

**Sue Foster:** It may be that some of the competing teaching pedagogies are actually incorporating some elements of UD. So first I would look at them to see if you can draw out elements of those pedagogies that would benefit all students. You could then point this out to the faculty and note that there is an entire field dedicated to teaching practices that provide universal access to students, and encourage them to look for those parts of their own teaching or the teaching pedagogy that they want to learn to see what parts enhance universal access.

**Melanie Thornton:** The nice thing about universal design is that it really meshes nicely with other pedagogical approaches. One suggestion is to build an alliance with those on your campus who oversee faculty development and to work to integrate universal design practices into the approaches they are using.

**Carol Funcakes:** Rather than framing universal design as a competing pedagogy, discuss the new teaching strategies the instructor is beginning to implement under the pedagogy the institution is encouraging. Chances are that those teaching strategies include many examples of universal design. Helping faculty to realize that they are increasing their inclusion of all students through the inclusion of creativity, choices, and flexibility in their teaching, regardless of what it's called, can reinforce their continual development.

- **Our college has a large number of Deaf and hard of hearing students and we have a captioned media policy in terms of purchasing and professors showing media. We do a lot of education on how captioned media benefits a large group of people (i.e. students with LD, ESL, seniors) not only students with hearing loss.**

**Sue Foster:** That is great! I would love to see some of your materials—we are always looking for good examples of UD and how to motivate others to use it!

- **We have a professor who teaches a film study course and believes that captions compromise the artistry of showing the films and what he teaches and he strongly objects to doing it. We have preached all the angles. Any ideas?**

**Melanie Thornton:** I have a couple of reactions to this. My first is that since there is no legal requirement to show captioned films unless a deaf student is present, then I'd probably focus on putting energies with regard to universal design in areas where there is less resistance. At the same time, though, if the campus could put together a film series on disability and get him involved then some education might happen on a different level that might change his mind about some things. If there is a disability studies focus on your campus, that'd be a good group of folks to work with on this.

**Sue Foster:** Though I'm not a lawyer, I would say that by law the films need to be made accessible to all students, including those who are deaf. While he certainly has the right to choose whether or not to use captions for personal viewing of any film, if he is using the film as part of course materials then he must make sure that those materials are accessible to all his students. However he does have one alternative and this is to assign watching the film as homework rather than an in-class activity. If he does this he can make both a captioned and non-captioned version available to students and that way they can watch without or with captions. However, once the film is used in the classroom he is required to use the captioned version since the deaf students cannot follow the film without captions. Below are a few links that might be useful for this topic:  
<http://deafness.about.com/od/captioning/a/captionedmedia.htm>  
<http://deafness.about.com/cs/accessibility/a/captioning.htm>