

**“Disability Discrimination in the Workplace:  
Twenty Years of ADA Title 1”**

**Project Proposal and Design Document**

**1. The Pedagogical Model**

- 1.1 *Cognitive Flexibility Hypertext.* The “Disability Discrimination in the Workplace” project will be created in a Cognitive Flexibility Hypertext (CFH) constructivist-based learning environment. The CFH will allow users to explore the ill-structured, knowledge domain of disability discrimination as it occurs in the workplace. Users will acquire knowledge as they direct themselves in a non-linear path through the learning environment by accessing various interrelated cases, themes, and perspectives. The content will be represented in various media supported by the WWW, to encourage flexible knowledge acquisition of knowledge, support transfer to real-world contexts and provide access to widespread resources via hyperlinking.

**2. The Learning Problem**

- 2.1 *Background.* Federal Equal Employment Opportunity Commission (EEOC) laws make it illegal for employers to discriminate against a job applicant or an employee because of the person's race, color, religion, sex, national origin, age, disability or genetic information. Specifically, Title 1 of the Americans with Disabilities Act of 1990 prohibits discrimination against individuals with disabilities in all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits.

Recently, the ADA Amendments Act of 2008 (the Amendments Act) was passed, which broadened the definition of disability under the law. The Amendments Act makes it easier for a person to establish that he or she has a disability within the meaning of the ADA. The EEOC investigates charges of illegal discrimination, which can be filed at no cost by any individual who feels a company may have violated the law. It is speculated that that the Amendments Act will result in increased claims of disability discrimination in the workplace.

- 2.2 *The Problem.* Cases of illegal discrimination are not always clear cut. In many companies, both the managers who make personnel decisions and existing employees have inadequate knowledge or confusion regarding disability issues, which are often not addressed until an unfortunate situation arises. However, most corporate training strategies cover topics such as

ADA training within a short time span, focusing only on legal issues, and not on changing attitudes that result in discrimination. It is vital for employers to address illegal discrimination when it occurs in the workplace, but equally important for them to take steps to prevent it in the first place.

Discrimination occurs in many forms, both blatant and subtle. It is not always a deliberate action; sometimes bias is unintentional and occurs simply due to innocent (but incorrect) preconceptions, assumptions that are untrue, or ignorance of the law. But the result is the same – one person is unfairly affected in an adverse way versus another. Disability discrimination can be prevented, however, if companies, federal agencies and individuals have a richer understanding of the spirit of the law in order to interpret and address the complex issues surrounding it.

### **3. Target Audience**

3.1 The prototype will be prepared as if it were being developed for graduate students at “DLR University”, a hypothetical university.

The learners are adult students (age 21-64) who are pursuing graduate degrees in Business and Human Resources. They are motivated to learn about disability discrimination in the workplace because it falls under the umbrella of their field of study and is part of the larger topic of Employment Law. They need to be knowledgeable about the law and potential areas of litigation against their companies.

The learners already have an academic foundation in Business or HR, through undergraduate education, but they do not yet all have “real-world” experience. Some students are relatively inexperienced (no relevant professional work experience), and need opportunities to contemplate ill-structured problems. Others are seasoned professionals who may have dealt with complex business and personnel issues before, but could still benefit from integrating new perspectives into their framework of knowledge.

Because the “Disability Discrimination in the Workplace” learning environment will be available publicly online, the larger audience will be anyone with internet access. We can assume that many of these learners, as well as some of the students, will also be people with disabilities. According to a Census Bureau 2008 survey (2008 American Community Survey <<http://factfinder.census.gov>>), 10% of US adults aged 18-64 report having some type of disability. Thus, some of the learners are also motivated to understand disability issues because they affect so many on a personal level.

#### 4. Knowledge Domain and Learning Outcomes

- 4.1 *General Knowledge Domain.* The “Disability Discrimination in the Workplace” environment will encourage students to further develop management skills within the cognitive and affective domains. As preparation for future positions of leadership in business, they must be able to recognize potential issues, analyze problems, evaluate various options, and act fairly. But they must also be able to demonstrate a certain affective flexibility. They should be able to empathize with others, identify and reflect on existing attitudes, and reconcile information contrary to their beliefs, by making adjustments when appropriate.
- 4.2 *Learning Outcomes.* The learners will engage in self-directed case-based learning as they navigate through the content of the CFH learning environment. Learners will develop a flexible understanding of what constitutes “disability” and “discrimination” as it applies to the workplace.

In exploring the CFH context, students will be exposed to relevant:

- Major Themes
  1. Reasonable Accommodation
  2. “Social Model” of Disability vs. the “Medical Model”
  3. Personal Rights

No single theme will be the correct answer or capture all of the dimensions of a disability discrimination situation.

- Multiple Cases
  - 1-5. TBD

Cases will be developed based on significant cases which were litigated or resolved by the EEOC from the last 20 years. The cases will be interrelated in different ways, drawing from the major themes, and the learner will use fragments from the cases to develop a schema that guides his or her reasoning process.

- Multiple Perspectives

(following are examples, which will vary based on the case)

  1. Employee with Disability
  2. Hiring Manager
  3. Applicant with Disability
  4. VP of Human Resources
  5. TBD

Each case will contain a link to fictional commentary that represents the unique perspective of a particular individual in the case. The number of individuals will vary by case.

## 5. Learning Activities

The CFH will use the following instructional strategies and provide an environment within which the learners can engage in:

- *Exploration:* Students will explore the content provided in the environment, which includes cases (with themes, perspectives, and other relevant web links) and a resource page.
- *Reflection:* Students will have a reflection area in which they build meaning and construct knowledge. They will be presented with guidance questions that will prompt them to consider how to apply their knowledge in novel situations within the knowledge domain.

## 6.0 Assessment Approach

- 6.1 *Self-Assessment.* Through the completion of guided reflection exercises, and optional questionnaires, learners will be presented with opportunities to gauge a shift in their attitudes and future actions with respect to people with disabilities. Since the goal of the project is to promote a change in learner attitudes and expose learners to issues they may have not considered before, the individual learner is the ultimate judge of whether the challenge was met.