

Discrimination: When Being Different Becomes a Target

A Guide for LPA Members and Parents

By Jaime Osborn

For most of my professional career, being a dwarf has not prevented me from being treated fairly. My students have accepted me. Parents have supported me. Fellow teachers have become some of my closest friends. Administrators have recognized my abilities, and the State of Texas has recognized my work as a Master Teacher.

But I would not be telling my complete story if I left you with the impression that discrimination has never been part of my professional life.

It has. The summer after I graduated from high school, I went to my local mall and applied for a job taking surveys from shoppers walking down the mall. After my interview, the manager said he had really been looking for a male, but I knew exactly what was going on. I asked to prove myself and to be allowed to conduct some test surveys. He gave me three surveys, and I got responses to all three. So I got the job despite a bit of prejudice and worked there the entire summer.

But that wasn't the end of the scrutiny. About a decade ago, I experienced it in a way I had never encountered before. It was personally painful, but looking back, I also realize discrimination rarely damages only the person being targeted. It can damage an entire organization.

When the Scrutiny Changed

At the time, I was teaching at an elementary school that was struggling academically. Campus performance was low, morale was already suffering, and everyone felt pressure to improve student achievement. Pressure is part of education. Teachers understand that. What concerned me was that the pressure did not seem to be applied equally.

My principal began spending an unusual amount of time reviewing my lesson plans. I was receiving considerably more scrutiny than other teachers, even though my student performance scores were strong. Then I learned that the principal was asking other teachers and classroom aides about me when I wasn't present.

Were my students staying on task? Were they getting out of their seats? Were children running around my classroom? Was I really able to control the class?

Those questions bothered me because my results did not support the concern. My students were learning. My classroom was functioning. My performance was strong. Yet I increasingly felt as though someone was looking for evidence that I could not do my job. That was a very uncomfortable feeling.

An Easy Target

I have thought a great deal about why I became the focus of so much attention. I am three feet ten inches tall. I have achondroplasia. At that point in my life, medical problems had also affected my mobility, and I had started using a walker. And I have never been a

particularly confrontational person. I like people and generally try to get along with everyone. I would much rather solve a disagreement quietly than turn it into a battle.

Those are usually good qualities. But sometimes they can make a person seem like an easy target.

That was how I felt. I could not prove what another person was thinking. I could only look at what was happening around me. Other teachers were not receiving the same level of scrutiny. My student results were good. Yet questions kept coming up about whether I could manage my classroom and fulfill my responsibilities.

For perhaps the first time in my professional career, I began wondering whether someone was looking at my physical appearance and limitations instead of looking at my work.

That distinction matters. Every employee should be accountable for performance. I certainly expect to be. Being a person with a disability should never excuse poor performance. But a disability shouldn't create an assumption of poor performance when the evidence says otherwise.

The Effect on Other Teachers

Something else happened that I did not fully appreciate at first. The situation began affecting the people around me. Other teachers and aides were uncomfortable being asked to provide negative information about a colleague.

They worked with me. They knew my students. They knew my results. And they could see that I was being treated differently. That creates a terrible situation in any workplace. Employees begin asking themselves: "If this can happen to Jaime, could it happen to me?"

Trust begins to disappear. People become cautious about what they say. Colleagues wonder whether management is hearing about their conversations. Instead of working together to solve problems, people begin protecting themselves. That is exactly the opposite of what a good school needs.

Teaching is collaborative. Teachers share ideas, discuss students, help one another solve problems, and depend on each other during difficult days. When trust disappears, collaboration suffers. Our campus already had low morale because of its academic problems. The atmosphere worsened as people worried about who might be blamed next.

Eventually, the working environment became toxic. That experience taught me something I have never forgotten:

Discrimination can begin with one person, but its effects can spread through an entire organization.

What Good Leaders Do Differently

I spent my career in education, but I believe this principle applies to almost every workplace. Good leaders evaluate people according to performance. They establish clear expectations. They use the same standards for similarly situated employees. They identify problems honestly. And when someone needs help, they provide it.

They should not assume what an employee can or cannot accomplish because that employee looks different. A person's height tells you very little about whether she can teach a child to read. A wheelchair does not tell you whether someone can manage a department. A walker does not tell you whether someone can lead a classroom. A physical difference does not tell you whether someone can become an excellent physician, lawyer, engineer, accountant, business owner, or teacher.

Performance tells you those things. That is why objective standards matter so much.

I Learned That I Had Rights

Until this experience, I had never spent much time thinking about employment discrimination law. I knew discrimination was illegal, of course, but I had never needed to understand exactly what protections were available to me.

That changed. I learned that people with disabilities have *substantial* protections under federal and state law. The most important employment protection is the Americans with Disabilities Act, commonly called the ADA. The ADA generally prohibits covered employers from discriminating against a qualified individual because of disability. That protection extends to hiring, firing, promotion, compensation, training, job assignments, and other terms and conditions of employment.

An employee still has to be qualified for the job. That is important. Disability law does not require employers to ignore poor performance or lower legitimate professional standards. Instead, it says that a qualified person should have an equal opportunity to perform the job and should not be treated adversely because of disability.

That is a principle I strongly support. I never wanted lower standards because I was a dwarf. I wanted the same standards.

Reasonable Accommodation

The ADA also introduced me to a concept that had actually been part of my life since childhood: *reasonable accommodation*. I have used accommodations for most of my life. Pedal extensions helped me drive. Step stools helped me reach things. An elevator helped me avoid stairs that were difficult for me to climb. Properly arranged classroom equipment allowed me to work effectively. None of those things gave me an unfair advantage. They simply gave me access.

The same principle applies in employment. When an otherwise qualified employee has a known limitation caused by a disability, an employer may be required to provide a reasonable workplace accommodation unless doing so would create an undue hardship. The appropriate accommodation will be different for every person and every job. That is why accommodation should be a conversation, not an assumption. Ask the employee what is needed. Look at the essential functions of the job. Then find a practical solution.

Section 504 and Public Education

I also learned about Section 504 of the Rehabilitation Act of 1973. People sometimes refer to Section 504 as part of the ADA, but technically it is a separate federal law that predates the ADA. Section 504 prohibits disability discrimination in programs and activities receiving federal financial assistance. That makes it particularly important in

public education. Public schools and school districts receiving federal funds have obligations under Section 504, while public entities are also subject to Title II of the ADA.

These protections matter both to students and, in appropriate circumstances, to employees. For children with dwarfism, the principle is particularly important. A child should not be excluded from an educational opportunity simply because a desk is too large, a shelf is too high, stairs are difficult to navigate, or some other physical feature of the environment was designed for an average-height person.

Often the solution is remarkably simple. Change the environment rather than limiting the child. That philosophy has guided much of my life.

State Laws Provide Protection Too

Federal law is not the only protection. Texas law also prohibits employment discrimination based on disability. The Texas Labor Code provides protections against disability discrimination and requires covered employers to consider reasonable workplace accommodations for known limitations of otherwise qualified employees unless the accommodation would impose an undue hardship. The Texas Workforce Commission's Civil Rights Division investigates employment discrimination complaints.

Your state probably has similar legislation, and a brief search on the internet will likely located and make it available to you.

Again, the basic principle is not complicated. Judge people by their qualifications and performance. Do not judge them by stereotypes about their disability.

Harassment and Retaliation

I also learned that discrimination does not always look like someone saying, "I won't hire you because you are disabled." It can be more subtle. Disability-based harassment can become unlawful when it is sufficiently serious or frequent to create a hostile or offensive working environment or when it results in an adverse employment decision.

The law also protects employees from retaliation for raising legitimate concerns about discrimination, participating in an investigation, or requesting a reasonable accommodation. Those protections matter because a right that cannot be exercised without fear of punishment is not much of a right.

Documentation Matters

Another lesson I would offer anyone who believes they may be experiencing discrimination: Keep records. Write down dates. Keep copies of evaluations. Preserve relevant emails and written instructions that you are legally entitled to retain. Record what happened and who was present. Most importantly, stick to facts.

There is an enormous difference between writing: "My supervisor hates me because I am a dwarf" and writing: "On September 12, I was assigned a third classroom observation. The other teachers in my grade level had received one."

The second statement is useful because it records an event. If a pattern develops, the facts will show it. People experiencing discrimination should also understand that legal filing deadlines can be short. Waiting too long can eliminate options that otherwise might have been available. Anyone facing a serious employment situation should consider

speaking promptly with the appropriate human resources or civil-rights office, the EEOC, the Texas Workforce Commission, or an attorney experienced in employment discrimination.

How My Situation Ended

I defended myself as best I could. Other people also recognized what was happening and supported me. Eventually, the situation was resolved administratively, and the principal retired and left the campus at the end of the school year. I was able to continue doing what I loved. Teaching. I did not consider the experience a victory over another person. I considered it a lesson. I learned that being pleasant does not require being passive, and I learned that advocating for yourself does not require becoming angry.

I learned that knowing your rights can give you confidence when circumstances begin to feel unfair. And I learned that objective performance is one of the strongest answers to someone else's assumptions.

What I Would Tell Employers

Most employers will probably encounter employees with disabilities at some point. My advice is simple. Don't start by asking what the person cannot do. Ask what the job *requires*. Then ask whether the employee can perform those essential responsibilities, with reasonable accommodation when appropriate. If the answer is yes, move on.

Evaluate that employee by the same legitimate standards you use for everyone else. If performance is poor, address the performance. If performance is good, recognize it. Don't allow assumptions about appearance or disability to substitute for evidence.

That approach is not merely legally prudent - it is good leadership. Organizations suffer when employees believe decisions are based on favoritism, prejudice, stereotypes, or scapegoating. Organizations become stronger when people believe they will be evaluated fairly.

Looking Back

Being a dwarf has taught me to adapt to many things. Sometimes the counter is too high. Sometimes I need a step stool. Sometimes I need help reaching something. Those are practical problems, and practical problems usually have practical solutions.

Discrimination is different. The problem is not my height. The problem is an *assumption* someone else makes *because* of my height. That is something I should not have to accommodate. At the same time, I do not want this paper to suggest that discrimination has dominated my professional life. It has not. I have worked with wonderful teachers, administrators, parents, and students. I have been given opportunities, responsibilities, recognition, and support throughout my career.

The experience I have described here stands out precisely because it was unusual. But unusual does not mean unimportant. It taught me that people with disabilities need to understand both their responsibilities and their rights. We have a responsibility to perform. Employers have a responsibility to evaluate that performance fairly.

And when reasonable accommodations allow a qualified person to do the job, everyone benefits when we remove unnecessary barriers. Being resilient does not mean accepting

discrimination. Sometimes resilience means adapting. Sometimes it means asking for help. And sometimes it means quietly standing up and saying: Judge me by what I do, not by what you assume I cannot do.

My Advice for Employees, Parents, Students, Educators, and Employers

1. **Know your rights.** Federal and State laws prohibit disability discrimination in many employment settings.
2. **Expect accountability.** Having a disability does not exempt anyone from legitimate performance standards.
3. **Expect fairness too.** Those standards should not become more demanding simply because an employee has a disability.
4. **Ask for reasonable accommodations when you need them.** An accommodation is a tool for access, not an admission of inability.
5. **Document unusual treatment.** Keep factual, contemporaneous records and preserve appropriate employment documents.
6. **Avoid assumptions.** Employers should evaluate ability through qualifications and actual performance, not stereotypes about physical appearance.
7. **Understand the organizational consequences.** When employees see a colleague being treated unfairly, trust and morale throughout the workplace can suffer.
8. **Use established resources.** Human resources departments, ADA or Section 504 coordinators, the EEOC, the Texas Workforce Commission, and qualified attorneys can provide assistance when a serious issue arises.
9. **Act promptly.** Employment discrimination complaints have filing deadlines.
10. **Advocate without becoming consumed by anger.** Standing up for yourself does not mean letting the dispute define you.

I have spent most of my life adapting to a world designed for people considerably taller than I am. I can handle that. What I should never have to adapt to is the idea that being three feet ten inches tall somehow makes me less capable. My career has provided plenty of evidence to the contrary.