

*** I am NOT a lawyer. This is NOT legal advice.**

An Introduction to Disability and Accommodations in Higher Education (HE)

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Stakeholders in this conversation

- **Student**
- **Employer**
- **COOP Coordinator**
- **School Disability Services (DS) office**

What I can contribute to the conversation

- **Definitions**
- **Overview of the laws re education**
- **The academic accommodation process**
 - **Student—DS staff—Instructor**
 - **What we CANNOT do**
- **Accommodations and employment**
- **Where do we go from here?**

Definitions

Disability

- A student eligible for accommodations at your institution?
- In the midst of a paradigm shift:
 - Individual model vs social model
- Visible vs invisible disabilities

Disability is . . .

Individual model

- Lack or defect
- Located in the individual
- To be fixed or individual assimilated
- Treated/cared for by experts
- Responsibility of the individual

Social model

- Individual characteristic
- Created by ill-designed environment
- Eliminated by good design
- “Nothing about us without us”
- Responsibility of designers (= EVERYONE)

Where is your institution?

**Individual
model**

**Social
model**



UD

Definitions

Accessibility

- Overall characteristic of a system or environment that allows use by most people without intervention
- Generally sustainable, generally helpful for anyone (= good design)
- Universal Design
 - Lever door handles (vs. knobs)
 - Adjustable height work stations
- **Equitable**



What's "equitable"?

Definitions

Accommodations

- Adjustments made for individuals in order to provide equitable opportunity
- Usually require intervention: reactive
- **Reasonable**
- Requires **disclosure**

What's “reasonable”?

- Does not violate . . .
 - the integrity or
 - the essential elements or functions. . . of the program
- From a faculty point of view:
 - Calculators in calculus classes 
 - Lenient attendance in newspaper journalism class 

Why don't students disclose?

- **Worry over repercussions**
- **Don't want the hassle**
- **Want to feel they can do it “on their own”**
- **Think accommodations are only for school, only when they're children**
- **Don't know they can/should**
- **Don't know how or to whom**
- **Want a clean start: no one knows them as disabled**

The laws

- IDEA (1975): public K12
- ADA (1990)
 - Title I: employment (all institutions)
 - Title II: state & local govt programs (publics)
 - Title III: public events and spaces (all)
- Rehabilitation Act (1973) (federal dollars)
 - Section 504: any program or activity
 - Section 508: electronic & info technology
- FERPA (1974) (federal dollars)
 - Family Educational Rights and Privacy Act

Academic accommodation process

1. Student requests an accommodation
2. Interactive process with DS staff
3. Accommodation Letter
4. Student—Instructor interaction

UD's academic accommodation process

1. Student requests an accommodation

- **Online form: accommodation/s requested, background**
- **Schedule a meeting with DS staff**

- **Can be any time in the semester**
- **Accommodations NOT retroactive**

- **Marketing from OLR**
 - **Website, Admissions, college fairs, NSO**
 - **Syllabus statement**
 - **Event statement**

Syllabus [Link to syllabus statement](#)

Students with Disabilities

- If you anticipate or experience physical or academic barriers based on disability, please let me know immediately so that we can discuss options. You are also welcome to contact the LTC's Office of Learning Resources (OLR) . . .
- If you have an Accommodation Letter provided by OLR, please contact me to discuss.
- If you need assistance accessing print material including textbooks and electronic material such as PDF documents, please review the OLR website information about alternative formats under Disability Resources.

Planning Inclusive Events

- If you have questions concerning access or wish to request disability-related accommodations for this _____ ,
(insert event/activity/workshop/program/course)
- please contact _____ .
(insert name and contact information including an e-mail address or phone number)

[Link to planning document](#)

UD's academic accommodation process

2. Interactive process with DS staff

- Looking for alignment between accommodations requested and the student's history/situation
- Student is primary source
- May request 3rd party documentation
- Eligible, temporary eligible, ineligible
- Review decision if new documentation

UD's academic accommodation process

3. Accommodation Letter

- Reasonable accommodations for this student in
 - Classroom environment
 - Quiz/test environment
- Student requests new letter online each semester
 - Use accommodations in which classes?
 - System sends letter to specified instructors

Most common accommodations at UD

- **Extended time**
- **Reduced level of distraction**
- **Provide materials; recording**
- **Assistive technology (reading; writing)**
- **Breaks**
- **Alternative format materials (electronic)**
- **Growing: Lenient attendance**

UD's academic accommodation process

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- Student responsibilities
 - **COMMUNICATE!**

UD's academic accommodation process

4. Student—Instructor interaction

- **Student SHOULD talk with instructor re letter**
 - **What is reasonable for this class**
 - **Workable solutions**
- **Contact OLR with questions, disagreements**

What we **CANNOT** do (UD)

- **Require disclosure**
- **Discuss with others without explicit permission**
- **Require use of accommodations**
- **Set rules that ALL must follow**
- **Punish for not following established rules**
- **Have different expectations of SWD**
- **Create undue burden**

Accommodations and employment

- **ADA Title I: employers with \geq 15 employees**
- **UD: COOP students would be treated as staff employees**
- **Stakeholders:**
 - **Employee**
 - **Employer**
 - **Employer's HR office**

Accommodations and employment

- **Employee's responsibility to disclose need**
 - Visible vs invisible disability
 - Interactive process: informal vs formal
- **During hiring process or later**
 - Rehab Act 503: voluntary disclosure form
 - On application: "If you need accommodations, follow up with -----" (UD)
 - Only HR, Affirmative Action see

Consistency

is the goal in terms of process.

Talk with your institution's DS office
(and probably Legal Affairs).

What do we need to do next?

- **Student**
- **Employer**
- **COOP Coordinator**
- **University Disability Services office**