

# **Expect Success: A Guide for Faculty**

## **Background**

**Disability is a natural part of the human experience ...**

*-- The 104th Congress of the United States*

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### **Disability and Civil Rights**

*Section 504 of the Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990* are Civil Rights laws. They affirm that people with disabilities should have access to the social, economic, educational and cultural aspects of national life. Their impetus is the assertion by people with disabilities of their inalienable right to be treated as equals.

The first Civil Rights law in the world for people with disabilities was passed in 1968. It was known as the *Architectural Barriers Act*. It required Federal facilities to be physically accessible for wheelchair users and others with mobility limitations. Its true significance, however, was to redefine disability in a civil rights context. Thus, disability now had to be considered, not as a medical problem, but as a social problem. The law acknowledged that barriers in federal buildings denied entrance arbitrarily to citizens who experienced significant mobility limitations, such as wheelchair users. Thus, it prevented their full participation in government by the people, of the people, for the people.

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### **The Law: Title II and 504**

In 1973, the Civil Rights concept of disability was expanded to all aspects of Federal government and its contractors. *Section 504 of the Rehabilitation Act* stated that no person with a disability would be discriminated against as long as that person was otherwise qualified, and that reasonable accommodations would be made for such individuals. The regulations to implement *Section 504* languished for four years. Finally, in April, 1977, disability activists responded to an effort within the Carter administration to weaken the unpublished regulations. The activists occupied federal buildings around the U.S., and forced Health Education and Welfare Secretary Joseph Califano to publish them, unchanged.

In 1990, the *Americans with Disabilities Act* was signed into law by George Bush. It was drafted by conservative Reagan appointees to the President's National Council on the Handicapped, now the National Council on Disability. Ironically, President Reagan intended the Council to eliminate or weaken *Section 504* in his political agenda to deregulate federal government. Instead of dismantling the civil rights protection, the Council advocated for stronger protections. ADA expands the essential concepts of *Section 504* to all aspects of American society such as private employers, public

accommodations (i.e., restaurants and motels), and the Telephone Relay System for the Deaf. Under Title II, the ADA strengthened the responsibility of public entities, such as state and local government, to ensure that qualified students with disabilities will not be discriminated against. Significantly, Title V of the ADA gives people with disabilities the opportunity to take their cases to court and to receive punitive damages along with their attorneys' compensation. These additions give greater force to the law with which to overcome discrimination.

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### **What is discrimination against students with disabilities?**

In short, Section 504 and Title II of the Americans with Disabilities Act (ADA) prohibit discrimination against students with disabilities who are otherwise qualified, and that when appropriate, such students must be provided reasonable accommodations. Programs, but not necessarily all buildings or classrooms, must be accessible to students with disabilities. This is often referred to as program access.

In other words, students have a right to access upon meeting the qualifications. Once qualifications are met, it is illegal to arbitrarily eliminate students with disabilities solely on the basis of their physical or mental condition. To do so would be discrimination. Failure to remove program barriers by refusing or denying reasonable accommodation would also be a form of illegal discrimination. The law does not mean that students get special considerations, but that they should enjoy a level playing field in which to compete, succeed and thrive.

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### **Who takes care of students with disabilities? Civil Rights Vs. the Medical or Special-Ed Models**

A Disability Services staff member was once asked this question by a faculty member. It may be useful to examine some of the possible assumptions about disability which inform it. For example, it may be argued that the question assumes that disability is still "the other," somebody else's problem. It may suggest that care-taking is necessary for students with disabilities, because the assumption is that they can't adequately take care of themselves or compete successfully under normal academic conditions.

These ideas correspond with the medical view of disability at least from the point of view of people with disabilities. Disability is seen as pathology, not as a static state of being. Loss of various physical and mental functions are generalized to the whole person, and thus disability is equated with incompetence and becomes a custodial subject under the medical hierarchy.

Under laws governing special education in public schools, children with disabilities are entitled to free and appropriate education. This means that they may not be excluded

from public schools because of a disability. Schools must assess, determine and provide educational services tailored to the student's disability.

In higher education, this is not the case. The medical and special education models imply that someone is either monitoring and making decisions for students with disabilities or always looking out for them, assisting them in reaching the most positive and individual educational experience possible. At the UNCA, Disability Services for Students is responsible for:

- verifying disabilities and need for accommodation
- recommending reasonable accommodations
- teaching students about their civil rights
- advocating for program access

These are civil rights charges. Civil rights imply the strong responsibility on the part of the individual to conduct themselves as first-class citizens. Students must:

- identify themselves
- request reasonable accommodations given their functional limitations in reasonable time
- meet the academic standards expected of all students.

Disability Services does not have either the right or the responsibility to look over the shoulders of students with disabilities. Students are ultimately responsible for themselves. Disability Services works with students and, when appropriate, with their instructors, to determine two things. First, which accommodations are reasonable and second, identify other student services that may be appropriate and refer students to them. Disability Services gives students some possible designs as well as the tools needed to build a level playing field for themselves. In the end, the access a student builds is their own.

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### **What is a disability?**

The University of North Carolina-Asheville adheres to the civil rights definition of disability. Eligibility for protection under the ADA and Section 504 requires the applicant to meet one of the following three criteria:

1. Have a physical or mental condition that substantially limits one or more major life activities
2. Have a record of such a physical or mental condition
3. Be regarded as having such an impairment, whether actually having the impairment or not.

Examples of disabilities include, but are not limited to the following:

- arthritis
- attention deficit disorders
- blindness/low vision
- cerebral palsy
- communication disorders
- deafness/hearing impairments
- emotional/psychological disabilities
- multiple sclerosis
- seizure disorders
- specific learning disabilities
- spinal cord injuries
- temporary disabilities
- traumatic brain injuries and
- other health impairments.

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### **How does Disability Services verify a disability?**

Disability Services obtains current written documentation in order to verify the existence of a disability. Verification includes a diagnosis, description of the functional limitations that may affect academic performance, rating of severity and a recommendation for accommodations. Documentation used in verifying a disability contains a printed and signed name of a physician, psychologist, rehabilitation counselor, social worker or other authority qualified to assess the disability and who is not related to the student.

With respect to Learning Disabilities, Attention Deficit/Hyperactivity Disorders, and Psychiatric Disabilities, Disability Services maintains specific verification requirements. These standards are based on excepted professional guidelines for disability in higher education. At times, Disability Services requests additional documentation. All documents are regarded with strict confidentiality.

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### **What are functional limitations?**

A disability must limit functioning in school before one can receive an accommodation. The effect of a disability on program access is referred to as a functional limitation. A physical or mental condition, in and of itself, does not necessarily require accommodation. There must be a logical link between the functional limitation stemming from the disability and the accommodation requested. Disability Services coordinators first identify functional limitations through discussion with the student and review of documentation. Then, the coordinator provides the student with information about the accommodations for which the student is eligible. Lastly, the student chooses the accommodation(s) that address his or her functional limitations in most the suitable way(s).

**Example:**

A blind student cannot see to read print in textbooks. The disability, blindness, causes the functional limitation, an inability to read printed text. Thus, the blind student may choose the accommodation of reading the text in an alternative format such as Braille or using an employee who reads the text aloud. On the other hand, blindness doesn't prevent one's ability to take notes during a course lecture -- Braille and other electronic devices can be applied for this task. Therefore, a blind student may not be eligible for the accommodation of note-taking services because the functional limitations of blindness do not affect the ability to take notes using Braille or by electronic means.

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**What is meant by otherwise qualified?**

When students apply to UNCA, they must demonstrate to Admissions staff that they meet the admission standards for this institution. They provide their high school transcripts, college entrance scores (ACT or SAT) and any other important information about themselves which may indicate their potential to succeed and contribute in The University's diverse campus community.

If a student with a disability has been accepted to the University, that student has demonstrated that he or she is a qualified individual, despite having a disability. Thus, the University must then attempt to remove barriers within the student's program.

Every person is not entitled to attend college and receive a bachelor's degree. However, any individual who meets admission standards should have an opportunity to earn a degree. Disability is not the main criteria with which to determine the qualifications for that opportunity. Following admission, we expect each individual to continually demonstrate that they are otherwise qualified by meeting or exceeding the academic standards set by the institution.

And they must do so whether or not they have accommodations.

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**What is a reasonable accommodation?**

Reasonable accommodations are changes in the learning environment that permit students with disabilities to compete at the University. The accommodations modify nonessential elements of University programs. Expect Access contains a list of reasonable accommodations and descriptions of the accommodations.

Examples include, but are not limited to:

- extended testing times
- tape cassette books

- sign language interpreters
- course relocations to physically accessible classrooms

Disability Services coordinates and provides reasonable accommodations to qualified students with disabilities. Accommodations are individualized to address specific functional limitations resulting from a disability. There must be a logical link between the functional limitation and the accommodation.

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### **What is meant by with or without accommodations?**

Understanding this phrase is critical to understanding the distinction between a civil right and, by comparison, an entitlement. Put bluntly, it's legal and even okay for a student with a disability to flunk out of college. Section 504 and the ADA do not guarantee success. They do not mandate a "safety net" intended to keep students with disabilities in college at any cost. Students with disabilities must perform at the level that their academic and professional programs expect of all students. The University attempts to level the playing field for students whose disabilities have been verified and who request accommodations. Ultimately, the students' work must be their own and be of a satisfactory quality.

In addition to guaranteeing civil rights to program access, the ADA also guarantees any individual with a disability the absolute right to refuse any accommodation. Disability Services is not responsible for making sure a student requests accommodations. However, Disability Services will ensure that requested and approved accommodations are addressed.

Coordinators rely heavily on documentation of the disability when determining accommodations. Also, they draw the student into a discussion of limitations and possible strategies. Accommodations not requested by students will not be provided.

The bottom line is that students with disabilities must perform at satisfactory levels in their academic pursuits at UNCA. If they do not request reasonable accommodations and perform poorly without them, their civil rights have not been violated. The student must then deal with the consequences of unsatisfactory academic progress.

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### **The Elements of Access**

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#### **Complying with the Spirit of the Law**

Civil rights laws for people with disabilities prohibit limiting access to students because of a disability. Thus, an important step is to inform students of your intent to accommodate them. This can easily be accomplished by announcing this intent on the first day of class and including a statement, like the following example, on each course syllabus:

*Qualified students with disabilities will receive appropriate accommodations in this course. Please speak with me after class or in my office. Please be prepared to provide a letter from your Disability Services Coordinator.*

Next, be willing to listen to students' requests and make reasonable accommodations. This does not mean reducing the standards you set for the course, but rather leveling the playing field for the student(s) in question.

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### **What can I expect of students?**

Instructors should expect, and insist on, accountability on the part of students with disabilities in their courses. Create the expectation of self-knowledge and understanding for students with disabilities, just as you would for any other student with whom you interact. These are the essential tools of self-determination.

Expect that students can explain how their disability limits their functioning. Do your best to make the link between those limitations and the accommodations they request of you. Insist that students make such requests in a timely and responsible way, stating their requests clearly and concisely.

Although it is the role of Disability Services to verify a disability and to recommend reasonable accommodations, as the instructor, you have the right to be assured that the disability has been appropriately verified and the accommodations requested are indeed reasonable. You are free to expect students to provide you with such letters of verification from Disability Services if you wish.

Upon verification of a student's disability and functional limitations, Disability Services Coordinators meet with the student to discuss potential accommodations which the University may provide. Accommodations, again, are linked logically to the student's functional limitations, rather than a reaction to the condition which causes them. Disability Services Coordinators guide students on notifying their instructors about their limitations and the accommodations they will likely request of them. Disability Services often, at the student's request, provides a letter indicating that the disability has been appropriately verified and that the functional limitations may warrant accommodations. The letter will also list recommended accommodations that the student and instructor can discuss.

**Example:**

A student who has experienced significant back problems may be limited in their ability to sit for a full 50 minute class period without severe pain, which then creates a further limitation in their ability to concentrate adequately on class lectures and discussions. In addition, the effects of the condition limits the student's functioning on a variable basis. That is, some days are pretty good, others are markedly worse.

The student's functional limitation is sitting tolerance and the secondary physical discomfort and loss of concentration. The accommodation, therefore, is alternate seating, permitting the student to stand part of the time or all of the time, or simply to be able to shift position several times during the class period. In some instances, the student may become so uncomfortable that they feel the need to leave class altogether.

In this case, the instructor is not likely to be asked to do anything for the student except be aware that the student is not being rude or intending to be disruptive. The instructor should expect that the student will give notification of their limitations and request the instructor's consideration. Certainly this would be the case if the student were to leave the class early because of discomfort. In addition, this student may receive priority in pre-registration, thus allowing them to avoid back-to-back classes whenever possible.

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### **Access Assembly Checklist**

This checklist is provided to assist faculty in building an accessible learning environment in their courses. Anticipate that students with disabilities may potentially be in every course. It is not required however, to anticipate every accommodation that any student with a disability might need prior to the request. Simply be prepared for the fact that some requests for accommodations will be made. And, by all means, expect students with disabilities to successfully meet the requirements of your courses!

- Hold students with disabilities accountable to the same standards you hold every other student. Remember, academic standards and access are complementary.
- Provide notice to your students of these standards and of your willingness to accommodate. This can be done verbally or in writing within your course syllabus. We recommend both.
- Grant reasonable accommodations. Accommodations are changes in the way things are done. They are reasonable so long as course standards aren't fundamentally altered and there is a logical link between the student's limitations and the accommodation.
- Consult with the student and Disability Services coordinators. Students must generate their own requests for accommodations. Requests ought to be supported by evidence of the need for accommodation. A sensible link between the disability's functional limitations and the accommodation requested must be supported. Some students may present written documentation, others may not.

- Verify the existence of the disability and need for accommodation with the student, Disability Services, or another authority. Disability Services recommends that written verification come from our office. We provide the information necessary for an instructor to assure program access while providing protection of student privacy.
- Permit students to use auxiliary aides and technologies which ensure access. Depending on the disability, students may use note takers, sign language interpreters, readers, scribes, and research assistants. Others may use tape recorder/players, computers, assistive listening devices and other technologies for the same purpose.
- Grant testing accommodations. Again, depending on the particular needs of a student, it may be necessary to extend testing times, change testing formats, test in a quiet environment, and so on. Regard disability-related discussions and information with the strictest confidentiality. Violation of student confidentiality can potentially create a hostile learning environment, thereby destroying program access. Take your cue from the student.

Other tips which may enhance access to your courses ...

- Select course textbooks early. Blind and other students with print limitations must begin early to obtain their texts in alternative formats.
- When requested, provide alternatives to printed information such as class handouts or reserve materials in the library. Alternatives to print include Braille, computer electronic text, large print, and tape cassettes. If Internet resources and other technologies are used, then they must be as accessible to students with disabilities as they are for other students. Disability Services coordinates provision of these alternative formats.
- Make academic adjustments in instruction. Some students need lecturers to face the audience while speaking. A student may ask you to use the existing sound system in a classroom, or to wear a small transmitting microphone while they wear the FM receiver. Others may need written or graphic information spoken aloud or described. Adjustments such as these may be taken after the student requests them.

### **Arranging for Accommodations**

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Students with disabilities or suspected disabilities meet with their Disability Services coordinator confidentially as a first step in arranging accommodations.

The coordinator verifies the disability and determines how functional limitations affect academic work. This is accomplished through discussion with the student and review of documentation. Students with insufficient documentation may be referred to physicians, psychologists or other qualified diagnosticians for complete assessment before accommodations are granted.

After the disability and its functional limitations are verified, the coordinator provides information about the various reasonable accommodations which address the student's functional limitations.

The student then chooses the reasonable accommodations that best apply in a given course or semester.

Frequently, students arrange follow-up meetings with their coordinator. Coordinators are available to assist with ongoing problem solving.

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### **When are accommodations not provided?**

The University provides accommodations unless they fall under one of the following three categories:

- **Fundamental Alteration:** If an accommodation reduces the academic standards of the University, its schools, departments, or its courses, the University denies the accommodation and deems it unreasonable. Academic standards are essential for any student. It is unreasonable to alter these fundamental standards as an accommodation for a student with a disability.
- **Undue Hardship:** If an accommodation costs too much or is impossible to administer, the University denies the accommodation and deems it unreasonable. An undue financial burden applies to the University as a whole. Therefore, decisions regarding undue financial hardship can only be made by the president and cannot be made by a department, school or college. If a University division feels it cannot afford an accommodation which would be reasonable otherwise, it should seek assistance through appropriate channels. An undue administrative burden occurs when the University doesn't have enough time to respond to the request, or when it would be impossible or infeasible to administer. In every instance, the University reserves the right to offer other, equally effective accommodations.
- **Personal Service:** If a request for an accommodation falls under the definition of a personal service, the University denies the request because it is unreasonable. Personal services are those that a person with a disability must use regardless of attendance at the University. In addition, personal services are those for which no correlation between the disability's functional limitation and program access can be established. The University, for instance, does not purchase wheelchairs or other assistive technologies used in every setting to compensate for a mobility impairment. Other examples of personal services may include independent living, mental health, rehabilitation, remediation and tutoring.

Students make requests for accommodations primarily through their Disability Services coordinator. However, it is unnecessary to request accommodations exclusively through Disability Services. Any employee or unit of the University makes reasonable

accommodations to otherwise qualified students with disabilities. The University requires verification of disability and functional limitation prior to the provision of reasonable accommodations.

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## **Student Confidentiality**

All documents which Disability Services collects are regarded with strict confidentiality. Disability Services does not reveal the condition or diagnosis of any student registered and/or verified with us. Faculty have the right to know the following regarding students with disabilities:

1. The student has a disability verified by Disability Services
2. How the disability or condition limits the student at UNCA
3. Recommended academic adjustments that will make the student's programs accessible

Once again, there must be a logical link between the functional limitations and the recommended accommodations or adjustments.

No documents will be released to any internal or external individual, departments or agency without the written permission of the student or the student's guardian. Instructors are cautioned against identifying students with disabilities unnecessarily to their peers or other colleagues without the student's consent. Announcing, for example, at the beginning of an exam that all disabled students should come to the front of the class would violate the students' right to confidentiality.

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## **How do I challenge an accommodation that I feel is unreasonable?**

If you are uncertain about a request for an accommodation, you can challenge the student's request in a number of ways. First, you can ask the student for their letter of verification from Disability Services to ensure that the accommodation is one recommended by their coordinator. If the letter doesn't contain any mention of the requested accommodation, you can contact the Disability Services Coordinator. Remember, the accommodation is considered unreasonable if it reduces the academic standards, or your requirements for a given course. It is also unreasonable if it is impossible to administer. If an accommodation does not appear to be appropriate given the student's functional limitation, Disability Services will not support it.

Many accommodations may be requested by the student that have not been discussed with a coordinator. This doesn't always mean that the request is unreasonable under the law. Contact Disability Services if you are unsure if a request is reasonable and suggest other alternatives to offer the student.

If you decide to deny a request as unreasonable, inform the student, clearly indicating your rationale. If you have discussed this with Disability Services already, refer them back to their coordinator for further clarification.

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### **Are these accommodations fair to other students?**

This question is often asked of students with disabilities. The underlying assumption of the question is that fairness and equal treatment are synonymous with "the same" treatment. However, the same treatment doesn't always measure fairly. Civil rights laws for people with disabilities are founded on this last assumption.

First, these laws protect students with disabilities from being subjected to the arbitrary measure of what is best for others, except in cases of safety to others. Second, the assumption of the law is that modifying non-essential tasks should give the student with a disability an equal, or fair, chance to demonstrate their ability, minimizing their functional limitations to the greatest extent possible.

#### **Example:**

A student whose limitations in the physical task of writing or other fine motor manipulations may be an excellent writer even though they cannot print or type the letters and words. Thus, the physical act of writing is a non-essential task. The student's mastery of language and course material must not, under the law, be judged by their ability to manipulate a pencil or pen, or by use of a keyboard. Accommodating the student by providing a scribe to record the student's essay responses, for example, permits the student to show whether they can write effectively and whether they have acquired the information and critical skills the instructor wished to convey in the course.

No unfair advantage over nondisabled peers is gained by the use of a scribe. In using this auxiliary aide, the student has yet another layer of communication to contend with -- that of communicating clearly to the scribe the words and structure of their answer -- including punctuation and spelling. Even with extended time on an essay exam to compensate for the additional time of dictating to and directing the scribe, the student can only hope to approach a truly level playing field.

### **What if...?**

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What if ...

#### **...a student says their disability may limit regular attendance?**

Attendance during scheduled class times is a necessary part of the learning process. Disability Services coordinators may recommend flexibility in attendance requirements for some students. This is usually the case when the nature of the disability results in

variable functioning levels, i.e., "good and bad days." Flexibility is negotiable, contingent upon the student and circumstance. Variables such as the course, the material and the necessity of interaction in the classroom are all considered. However, flexibility should not be interpreted as a blank check for absences.

**Example:**

Discourse between instructors and students is a critical aspect of learning in a literature course. Thus, it would not be possible simply to read the assigned texts and copy another student's notes before an exam. Similarly, a science lab course requires students to work, often together, to observe phenomena in experiments and record findings.

In other courses, such as large lecture courses, there may be more flexibility in attendance than in the previous two examples. Discussion between the student and instructor are essential. Disability Services coordinators are also willing to participate in such discussions.

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What if...

**...a classroom is moved?**

Classrooms may be moved if the room is inaccessible to a student registered into the course. Whenever possible, the least intrusive intervention is taken. For instance, a student may be moved to another section of the same course at the same time if that section is scheduled in an accessible location. Faculty should be advised that not all students with severe mobility limitations, who may require room changes, have visible disabilities. A hostile learning environment can be created when questions are posed regarding a room change for a student with a disability. Instructors will be notified by the Registrar before any classroom changes are finalized.

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What if...

**...a student's behavior disrupts instruction?**

It is not possible to accommodate disruptive behavior on the part of a student with a disability. Students with disabilities are expected to adhere to the Student Conduct Codes just as any other student. If disruptive behavior occurs, the instructor should give the student fair warning. Contact Disability Services if you have any other concerns.

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What if...

**...a student misses class because of an elevator breakdown?**

Elevator breakdowns or other short-term barriers may constitute temporary access barriers for students with mobility limitations. Students may miss critical course information, be unable to take scheduled exams or pop quizzes, or be unable to give required presentations. This is a no-fault situation in many respects, but the University still assumes the responsibility of equal access. In such circumstances, the student should contact the instructor as soon as possible. He or she should request some assistance in obtaining course notes or rescheduling an exam or presentation. The student should not be adversely affected in terms of attendance. Most elevator breakdowns last only a few hours. In rare instances, though, breakdowns have lasted as long as several weeks. For this reason, Disability Services and the Registrar should be notified as soon as possible so that we can make arrangements to have the course moved.

In the case of snow fall, the University identifies priority routes for snow removal. Access to some buildings may be delayed in the event of severe weather.

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What if...

### **...we're going on a required field trip?**

Many courses at UNCA occur outside the traditional classroom or laboratory, and many programs require the completion of such courses as part of the standard curriculum.

#### **Examples of such courses are:**

- field trips
- field experiences
- practica
- student teaching
- professional internships
- immersion in foreign cultures in order to study language and literature

Disability Services for Students (DSS) adheres to its over-arching policies regarding program access, reasonable accommodations and prohibition against discrimination with respect to these educational experiences.

When a student asks us to do so, Disability Services provides reasonable accommodations such as readers, scribes, Sign Language interpreters, assistive technology, and other emanuances. Disability Services covers the costs of some of these accommodations, and arranges cost-sharing with state vocational rehabilitation for others when the student is eligible for that program. Many accommodations are no-cost, and can be provided on site. For example, desks can be raised by blocks of wood to permit use from a wheelchair, work station lighting can be modified, and other no-cost accommodations can be provided upon request. At no time does a student pay fees for reasonable accommodations. However, personal services such as personal care attendants, drivers, etc. are the responsibility of the student.

The student arranges a practicum, internship, field trip or field experience or overseas study program through their instructor, advisor, professional school or other appropriate division of the University. If accommodations are likely to be required, the student must make the request. For example, use of an aid in student teaching would be requested by the student in advance. The purpose, activities and time necessary for the accommodations would be discussed by the Disability Services coordinator and the student, along with the practicum supervisor. Staff at the practicum site may need to be included as well. In other cases, the student makes the requests directly to the practicum site personnel, and comes to Disability Services only for services which would involve some cost, such as readers or scribes. Disability Services and the student agree on which accommodations are necessary and reasonable, and the authorization to implement them (such as hiring a reader or being assigned a Sign Language interpreter) is granted to the student. Supervising faculty should discuss the potential need for accommodations with students when appropriate.

Disability Services provides orientation and education to faculty and to on-site supervisors with respect to disability and to civil rights laws which provide protection against discrimination. UNCA expects such remote learning sites to give assurances that they will comply with these laws. Upon request, Disability Services will follow up with students and faculty to ensure that reasonable accommodations which have been requested are being provided. Students should contact Disability Services and their faculty supervisor or instructor immediately if accommodations are not readily forthcoming.

With respect to these educational experiences, it is crucial that the student, especially for professional experiences in the student's final years of study, be prepared to make clear assessment of areas requiring accommodation. Disability Services often brainstorms with the student, and may offer various scenarios to consider in order to ensure that adequate thought is given to identifying post-graduation contingencies.

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What if...

**...a student needs an interpreter or note-taker?**

Deaf students may request the use of a sign language interpreter in order to have access to course lectures and other University activities. Sign Language interpreters are professionals employed by Disability Services. Their job is to provide access by interpreting lecture and other spoken communication into signed communication, usually American Sign Language. Interpreters maintain a professional level of distance in the classroom when interpreting for deaf students.

**Example:**

If a student is addressed by the instructor, the instructor should look directly at the deaf student and speak in the first, not the second, person. Likewise, if a deaf student wishes to ask a question, the interpreter will voice the student's question or comment. It is not

ethical for the interpreter to carry the deaf student's part of the conversation with the instructor or other students, but simply to interpret spoken language into sign, and to voice Sign Language. The Sign Language interpreter is not responsible for the deaf students' grasp of material, homework, testing arrangements or attendance. These are the student's responsibility.

Similarly, note-takers, readers, and other auxiliary aides provide access to course lectures and other information. These services are usually provided by either student volunteers or by student employees. Again, questions or comments are meant for students with disabilities, not their aides. Students with disabilities insist on being accountable for their own academic performance, as does Disability Services.

## **Due Process**

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### **What happens if I choose not to comply?**

If an instructor does not provide an accommodation which is reasonable and legitimate, the student has several options, both formal and informal. While Disability Services coordinators default to the level of action which intervenes the least between the student and the instructor, we also have an ethical obligation to inform students of their rights to due process under the law.

Informal options and therefore the least interventionist ones include the following:

- clarifying the student's rights in the situation at hand, and coaching them about how to best discuss the accommodations further with their instructor
- Disability Services coordinator may phone the instructor to further clarify the issue and to ensure he or she understands the student's civil rights
- student and Disability Services coordinator meet with instructor
- student may contact chair or dean for assistance with the situation

The student may file a formal grievance through the Dean of Academic Administration. The Dean's office will determine what forum and process would be engaged to review the grievance. This would include the Faculty Conciliator, Enrollment Services Committee, and Dean Committee.

Finally, the student always has the right to file a formal complaint with the U.S. Dept. of Education's Office of Civil Rights. This process takes longer before the situation is resolved, but carries with it greater threats to the University as a whole in the event of adverse findings.

Again, not every accommodation is legitimate for every student. Contact Disability Services to obtain more information about the request(s) in question.

\* This Faculty Handbook was adapted from the disability handbook created for faculty at the University of Montana- Missola.