Lesson 2: Rights and Responsibilities

PURPOSE

The purpose of this lesson is to increase your awareness of the rights and responsibilities of the faculty, the student with a disability, and the institution, in relation to persons with disabilities taking courses at postsecondary institutions.

By reflecting on your own course while reading the Lesson Content, you will be guided to consider possible modifications to your course. By considering the Possible Discussion, you will develop an awareness of the shared responsibilities of faculty, students, and staff, and the teamwork essential to finding creative accommodations to meet these responsibilities.

Question to REFLECT upon while reading the CONTENT

In what ways does your selected course meet your responsibility as the faculty member for a person with one or more disabilities?

CONTENT

The LAW

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit discrimination against persons with disabilities and mandate the provision of reasonable accommodations to ensure access to programs and services. Reasonable accommodations may include, but are not limited to, redesigning equipment, assigning aides, providing written communication in alternative formats, modifying tests, redesigning services to accessible locations, altering existing facilities, and building new facilities. Reasonable accommodations do not include personal devices such as hearing aids, wheelchairs, and glasses. A "person with a disability" means "any person who has a physical or mental impairment which substantially limits one or more major life activities including walking, seeing, hearing, speaking, breathing, learning, and working; has a record of such impairment; or is regarded as having such an impairment."

Examples of disabilities that can impact a student in postsecondary education include, but are not limited to, AIDS, Cancer, Cerebral Palsy, Diabetes, Epilepsy, head injuries, hearing impairments, learning disabilities, loss of limbs, Multiple Sclerosis, Muscular Dystrophy, psychiatric disorders, speech impairments, spinal cord injuries, and visual impairments.

Many of the conditions listed may limit individuals' abilities to perform specific life tasks. Some of these conditions are visible, while other conditions, such as learning or psychiatric disabilities, are "invisible." Individuals with the same diagnosis or label may present a range of symptoms and functional limitations. For example, an individual with Cerebral Palsy may need to use a
wheelchair, may be unable to speak, and may require a personal assistant for self-care. Another person with Cerebral Palsy may walk with a cane and manage all personal care tasks and communication independently. Likewise, an individual with a learning disability may have difficulties with reading, writing, math and/or processing verbal information. Clearly, each individual has unique needs in postsecondary educational settings. In all cases, the institution has a responsibility to provide program access to qualified students with disabilities.

The design of a product, environment, or service that is flexible and meets the needs of a wide range of users can eliminate or minimize the need for specific accommodations for a person with a disability. In contrast, a mismatch between the individual with a disability and the environment, attitudes, or society can create or exacerbate barriers. For example, an individual with a mobility impairment may fully participate in most life activities if the buildings, transportation, and facilities he/she uses are wheelchair accessible. However, when he/she cannot accept a job or attend a class because the work site or classroom environment is inaccessible, he/she is being excluded as a consequence of an architectural barrier that prohibits access.

**SHARED RESPONSIBILITY**
Accommodating students with disabilities in higher education is a shared responsibility. Faculty and administrators, students, and Disability Support Services’ staff must work together to coordinate reasonable accommodations for students with disabilities who request support. Coordinated efforts and support from departmental, administrative, facilities, and other student service personnel can also enhance the overall accessibility of the postsecondary learning environment for students with disabilities.

**FACULTY, ADMINISTRATORS, TEACHING ASSISTANTS, AND STAFF**
As an educator, your efforts can result in greater academic and career success for the students you serve. Knowledge of legal issues, accommodation strategies, and campus resources for students with disabilities can facilitate this success. Studies show that faculty members who are familiar with accommodation strategies are better prepared to make arrangements to ensure that students with disabilities have an equal opportunity to participate in their programs. In addition, faculty and staff who have had interactions with students with disabilities generally have more positive attitudes about working with these students.

**DISABILITY SUPPORT SERVICES PROFESSIONALS**
The services on campus designed to support students with disabilities are also available to help faculty. The Office of Disability Support Services (DSS) at UCO is a key resource when working with students with disabilities. It is typically the responsibility of DSS staff to:

- Maintain confidential records of the student's disability
- Determine reasonable accommodations based on academic functional limitations
- Recommend and coordinate accommodations (for example, sign language interpreters, Braille documents)
- Arrange special equipment (e.g., adaptive technology, assistive listening devices)
• Provide other resources/referrals for students with disabilities (e.g., adaptive technology/software, tutoring, and counseling)
• Provide other resources/referrals for faculty (e.g., policies and procedures, legal and compliance issues, captioning)

THE STUDENT WITH A DISABILITY
Students with disabilities must meet the same entrance criteria as other students. Once they have met the institution’s admission criteria, with or without the use of accommodations, they have the same rights as other students.

You will notice that we didn’t say that students with disabilities are entitled to a college degree. Having a disability doesn’t mean it’s a "free ride." Just like other students, those with disabilities are responsible for determining their own level of success or failure.

The student with a disability is the best source of information regarding his or her academic needs. Generally, students who require accommodations in postsecondary education are responsible for disclosing and registering their disabilities with DSS by following the procedures on this campus explained in the next lesson. The need for accommodations depends on the students' abilities and the course requirements. Ultimately, a student with a disability requires alternative arrangements only when faced with a task that requires skill that his/her disability precludes.

A NOTE ABOUT CONFIDENTIALITY
Information about a student’s disability is confidential. The student will approach you and tell you that he or she has a disability and is registered with Disability Support Services that will require some accommodation(s). Students should present with an Accommodation Letter from Disability Support Services. Information about a student’s disability or accommodations should not be disclosed without the student’s permission. It is up to the student to decide how much information he or she is comfortable sharing.

Faculty should use caution to avoid inadvertently identifying a student with a disability to classmates or other faculty. Violation of confidentiality can present a legal risk to faculty and the institution.

GENERAL SUGGESTIONS
If a student informs you that he/she has a disability and would like to arrange for academic accommodations, you may ask which course or program requirements are expected to be problematic and which strategies and campus resources might assist in overcoming barriers.

Many accommodations are simple, creative alternatives to traditional ways of doing things. Sometimes, an effective solution can be found by thinking creatively about how the learning environment can be modified.
Here are some general suggestions for modifying the learning environment to make your class more accessible:

- To create a welcome environment, include this statement in your class syllabus.
- Add an additional statement to your syllabus or announce to the class inviting students who have disabilities to discuss their needs and accommodation strategies with you. An example of such a statement is, "If you wish to discuss academic accommodations due to disability, please contact me as soon as possible."
- Select course materials early so that they can be procured in appropriate formats in a timely manner.
- Focus on asking students about successful accommodations they have used in the past.
- Focus on the functional limitations versus their disability ‘label’.
- Use materials that are available in an electronic format.
- Find alternative methods of administering tests and testing comprehension of a subject.
- Use DSS as a primary resource.

Faculty, administrators, students with disabilities, and other key personnel can also work together to develop campus and departmental plans for improving the instructional climate and access for students with disabilities. If we continue to take time to think about how to make our programs and courses accessible to all students we'll be better prepared to overcome current and future academic challenges.

Please view Building the Team: Faculty, Staff, and Students Working Together video.

**SUMMARY**

The law prohibits discrimination against persons with disabilities and mandates the provision of reasonable accommodations to ensure access to programs and services. Accommodating students with disabilities in higher education is a shared responsibility. You the faculty, the student with a disability who requests support and the Disability Support Services staff must work together as a team to coordinate reasonable accommodations. General accommodations presented in this lesson are simple, creative alternatives to traditional ways of doing things.

As an institution, we are obligated to provide reasonable accommodations for students with disabilities, afford the student an equal opportunity to participate in programs, activities, and services (including extracurricular activities), provide auxiliary aids and services, provide
assistance technology/training, and provide all websites/technology/distance learning programs in an accessible format. As an institution, we may not discriminate based on disability.

POSSIBLE DISCUSSION
In your own course, how might you encourage students with disabilities to talk with you about their accommodations?

FURTHER INFORMATION

- Read answers to frequently asked questions, explore case studies, or access additional resources regarding rights and responsibilities
- View the U.S. Department of Justice’s ADA home page
- View a Fact Sheet regarding one’s rights under Section 504
- Learn more at UCO’s Disability Support Services website
- Learn more at UCO’s DSS Handbook for Faculty & Staff
- View resources for helping instructors accommodate students with disabilities in specific academic activities

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