ATIXA

Association of
Title IX Administrators

Advanced ADA and Section 504 for Higher Education

Training and Certification Course

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TNG Strategic Risk Management Solutions

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Introduction

The primary focus of this course is to explore intersectional issues involving students and employees with disabilities.

Administrators must ensure that institutional policies and practices are inclusive of ADA and Section 504 protections and grievance processes.

Our goal is to provide an in-depth exploration of complex issues and offer opportunities to practice applying the concepts in this course.

Review of ADA and Section 504 in Higher Education

Core Concepts Refresher

- The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (504) are designed to **provide equal opportunities, not ensure equal results**

- Accommodations and auxiliary aids are provided for qualified individuals with disabilities to address their functional limitations or barriers presented by their disability

- Institutions may provide a different or separate benefit or service than one that is requested

- **Universal design** aims to make products, environments, and systems accessible and usable by all people, to the greatest extent possible, without the need for adaptation or specialized design, regardless of their age, size, or ability

Four Key Laws

Section 504 of the Rehabilitation Act

Fair Housing Act

Americans with Disabilities Act

State Laws

Section 504 vs. ADA

- Between the two laws, all government-funded programs are covered

Section 504	ADA

- Created to protect individuals with disabilities from discrimination for reasons related to their disabilities
 	
- Applied protections to programs or businesses that receive federal funds
	- ADA Titles I-III strengthened 504 by:
	  - Requiring accommodations for individuals with a disability
	  - Extending it to private institutions, workplaces, and to state and local government-funded programs

Who is a Qualified Individual with a Disability Under Section 504/ADA?

Has a Physical or Mental Impairment
- Which substantially limits one or more major life activities
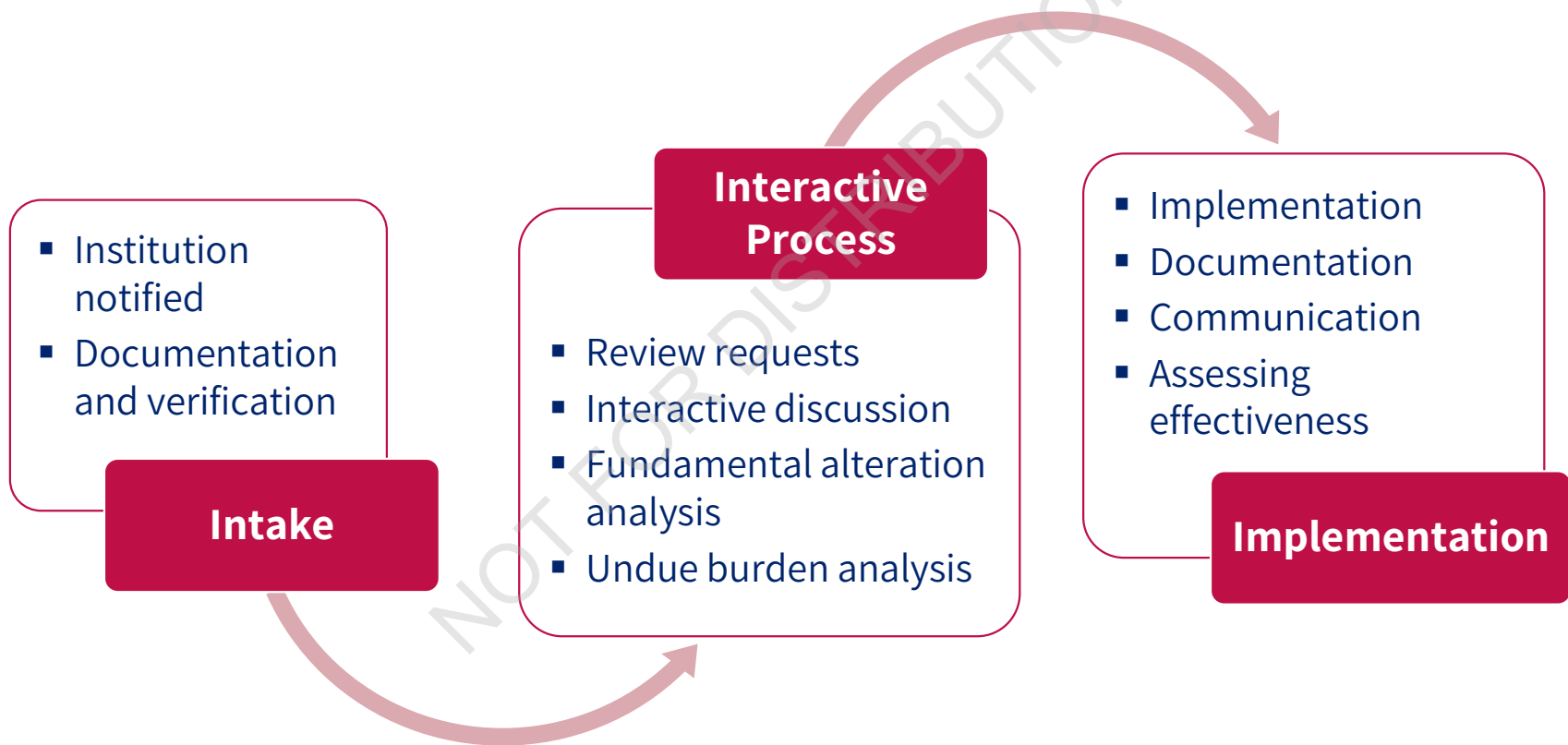
Record of Having an Impairment
- Mental or physical

Regarded as Having an Impairment
- Mental or physical

Interactive Process to Implement Accommodations

Intake
- Institution notified
- Documentation and verification

Interactive Process
- Review requests
- Interactive discussion
- Fundamental alteration analysis
- Undue burden analysis

Implementation
- Implementation
- Documentation
- Communication
- Assessing effectiveness

Interactive Process

- Institutions engage in an interactive process to determine the most appropriate reasonable accommodations

- Always a **case-by-case assessment**

- Back-and-forth communication with the individual to "get it right"

- May put same/typical accommodations in place for like situations, but always **remain flexible** and **follow interactive process each time**

Accommodation Disputes

- The requesting individual may disagree with the disability/accessibility services staff's accommodation recommendations

- Institutions should have a process in place for the requesting individual to address accommodation disputes that may arise:
  - The dispute could include faculty
  - Should be overseen by the ADA/504 Coordinator

- Disputes related to offered or provided accommodations are not themselves a basis for discrimination, though they could become one in the future

- There should be a separate published process to address accommodation disputes

Bases for ADA/504 Grievance Process

- Discrimination on the basis of disability

- Harassment on the basis of disability

- Violations of ADA/Section 504 resulting in an inability to access the education program or activity

- Provided accommodations had a discriminatory effect

ADA/504 Grievance Process Overview

Receipt of Complaint

Complaint Review

Investigation

Resolution Determination

Appeal

NOT FOR DISTRIBUTION

Intersections with Mental Health

Psychiatric Disabilities and Mental Health

- Must accommodate disabilities that arise from psychiatric conditions

- Some mental health conditions can result in behavioral concerns:
    - Behaviors that disrupt the community in some way
    - Threat of self-harm, including suicidality
    - Threat of harm to others

- Suicidality is not in itself a protected disability, but suicidality is often accompanied by a mental illness
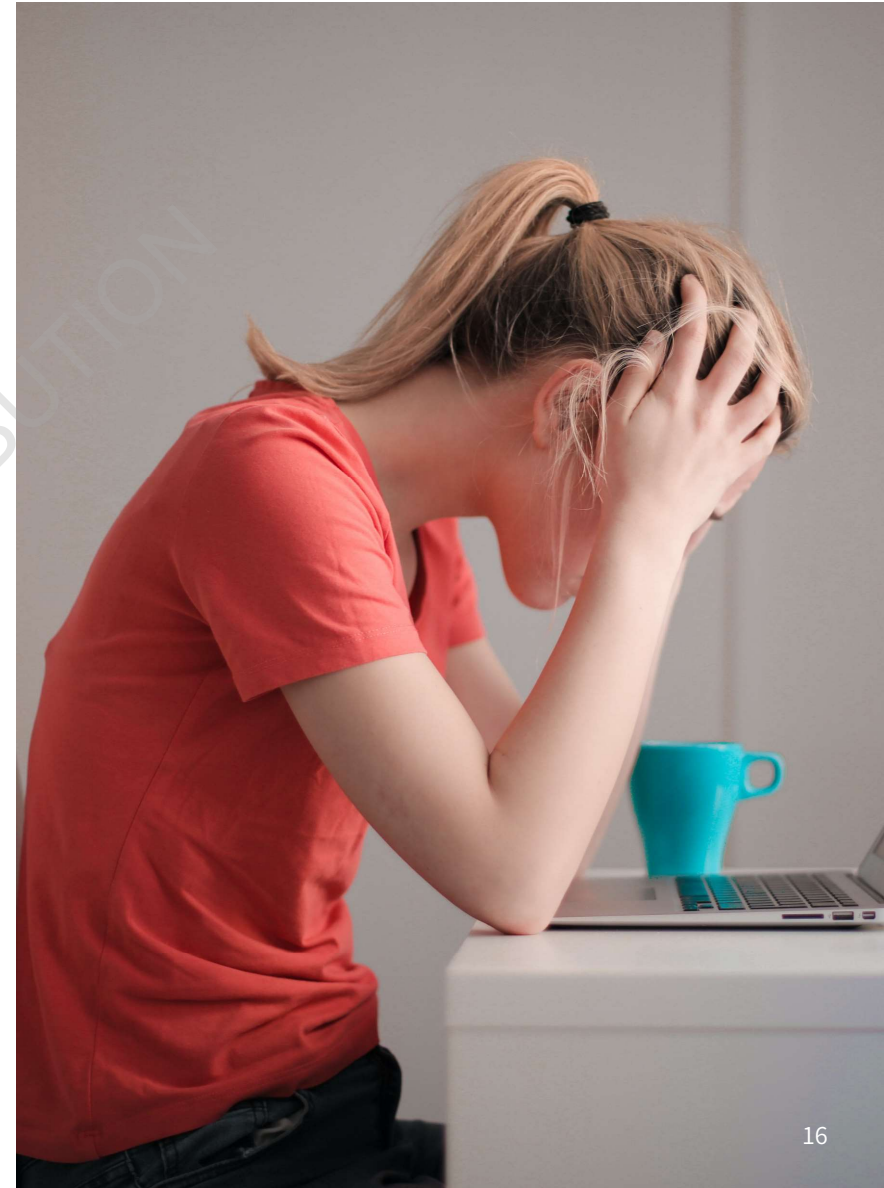
# ADA/504 Guidelines Regarding Mental Illness

- A student with a documented mental disorder has a qualifying disability even if they are on medication to control the disability

- **Both the ADA and Section 504 apply**
  - Section 504 gives recourse to students who are discriminated against on the basis of a recognized disability
  - ADA entitles students, who are otherwise qualified to participate in the programs and activities, to reasonable accommodations once they seek qualification through the institutional disability/accessibility services office
  - Neither law requires that a suicidal student engage the disability/accessibility services office to qualify as disabled

Safety Concerns

- **Legitimate safety concerns**
  - Self-harm
  - Suicidality
  - Threats to others
  - Disruptive behaviors

- **Always follow the process**
  - Role of Behavior Intervention Team (BIT)/Care Team and other supports
  - Reasonable accommodations to reduce the impact (when applicable)
  - Student conduct process (when alleged behavior violates the conduct code)
  - Voluntary and involuntary medical leave policy and procedures

Harm to Self/Suicidality

- Consider accommodations that support the student's academic success while supporting student access to mental health care on or off campus
  - Institutions offer different levels of care and support
  - Students may receive care off campus and be able to meet self-care obligations
- Address any student conduct violations through the conduct process
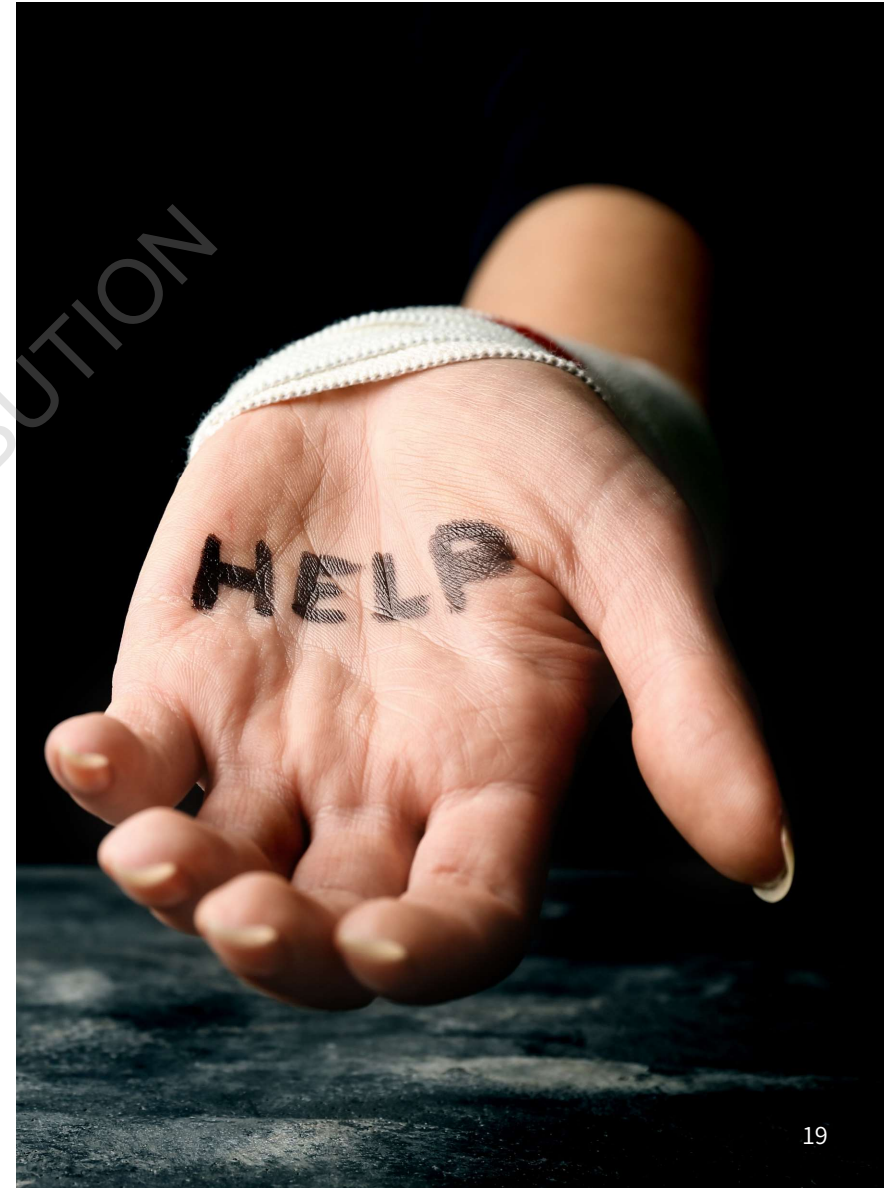
Harm to Self/Suicidality

- Avoid skipping to involuntary leave for students who present with suicidality or self-harming behavior

- React appropriately to:
  - Worry from friends, faculty, others
  - Behavioral health hospitalization

- Federal disability law requires an individualized analysis
  - Consider involuntary leave only when student behavior presents as a **legitimate safety risk** to self or a **direct threat** of harm to others

Change in Disability Law – Harm To Self

- A 2011 federal disability law regulatory clarification requires that institutions determine that a **legitimate safety risk** exists in order to involuntarily separate a student for self-harm or behavior related to suicide

- The narrowing of this language has forced post-secondary institutions to reconsider appropriate and lawful practices when faced with students whose actions indicate self-harm and/or the risk of suicide

Threat to Others

- ADA provides a legal framework to evaluate threats and threatening behaviors
    - Direct Threat Test
    - Avoid generalizations, stereotypes, discrimination
- Institution should have trained individuals available to assess students (and employees) when possible threatening behaviors occur
    - BIT/Care Team
    - Violence Risk Assessment protocols and tools

Types of Assessments

General Risk Assessment

Threat Assessment

Psychological Assessment

Violence Risk Assessment

The Intersection of Disability and Conduct

All Students and Employees Must Meet

Conduct Codes

Behavioral Expectations

Academic/ Technical Curriculum Standards

Essential Job Functions & Requirements

Interactive Process vs. Conduct Process

- All students and employees may be held accountable for behaviors that violate the student conduct code or employee handbook

- Exempting a student or employee from a conduct expectation is **not** a reasonable accommodation

- Address the behavior, regardless of disability status/mental health diagnosis
  - Examples: classroom disruption, threatening behaviors, failure to comply

- Always consider whether accommodations could help to address the concerns
  - Accommodations could mitigate risk or support behavior change
  - Examples: housing change, schedule adjustment, or other academic support

Role of Student Conduct Process

- **All students are entitled to due process/fundamental fairness** before disciplinary action

- **Common mistake:** sidestepping the conduct process when mental health concerns are present

- Conduct process could result in/coincide with:
  - Voluntary agreement for assessments
  - Mandated assessments if student is found responsible
  - Connection to BIT/Care Team and case management services

- Avoid discriminatory outcomes:
  - Imposing discipline **outside** of the normal conduct process based on perceptions about a student's mental health
  - Imposing **harsher** disciplinary outcomes on a student with mental health concerns, even through the conduct process

Employee Mental Health and Conduct

- Must be able to perform the essential functions of the job, with or without reasonable accommodations

- Conduct expectations extend to the workplace as well

- Consider resources to evaluate and respond to workplace behaviors:
  - Human Resources
  - BIT/Care Team (if team scope includes employees)
  - Employee Assistance Program

Fitness Examinations

- Important that essential job functions are clearly articulated

- Equal Employment Opportunity Commission (EEOC) has guidelines for when fitness exams/evaluations are permissible

  - An employer can require a fitness exam/evaluation when the employer has a reasonable belief, based on objective evidence, that:

    1) An employee's ability to perform essential job functions will be impaired by a medical condition; **or**

    2) An employee will pose a direct threat based on a medical condition

ADA "Direct Threat" Test

- "Direct Threat": **significant risk to the health or safety of others** that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services

- Due Process is necessary to challenge factual assumptions that behavior being exhibited represents a "Direct Threat" of harm that would support involuntarily removing a student or employee from the institution (only for so long as they continue to be a direct threat)

- A "Direct Threat" analysis applies to any individual who poses a "significant risk" of substantial harm or safety to others that cannot be eliminated or reduced by reasonable accommodation

Applying the ADA Four-Part Direct Threat Test

1. Individualized **and** objective assessment of the student's ability to safely participate in the institution's program

2. To rise to the level of a direct threat, there must be a **high probability** of substantial harm and not just a slightly increased, speculative, or remote risk

3. Assessment must be based on a reasonable medical judgment relying on the most current medical knowledge or the best available objective (non-medical) evidence

4. The assessment must determine:
   - The nature, duration, and severity of the risk
   - The probability that the potentially threatening injury will occur
   - Whether **reasonable modifications** of policies, practices, or procedures (accommodations) would sufficiently mitigate the risk

Leave Protocols

Leave Policies and Procedures

- Distinct from the conduct process and accommodation process

- Must always be applied in a non-discriminatory way

Voluntary	Involuntary
- Student initiates the leave of absence (LOA) - Institutional policy sets forth the procedures for a student to take a LOA - Medical/mental health matters, such as: - Significant illness treatment - Mental health treatment - Other significant circumstances - Conditions for return not permitted	- Institution initiates the leave of absence (LOA) - Consider whether accommodations needed - Procedures include: - Written notice to the student - Objective and individualized assessment - Student has opportunity to respond and provide additional documentation - Conditions for return permitted

Initiating a Voluntary Leave

- Process should be outlined in the student handbook, academic handbook, and disability/accessibility services webpage

- Process is the same for **all students** regardless of the reason for the leave

- If LOA occurs mid-semester, or after withdrawal deadline, supporting documentation may be required, but must be the same for all students

- A voluntary LOA should not be a result of pressure, coercion, or feeling as though the school left them with no other option

Initiating Involuntary LOA/Withdrawal

- Use rarely (explore voluntary options first)
  - Common risk for discrimination concerns and claims
- Must meet either for removal:
  - Four-part direct threat test (harm to others)
  - Legitimate safety risk (harm to self)
  - Conduct Process
- Establish and follow a process for determining the presence of a direct threat or legitimate safety risk
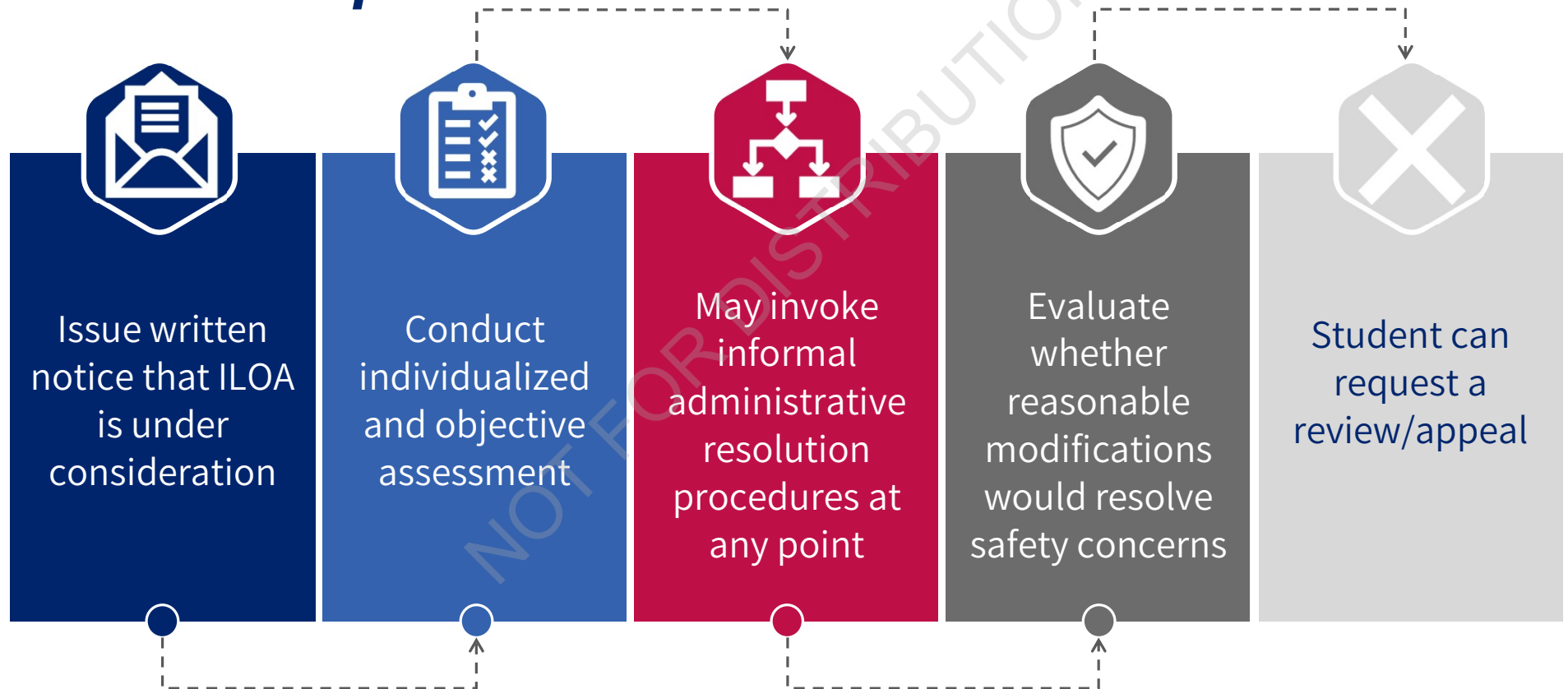- Must offer due process, hearing, and appeal

Initiating Involuntary LOA/Withdrawal

Process for determining the presence of a direct threat or legitimate safety risk that suggests removal from school should include the following at a minimum:

- Letter of notice

- Hearing or opportunity to request hearing to refute LOA determination

- Objective evidence obtained and used in an individualized assessment related to the level of risk posed (ideally conducted by an institutionally provided assessor)

- Opportunity to have an institutional Advisor or select personal Advisor

- Opportunity to respond to the information presented to support involuntary leave, and present (expert) witness/evidence to show standard met/not met

- Opportunity to appeal

Involuntary Leave of Absence/Withdrawal Process

Issue written notice that ILOA is under consideration

Conduct individualized and objective assessment

May invoke informal administrative resolution procedures at any point

Evaluate whether reasonable modifications would resolve safety concerns

Student can request a review/appeal

Elements for Involuntary Leave

Process
- Written notice
- Opportunity to have an Advisor

Decision
- Individualized, objective assessment to determine the level of threat/risk
- Does not rely on stereotypes

Appeal
- Opportunity to respond to the information
- Appeal to a neutral third party

Returning from Leave

- Conditions for return should be detailed at the onset of the leave and be related to the risk:
  - Risk/Threat must be reduced/averted, but not the disability or condition
- Establish process and procedures for all students who return from a leave
- Consider accommodations upon return
- Support plan is critical
  - Role for BIT/CARE Team

Activity: Case Studies

Jed

- An English faculty member calls the dean's office raising concerns about Jed, who has been "acting strangely" in class

- Today Jed was supposed to turn in an essay and instead turned in a large page-sized doodle of a dark cloud

- The residence life office received a call from the parent of one of Jed's roommates who reported that three nights ago, Jed's roommates brought Jed to the emergency room because he said he was "hearing voices from a distant realm"

- Jed spent most of the night in the emergency room but came back to campus in an Uber a few hours later

Jed

- The parent is concerned that their son has an unreasonable responsibility of caring for Jed

- The director of dining services calls the dean's office to report that Jed had a major outburst at brunch on Sunday morning, screaming at some of the dining staff

- It was not clear what prompted the outburst, but other students had to intervene, and Jed left the dining hall muttering

Jed Discussion

- What additional information would be helpful to know about Jed?

- What are the conduct concerns, if any?

- What other issues do you spot?

- Is Jed a candidate for an involuntary leave? Why or why not?

- How should the institution proceed?

Academic Accommodations

Academic and Technical Standards

- Academic and technical standards govern the quality and expectations of educational programs

- Elements of academic and technical standards:
    - Curriculum content and design
    - Learning outcomes
    - Assessment and evaluation
    - Resources and facilities, including technology

Documentation

- Documentation assists the disability/accessibility staff in:
  - Establishing that the student is a qualified individual with a disability
  - Understanding how the disability impacts the student, exploring barriers created by the disability and possible ways to address them
  - Informing the interactive process to determine reasonable accommodations
- Information from the student's K-12 experience may be submitted as an interim:
  - 504 Plan
  - Individualized Educational Plan (IEP)
  - History of Response to Intervention (RTI)
  - Summary of Performance (SOP)

Documentation

After reviewing the documents, interview the student to gather more information

- Establish the current impact of the condition

- Identify a connection between the disability and the requested accommodation using the presented information

- If a connection cannot be determined, the institution can request additional information, including getting permission to speak to the student's provider

Accommodation Determinations

Disability/Accessibility staff consider questions such as:

- Is there sufficient understanding of how the situation described results in a barrier given the student's disability experience?

- How does that information line up with my professional experiences and knowledge, my observations, and the interactions I've had with the student?

- Is further education about the condition involved needed?

- Does the information help identify barriers for which accommodations are needed?

- Is further information, such as from a doctor or third-party source, needed to fill in gaps?

- Is the structure of the course or activity for which accommodations have been requested clearly understood?

Fundamental Alteration

- A specific accommodation is **not required** when it would result in a fundamental alteration of the nature of the program, service, or job function

  - A fundamental alteration:

    - Changes a course or course of study so significantly that it alters the **essential nature** of a course or content of the curriculum

    - Changes an approved job description so significantly that it alters the **essential elements** of the job

- Students and employees are required to meet applicable defined academic, technical, and conduct standards or essential job functions

Interactive Process

Ensures students receive the necessary accommodations to support their learning while maintaining academic standards and integrity

Student

Disability/ Accessibility Services
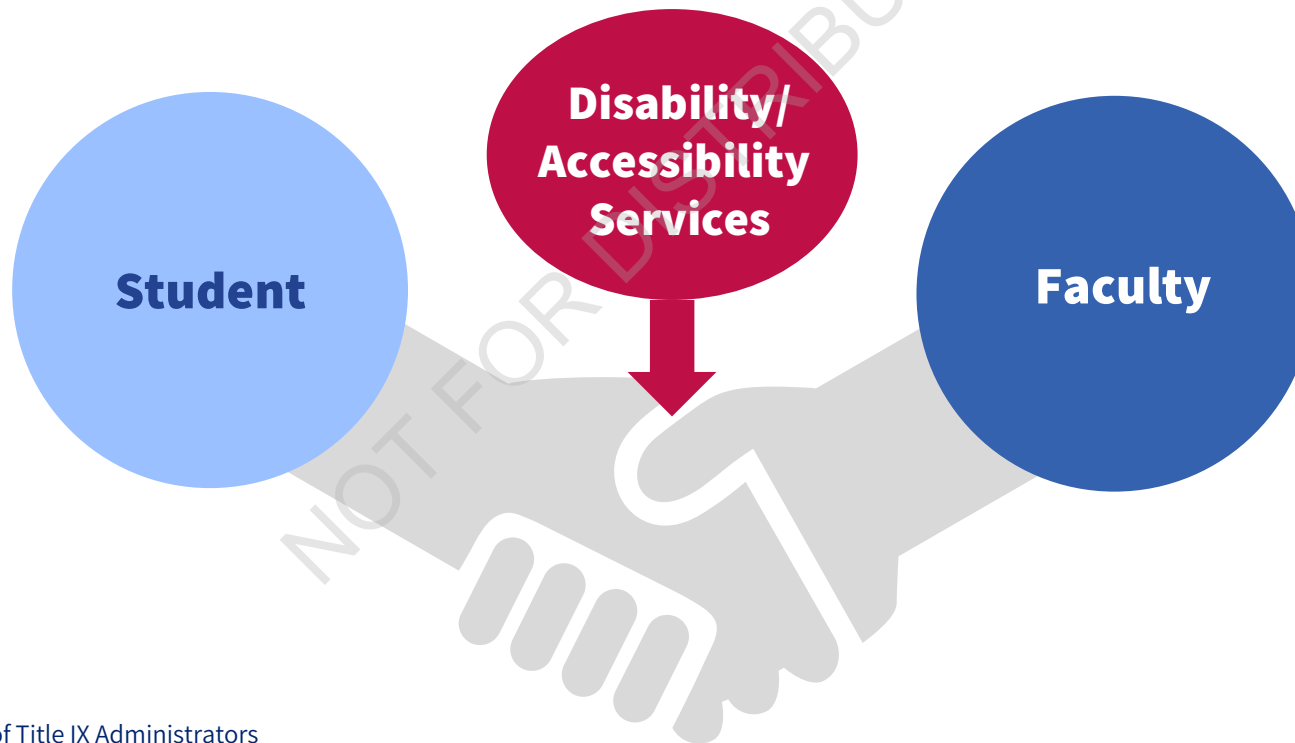
Faculty

Fundamental Alteration Analysis

- Work with faculty to identify the course's essential academic and technical standards, the learning outcomes, and the goals for reaching those outcomes

- Determine modification options

- Understand why an essential standard cannot be altered
  - Would an alteration lower the academic standards of the course or program?
  - Are exceptions or alternatives permitted?
  - Is the standard required:
    - In similar programs at other institutions?
    - For licensure or certification?
    - For program accreditation?

- Not a decision to take lightly; high bar to defend

Implementing Accommodations

- Draft a letter clearly articulating the approved accommodations
  - Letter is provided to the student and shared with faculty members
  - When possible, letters should be available at the beginning of the term
- Engage faculty in training and support to effectively implement accommodations
  - May involve workshops, seminars, online training, 1:1 coaching
  - Faculty are responsible for providing accommodations as outlined, including regularly communicating with students to help address concerns
- Include periodic reviews for accommodation effectiveness

Common Academic Accommodations

- Accessible formats for materials

- Audio recording of classes or note-taking assistance

- Extended time to complete exams, coursework, or graduation requirements

- Flexible attendance policies

- Modifications to assignments

- Modified test-taking/performance evaluations or settings for students with sensory, manual, or speaking impairments

- Substitution of nonessential courses for degree requirements

- Preferential registration or seating options

Common Academic Accommodations

- Examples
    - Electronic access to information
    - Course materials in accessible formats
    - Permission to record
    - Permission to use a laptop or other device
    - Preferred setting
    - Access to research materials in accessible formats

- Copyright law/Fair Use doctrine
    - Permits accessible digital copies of copyrighted materials without permission

Common Accommodations for Anxiety

- Extended time on tests and assignments

- Preferred seating
  - Sitting in a designated area of the classroom where the student feels more comfortable and can easily access support from the faculty member

- Breaks and self-regulation strategies
  - Scheduled breaks and/or self-regulation tools like stress balls or fidget toys can help students manage their anxiety levels and regain focus

- Clear communication about assignments, expectations, and any changes

- Access to counseling and mental health support

Common Accommodations for Depression

- Extended time on tests and assignments

- Preferred seating to reduce distractions

- Regular check-ins with a designated faculty/staff
    - Emotional support
    - Academic support and scaffolding

- Note-taking assistance
    - Individuals with depression may struggle with concentration and memory

- Access to counseling and mental health support

Activity: Case Study

Kaleb

- Two weeks into the fall semester Kaleb, a sophomore majoring in psychology, submitted a request to the accessibility services office (ASO) for extended time on assignments and flexible class attendance for their Introduction to Statistics course based on severe anxiety

- The accessibility services director reviewed Kaleb's documentation from their healthcare provider, which confirmed an anxiety disorder diagnosis

- After meeting with the student and consulting with the faculty member to discuss the potential accommodations, Kaleb was accommodated by allowing them to miss up to 20% of the class sessions without penalty and providing the option to make up missed work within a specified timeframe

- Kaleb's flexible attendance appeared to alleviate their anxiety and improve their academic performance

Kaleb

- However, in November, Kaleb's attendance became increasingly sporadic, and they began falling behind on assignments and quizzes

- Kaleb's faculty reached out to ASO to discuss the concerns

- Kaleb had missed approximately 30% of class sessions and had failed to turn in several assignments on time, including the course midterm project

- The faculty member is willing to work with Kaleb and the ASO but is concerned about Kaleb's ability to meet the learning objectives of the course

- Kaleb is not able to demonstrate grasp of essential course concepts or participate in group discussions

Kaleb Discussion

- What primary concerns do you have for the student?

- After meeting with the faculty member, are there concerns about fundamental alteration?

- What additional information is needed to evaluate the situation?

- What additional supports or accommodations may be available to Kaleb?

Title IX and Disability Intersections

Title IX Resolution Process

- TIXC should consult with disability/accessibility services staff to determine appropriate reasonable accommodations for individuals with disabilities participating as parties or witnesses in the Resolution Process

- May also need to consult regarding appropriate sanctions
    - Is behavior related to a disability?
    - Crafting educational sanctions for individuals with cognitive disabilities

Assessing Capacity for Students with Disabilities
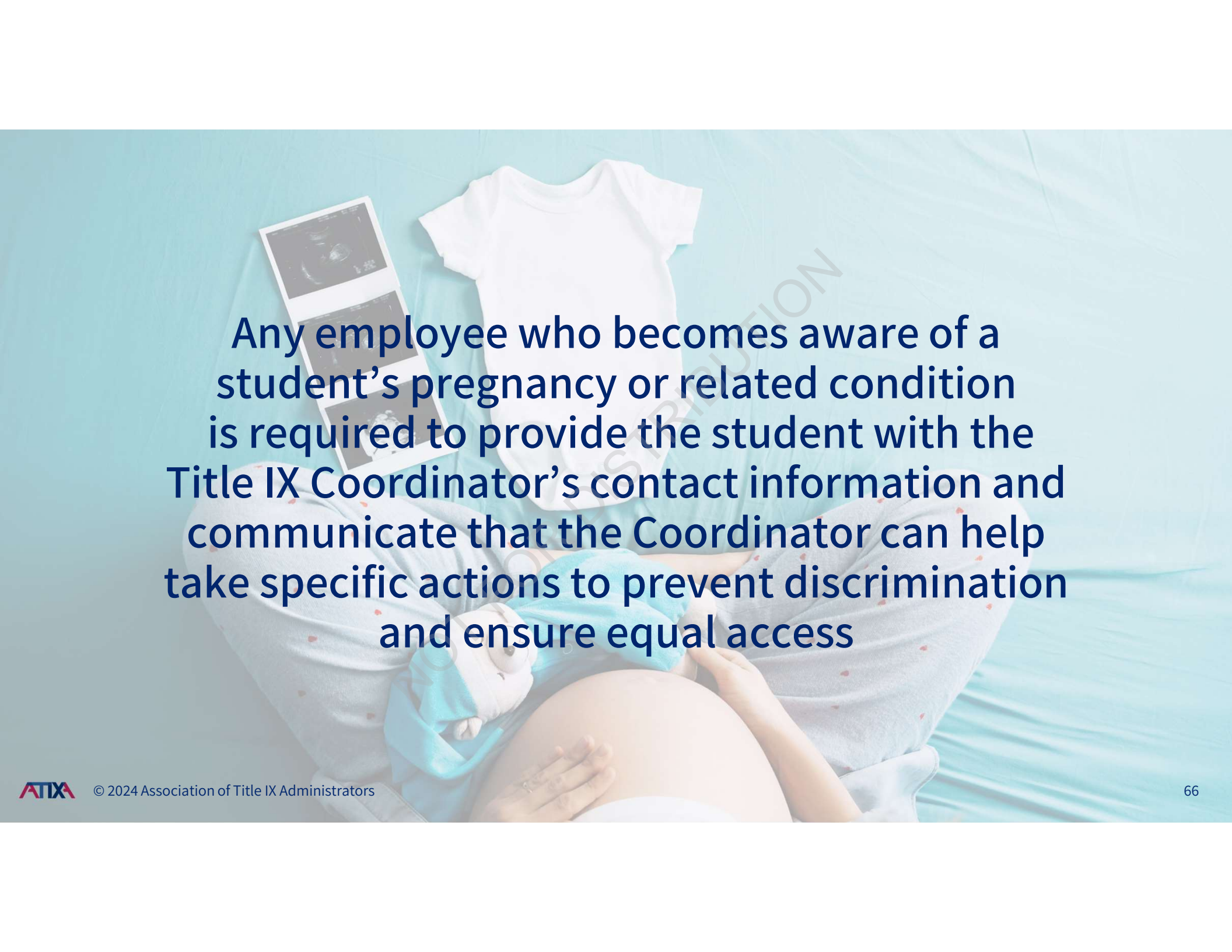
- Some of the evidence that may be relevant to determining capacity to consent for students with disabilities may be records that are maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party

- Use of such records in the Recipient's Resolution Process is impermissible unless the Recipient obtains the party's voluntary, written consent

Pregnancy and Related Conditions

Review

- Pregnant students **and** employees are protected by Title IX, in addition to other applicable federal and state laws

- Pregnant and individuals experiencing pregnancy-related conditions should be supported by providing reasonable modifications to access their education and workplace

- Ensure individuals know and understand their rights under Title IX, including the role of the TIXC

- Pregnancy and related conditions are considered from the lens of sex discrimination under Title IX

Any employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinator's contact information and communicate that the Coordinator can help take specific actions to prevent discrimination and ensure equal access

Reasonable Modifications

- **Reasonable Modifications** to the Recipient's policies, practices, or procedures to prevent discrimination:
  - Applies only to students (not employees)
  - **Individualized:** must consult with the student before offering
  - **Voluntary:** student may accept or decline each reasonable modification offered
    - If accepted, institution must implement
  - Fundamental alteration of education program or activity is **NOT** reasonable
- OCR emphasizes the importance of consulting with a student to meet their individualized needs in a prompt and effective manner

Supporting Documentation

- Medical documentation is typically unnecessary to determine reasonable modifications

- Proceeding based on a student's attestation of their needs will be the least burdensome for the student and enable the institution to promptly meet the student's needs

- Can only be required in limited circumstances when:
  - **Necessary** and **reasonable** under the circumstances to determine:
    - Reasonable modifications to offer
    - Other specific actions to take

Intersection of Pregnancy and Disability

- Pregnancy itself is not a disability under ADA/504, but some pregnancy-related conditions could manifest as temporary disabilities

- TIXC should collaborate with disability/accessibility services staff to determine reasonable accommodations for individuals with temporary disabilities
  - Ensure compliance with Title IX, ADA, and Section 504

Example Pregnancy-Related Disabilities

Pregnancy-related conditions that may meet the definition of a disability under ADA/504 include, but are not limited to:

- Gestational Diabetes

- Nausea (morning sickness or hyperemesis gravidarum)

- Post-Partum Anxiety

- Post-Partum Depression

- Pregnancy-induced Hypertension

- Preeclampsia

- Prenatal Depression

Animals on Campus

Service vs. Emotional Support Animals

Service Animals

- Covered by ADA
- Individually trained to do work or perform tasks directly related to the individual's disability
- Dog or miniature horse only
- Should be treated as an extension of its handler
- Institutions cannot require documentation of disability, nor certification of the animal
- Allowed in all institutional areas unless presence poses a health or safety risk

Emotional Support Animals (ESAs)

- Federal laws do not require ESAs to be allowed in public places
- Fair Housing Act (FHA) allows for ESAs in dwellings
- Typically alleviates the effects of a disability by providing support or comfort
- May be any animal (including a dog)
- Can request documentation of disability and evaluate the connection of how the animal alleviates the effects of the disability

Service Animals

- Institution must **modify policies, practices, or procedures** to permit service animals, unless:
  - The animal is out of control
  - The animal isn't housebroken
- May not require documentation of animal's training or certification
- May not charge a fee for a service animal even if others accompanied by a pet are required to pay a fee
- Service animals don't have to wear a vest, ID Tag, or specific harness to identify them as a service animal

Assistance, Emotional Support, Therapy, & Companion Animals

- As long as the **animal alleviates the "effects" of the disability** and the animal is reasonably supported, they are acceptable

- **ESA owner obligations:**
  - The animal cannot interfere with the reasonable use and enjoyment of others living in the same dwelling

  - The animal must be caged when the owner is not in the room

  - The animal must always be under the control of the owner, either on a leash or harness, or in a crate or carrier

  - The owner may not leave the animal for extended periods of time or overnight

  - The owner may not leave the animal in the care of another resident overnight

Activity: Case Study

Case Study

- The residence life office receives a phone call from an irate mother demanding that her son's roommate be immediately moved to a new room

- Her son's roommate was recently approved for an emotional support animal for help with the roommate's depression

- The ESA is a bunny, and her son has been experiencing allergy symptoms since its arrival

    - What next steps should residence life take?

    - How might disability/accessibility services support the residence life staff in the future?

Web and Digital Accessibility

The Case for Web and Digital Accessibility

- Allow all individuals to do the following with equivalent ease of use:
  - Obtain the same information and services
  - Engage in the same interactions
- Many disabilities affect website and technology access:
  - Auditory, cognitive, neurological, physical, speech, visual

Laws, Guidance, and Enforcement

- **Web Content Accessibility Guidelines (WCAG)**
    - World Wide Web Consortium (W3C)
    - w3.org
    - Current standard: W3C Accessibility Guidelines 2.0 AA
    - Draft standard: W3C Accessibility Guidelines 3.0 (issued July 2023)
- On April 24, 2024, the Department of Justice published final rule updating Title II of ADA
    - Includes specific requirements about how to ensure that web content and mobile applications are accessible to people with disabilities
    - Applies to state and local government (including public institutions)
    - Compliance by June 2026 or 2027, depending on institution size

Tips for Institutional Planning

- Understand the scope of needed changes
  - Who creates "web content" for your institution?

- Consider value of an Accessible Technology Policy and procedures
  - Communicates institutional values
  - Establishes technical requirements for campus stakeholders

- Provide learning design support for faculty and instructors
  - LMS and instructional applications
  - Textbook and course materials

- Address and improve procurement policies and procedures
  - Specify technological requirements for technology and other vendors

Activity: Case Study

Case Study

- Lee, a legally blind student, is enrolled in a statistics class that has a significant amount of instruction and activities online in the campus LMS

- All homework is to be completed online, using various study tools that the professor recommended from across the Internet

- Lee discovered that her screen reader did not work well with some of the homework assignments, and some of the study tools were inaccessible

- Lee reached out to her faculty member to describe her difficulty, and the faculty member coordinated immediately with the Accessibility Services Office (ASO) to have a sighted reader assigned who had taken the course previously

- **What issues do you spot?**

On-Campus Housing and Dining Services

Housing Accessibility

- Accommodations related to housing policy
  - Live-on requirements
  - Requests for certain types of rooms
  - Requests for particular bathroom access needs based on disability

Single Room Requests

- Goal: provide equal access to housing
  - Accessible hall and room design
- Evaluated on a case-by-case basis:
  - Space availability
  - Specific student needs and barriers presented
- Requires:
  - Documentation of a disability and how it impacts their housing needs
  - Request from the student
  - Interactive process
  - Review and approval
  - Room assignment by housing/residence life office

Dining Accommodations

- Institutions must ensure equal access to campus dining facilities

- Dining accommodations may be requested based on the following needs:
    - Medical
    - Food allergies
    - Physical disabilities
    - Mental health
    - Religious practices*

- Students living on campus may require access to a kitchen for meal preparation if they are unable to access dining facilities

*Not a disability accommodation, but required accommodation under Title VI

Dining Considerations

- Train dining staff on ADA requirements, accessibility awareness, and best practices for accommodating individuals with disabilities
  - Service animals may accompany disabled individuals in public spaces, and this includes dining halls
- Collaborate with accessibility/disability support services to accommodate students with specific needs
- Establish feedback mechanisms for individuals to provide input on dining accommodations and accessibility needs

Activity: Case Study

Ang

- Ang is a transfer student who first enrolled for the spring semester as a first-year student

- First-year students are required to live on campus and are always assigned to one-room doubles in three specific buildings in the center of campus

- The Accessibility Services Office (ASO) was aware of Ang's substantial mobility disability and arranged with the housing office to assign Ang to live in a first-floor room very close to the dining hall that had an open bed

- Ang arrived on campus with a Personal Care Assistant (PCA), which was not part of the accommodation request submitted to ASO during the fall

Ang

- The PCA supports Ang with mobility challenges and toileting when needed

- Ang apologized for the miscommunication, but was operating under the assumption that the PCA would only come to campus during the day and not stay overnight

- However, after her first night alone on campus, Ang realized she wanted the PCA with her 24-7 like she had done at home

- Ang would like the PCA to live in her currently assigned room and has asked that a bunk bed be delivered so that the PCA has a place to sleep

- Ang's father would prefer that Ang live at home where the PCA has lived with them in the past and commute to campus

Ang

- The campus has never had a student attend who worked with a PCA

- The director of housing feels strongly that Ang's father's plan is a better plan

- **What issues do you spot?**

- **How should ASO proceed?**

Other Accessibility Topics

Supporting Deaf/Hard-of-Hearing Individuals

- Deaf individuals have profound hearing loss
    - Increasingly common to capitalize Deaf, but not deafness
    - Individuals may also have a strong identity/association with Deaf community
- Hard-of-hearing individuals have mild-to-moderate hearing loss
    - May rely on lipreading, hearing aids
- Not all individuals know/use American Sign Language (ASL)

Supporting Deaf/Hard-of-Hearing Individuals

- ADA requires institutions to "provide effective communication"
  - Ensure that a person can understand and be understood in the same way as a person without a hearing disability
  - Applies to students, faculty, staff, and visitors
  - Provide equal opportunity to participate and benefit
- Consult with the person needing the auxiliary aid
  - Title II requires consultation (public institution)
  - Title III encourages consultation (private institutions)
- Cannot charge for the auxiliary aid

Sign Language/Interpreters

- Cannot charge for provision of an interpreter, but Deaf individual will typically request in advance

- Cannot require someone to bring their own interpreter, but if they would like to, accommodate the request
    - Example: Not charging for a second concert ticket

- Interpreters must be qualified as interpreters
    - Just as with languages, a person who simply knows ASL is not a qualified interpreter

- Interpreters may require team interpretation, depending on factors
    - Highly technical content, length of program/class, size of the group, needs of the individual

Supporting Blind/Vision-Impaired Individuals

- "Effective communication" requirement applies to blind individuals, too
  - Students, faculty, staff
  - Visitors, including family members
- Tools:
  - Braille
  - Large print materials
  - Screen-reader compatible materials
  - Providing other methods than print to access materials

Other Common Accommodations

- CART (Communication Access Real-Time Translation)
- Assistive Listening Devices (personal or installed in spaces)
- Notetakers/Digital Recorders
- Captioned Media
- Alternative Communication Devices
- Test/Exam Modifications
- Preferred Seating
- E-textbooks
- Emergency Alert devices

Physical Accessibility Challenges, Including for Visitors

- Lack of clearly marked travel paths and building entrances/exits

- Inoperable elevators and automatic doors

- Construction without alternative route directions provided

- Limited accessible parking and restrooms

- Lack of accessible classroom and lecture hall seating

- Space to store mobility devices

- Limited space for travel between furniture, in hallways, etc.

- Loose gravel, sand, etc. on travel paths

Universal Design Approaches

- Visual aids (in course materials or elsewhere)

- Written notices for announcements made orally

- Digital message boards in classrooms, offices, and common spaces

- Ready access to microphones/amplification including in classrooms

- Good lighting

- Seating arrangements in circle/semi-circle (for small classes/groups)

- Manage background sound

- Training for faculty/staff on teaching with ASL interpreters

Questions?

Association of
Title IX Administrators