The Faculty Role in Services for Students with Disabilities

The mission of the Disability Resource Center is to work in partnership with students, faculty and staff to achieve an accessible educational environment where students with disabilities have an equal opportunity to fully participation in all aspects of the University community.

The University has a legal obligation under Section 504 of the Rehabilitation Act (1973) and the Americans with Disability Act (1990, Amendments Act of 2008) to provide students with documented disabilities with reasonable accommodations. The key points follow:

- Colleges and Universities cannot exclude, deny, or discriminate against otherwise qualified individuals on the basis of their disability.
- Colleges and Universities are required to make reasonable modifications in academic requirements to ensure that those requirements do not discriminate.
- Colleges and Universities retain the right to determine disability documentation requirements and criteria for eligibility for reasonable modifications.
- Accommodations must be supported by the documentation of the student’s disability.
- A program may deny a requested accommodation if it can demonstrate that the request would:
  - Fundamentally alter the program
  - Lower standards
  - Be unduly burdensome financially or administratively

The University has a long tradition of accommodating students with disabilities, preceding any Federal mandates. The University Senate acknowledges the need to accommodate students with disabilities, as determined by the Disability Resource Center, and endorses the University accommodation procedure.

Key Facts for Faculty

- **Confidentiality**
  - *It is essential that disability information be kept confidential.*
  - *At no time should the class be informed that a student has a disability.*
  - *Any information that a student gives to the faculty is to be used only for arranging accommodations for the course of study and may not be disclosed.*
  - *Students are not required to disclose or provide any information related to their disability beyond the letter of accommodation from the Disability Resource Center.*
Faculty are welcome to contact the DRC to discuss accommodations or concerns regarding students with disabilities. However, we will only discuss educational impact and symptomatic information. We cannot share specific diagnostic information.

- **Specific condition and disability information disclosed in accommodation letters**

  - Some students request that we describe particular symptoms of their disabilities so that faculty will recognize them and have some information about how to respond. (For example, students who have seizure disorders, behavioral symptoms related to Tourette’s or Asperger’s Disorder, Type I Diabetes.)

  - It is a University Policy that when a student is down or in distress anyone on campus may call 911.

  - Faculty will be alerted of students registered in their courses who are blind, visually impaired, deaf, hard-of-hearing, or mobility impaired, in order to allow adequate time to make individual accommodation arrangements. To the extent possible, this information is shared before the semester begins.

- **DRC Letter of Accommodation**

  - All students requesting accommodations in their classes must present faculty with a letter of accommodation from the Disability Resource Center.

  - Only the accommodations stated within the DRC letter have been approved as reasonable. Any additional request beyond accommodations listed should be referred back to the DRC.

  - It is the faculty’s responsibility to provide the accommodations that the student has been approved to receive. The student should not be expected to request their approved accommodations for every exam.

  - Students are made aware that faculty must have at least 7 working days to make arrangements for accommodated exams. It is at the discretion of the faculty whether to make provisions without reasonable notice.

  - Students are not required to submit accommodation letters at any given time in the semester. Faculty are required to provide accommodations to students from the date they receive an accommodation letter. However, it is highly recommended to each student that they present their faculty with accommodation letters early in the academic term.
• **Interpretation of Accommodation Requests**

**A. Faculty support with notes**

When Faculty publicly present outlines or text through a Power Point presentation, overhead, or other visual device, it is reasonable to provide the student with a printed copy of that text as an accommodation. Faculty may also request that a student in the class volunteer to provide a copy of their notes. It is important to protect the confidentiality of the student with a disability when arranging note taking assistance. This accommodation does not include faculty’s private, personal lecture notes.

**B. Testing accommodations**

*Extended time for exams and testing in a separate, low distraction environment*

Faculty may set up these arrangements with a proctor in a quiet work space. At faculty discretion, the accommodated testing can be arranged through the DRC website: [www.uky.edu/DRC/testAcc.html](http://www.uky.edu/DRC/testAcc.html).

- Students are not required to use approved exam accommodations. It is their choice. Students are made aware that they cannot ask for retroactive accommodations (make-up or retakes) for exams when they chose not to use the approved accommodations.

- Students are not required to use all of the approved exam time. In some cases the knowledge that the time is available is the accommodation.

- Students are advised that if the testing environment is not meeting their need for low distraction (i.e., telephone ringing, talking, foot traffic, etc.), they have the right to stop the exam and discuss this with the proctor. If the situation cannot be improved, the student is advised to contact their respective Disability Resource Center Consultant, who will follow-up with the faculty.

**C. Flexibility with Attendance Policy**

- This accommodation is meant to recognize issues related to certain disabilities or chronic health conditions which may interfere with a student’s attendance.

- Students with disability issues which may interfere with attendance will not necessarily see a doctor for every episode (ex., chronic health
conditions, migraine headaches, gastrointestinal conditions, clinical depression, etc.). These students should not be required to present a physician’s note to have the absence “excused.” For extended or excessive absences, students should be referred back to the Disability Resource Center for advice and discussion of options. Faculty are encouraged to provide the Disability Resource Center with input and concerns regarding the student’s attendance.

- Students are not exempt from class attendance policies. This would include the University Senate Rule regarding attendance, which defines that faculty have the discretion to recommend withdrawal or to fail any student who misses 1/5 or more of the semester classes.

- The question of whether flexibility is appropriate is to be determined at faculty discretion. Following are some guidelines adapted from the Office of Civil Rights to use when making these decisions:

  Is class attendance an essential or fundamental aspect of the course or program?

  If a student misses class due to disability, may the student be penalized?

The answer to these questions will hinge on whether class attendance is truly essential and/or fundamental to the course or academic program. To make that determination, ask these questions:

1. Is there classroom interaction between the instructor and students, and between students?

2. Do student contributions constitute a significant component of the learning process?

3. Does the fundamental nature of the course rely upon student participation as an essential method for learning?

4. To what degree does a student's failure to attend constitute a significant loss to the educational experience of OTHER students in the class?

5. What does the course description or syllabus say?

6. What is the method by which the final course grade is calculated?

7. What are classroom practices and policies regarding attendance?
When assessing whether a request for accommodation of attendance alters an essential aspect of a course or program, the following questions can be helpful.

1. Is the absence a direct result of the student’s disability?
2. Does the faculty member consider attendance an essential aspect of the course?
3. Does the course reasonably meet one or more of the above criteria?
4. Is the attendance policy equally applied?

If, after making these inquiries, the college determines that attendance in a particular course is essential, the Office for Civil Rights will give significant deference to that determination.

D. Flexibility with Assignment Deadlines and Exam dates

- This accommodation is meant to recognize issues related to certain disabilities or chronic health conditions which may interfere with a student’s ability to complete assignments by due dates.

- As a general rule, it is the student’s responsibility to plan ahead and recognize when course work and exam schedules fall within a very close time frame. For some students this can create a “shut down.” Students are advised to create a plan, possibly moving some due dates forward and some back to alleviate the overload, and present the plan to their faculty early in the semester. It is the faculty’s discretion to determine what is reasonable with regard to the student’s request for flexibility.

- There are conditions that may occur without warning and debilitate the student, which can interfere with meeting deadlines. To some extent, these requests for flexibility must be determined case-by-case.
- **Grading policies and coursework expectations**
  - A student’s “reasonable accommodations” in any class does not exclude them from established grading policies and coursework requirements. Once the intent of the accommodation is provided by the Faculty, then the student’s work performance should be evaluated by the same standards used with other students in the class.
  - Students with disabilities should be given the same exams and assignments as other students in the class.
  - Students with disabilities should be held to established make-up exam policies stated in the course syllabus.

- **The use of multi-media in instruction**
  - Whether a course is in a classroom or online, Faculty have a responsibility to provide students with an accessible format.

  For students who are deaf or hard-of-hearing, **all audio/visual content presented** via DVD, video-cassette, or through streamed video on the internet **must be captioned**. Faculty may request support through the Teaching and Academic Support Center (TASC, 257-8272) to make this media possible.

  For students who are blind or visually impaired, **all visual content presented** via PowerPoint presentations, on blackboard, or through the internet **must be in an accessible format**, allowing the use of screen reading software. Faculty may request support through the Teaching and Academic Support Center (TASC, 257-8272) to make this media possible.