ADA on Campus
Reasonable Accommodations and Improving Access
Greater Retention, Engagement & Completion

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Topics Covered

Introduction
• Beyond impairments – the importance of reframing disability polices and practices from a medical/diagnostic model to one that focuses on barriers and facilitators to access
• How this impacts issues of: recruitment, retention, compliance and reputation

Advocacy, Legal Action & Compliance Trends
• Key components of the ADA currently impacting campus life
  ○ Compliance concerns
  ○ What we can learn from recent lawsuits and settlements – and prevent on our own campuses
  ○ Encouraging campus-wide involvement and advocacy
  ○ Considering reputation
  ○ Effective recruitment and retention strategies to consider when working with students and employees with disabilities

Exploring Barriers and Facilitators to Access Throughout Campus
• Assessing and auditing the campus climate
• Helping faculty and staff get on board
• Exploring some students’ failure to use the campus disability office and services – and how to turn that around
• Focusing on access within various campus departments
• Policies and best practices

Offering Reasonable Accommodations
• Consulting with individuals with disabilities
• Coming to final determinations while maintaining ADA compliance
• Using the social model of disabilities
• Exploring limitations and expectations of campus rules, polices and practices
• Communicating what is reasonable and appropriate to various campus constituents
• Best practice examples

Resources & Training Tools
• Handouts and worksheets
• Case studies and discussion questions
• Additional resources
Barriers and Facilitators to Access

The Campus Climate

How much do faculty and staff know about different types of disabilities? Accommodations? Are there differences between the ways students and staff/faculty perceive accommodations? How and where should accommodations be implemented? How should practices and facilities be adjusted to be more accessible for everyone?

Answering such questions about general campus life can help your institution determine where there are barriers for students with disabilities and how they can be removed. Stodden, Brown and Roberts (2011) recommend using a climate assessment, like the one they developed for the University of Hawaii at Manoa, to answer such questions for your institution.

In addition, public entities are required to conduct a self-evaluation under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (PaperClip Communications, 9/24/15). During a 2015 Paperclip Communications webinar, Irene Bowen, JD and president of ADA One, LLC, explained that this assessment would cover “an evaluation of your policies, procedures as to the whole range of things that are covered by the ADA, such as equal opportunity, communication, program accessibility, etc.” Bowen warned that enforcement has been stepped up under both the U.S. Department of Justice and the U.S. Department of Education, so it is best to take a proactive approach and determine your liabilities and assets before a problem arises.

A disability-friendly campus climate “will allow institutions to respond flexibly to the ever-changing needs of its student body. Rather than reacting to the accommodation requirements of individual students, a truly inclusive environment is prepared for and welcoming to a diverse population. As the campus climate opens, the need for individual accommodations will diminish.”

— Marianne Huiger Thomson, senior director of the Academic Support and Access Center at American University (Washington, D.C.)

Source: New Directions for Student Services, 2011

Climate Assessment

Are you looking for a climate assessment to determine whether or not campus life is “disability-friendly”? If so, you might find the following resource helpful:

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The Disability Support Office

Though a social model of disability requires a more decentralized approach to the process of accommodation, in most cases the provision of auxiliary aids and services used in most accommodations will be facilitated through the disability support office. This office can have a huge impact on a student’s success. A 2015 study published in the *Journal of Postsecondary Education and Disability* found that a student-centered and well-resourced disability resource center team can:

- “Assist… students… [to] overcome… academic and social barriers
- Teach students with disabilities how to self-advocate
- Facilitate change and advocate for social justice for students with disabilities, helping them be successful college students
- Develop programs and routine events that raise the consciousness of college/university resources and [can] empower students to use their voices for social integration throughout the campus”

“What sold me was we went to [the disability support] office and my mom brought this huge accordion folder with everything we could possibly need. And [the director] took one look at me and at the papers just to verify everything and he’s like, ‘Anything you want, you will get.’ And I did!”
— A student with disabilities discussing why she chose her college

Source: *Journal of Postsecondary Education and Disability*, 2015

Barriers to Disclosure

Yet, some students with disabilities choose not to utilize the support available through their disability support office. Marshak, Van Weiren, Raeke Ferrell, Swiss and Dugan (2010) found that students failed to use the disability office and its auxiliary aids and services for the following reasons:

- Identity issues, including a desire for self-sufficiency
- Avoidance of a negative social reaction

“We did a study with the ADA state office, and it’s… estimated that less than 10 percent, probably even less than that, of students who had disabilities on campuses actually disclosed their disability. So it’s our assumption that…a lot of students who have a disability may not disclose their disability. A lot of times it’s those students who have a hidden disability; maybe there might be a stigma that’s attached to that…Some parents or maybe students might not realize that their condition or disability qualifies for services under the ADA.”
— Matt Davis, coordinator of the Student Accessibility Resource Center at Western Kentucky University

Source: PaperClip Communications webinar, 11/19/15
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- Insufficient knowledge
- Perceived quality and usefulness of services
- Negative experiences with professors

Other students might not even realize that their condition is covered under the ADA (PaperClip Communications webinar, 11/19/15).

This suggests that all campus administrators and faculty (and, in particular, disability support professionals) might need to do some marketing, coaxing and advocating in order to break through the personal, internal roadblocks set by some students with disabilities. In a session at the American College Personnel Association’s 2014 conference, Jackie Koerner, a doctoral student at St. Louis University (MO) who is writing a dissertation on the experiences of students with disabilities, recommended the following for institutions hoping to create a more inclusive environment for students with disabilities:

- Develop specific first-year programs to increase awareness of available services and educate the community about self-advocacy and disability awareness
- Build relationships with local high schools, as students with disabilities often choose to attend local institutions
- Create safe-spaces for students with disabilities, perhaps with a counselor available to talk about frustrations
- Connect with resources in the local community

What Do Terms and Titles Communicate?

In 2010, The University of Arkansas at Little Rock examined the language it was using to describe its disability services office and determined that much of the language, including the name of the office, focused on the “problem” of a disability rather than the environmental barriers that thwarted accessibility. The office changed its name to “disabilities resource center” and also rewrote guiding documents, like the mission statement, to reflect its support of universal design and the social model of disabilities. Think about the language surrounding your disabilities support office and what message it might send.

- Does it focus on legal jargon, implying that only the minimal required response will be taken?
- Does it focus only on students’ problems and exclude the need for changes in the environment?
- Does it imply that only students with disabilities can benefit from the usable and inclusive environments created through universal design?

Source: Thorton and Downs, 2010
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Faculty and Staff Buy-In

While the disability support office might do a stellar job in providing requested auxiliary aids and facilitating accommodations, it is also vitally important to remember that there is often a large barrier to accommodations: confusion on the part of faculty and staff members.

Burgstahler and Moore (2009) found that many faculty and staff members:

- “Have little experience with students who have disabilities
- Are not sufficiently familiar with the legal issues of access
- Do not know what policies and procedures they should employ
- [Do not know] what specific accommodations are appropriate
- [Do not know] what their role is in making accommodations
- [Are unsure] how to communicate with students who have disabilities
- [Are unclear about] what campus and community resources are available
- Are more willing to accommodate mobility and sensory impairments than ‘invisible’ disabilities such as learning disabilities and psychiatric impairments”

In fact, your institution might be willing to move mountains for students with disabilities, but faculty and staff members’ ignorance might stand in the way of both federal compliance and universal design. Consequently, it is important and legally required not only to provide appropriate accommodation and auxiliary aids, but also to communicate what is reasonable and appropriate to campus members outside of the sphere of disability support.

Additional Resource

Dr. Sheryl Burgstahler, founder and director of the Disabilities, Opportunities, Internetworking, and Technology (DO-IT) Center at the University of Washington, developed training sessions with the goal of helping student services professionals and faculty work more effectively with students with disabilities.

- The student services training can be found here: www.washington.edu/doit/students-disabilities-and-campus-services-building-team
- The faculty training can be found here: www.washington.edu/doit/do-it-prof-project-help-postsecondary-educators-work-successfully-students-who-have-disabilities

These sessions could easily be updated and adapted for your campus.
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This communication might take the form of a public relations campaign, in-service trainings, information in employment manuals and university websites, orientation sessions or professional development opportunities. For example, at Western Kentucky University, before uploading course materials, faculty members for online courses are required to undertake an online training session on ADA Section 508 that teaches them how to create accessible course materials (PaperClip Communications webinar, 11/19/15).

Burgstahler and Moore (2008) recommend that faculty and staff undergo training sessions that include:

- “Personnel sensitivity toward disabilities, especially invisible disabilities
- Knowledge and skills regarding legal issues, reasonable accommodations, [and] universal design strategies
- Communication between students and staff [and/or faculty]
- Available resources
- Coordination with the disability services office”
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Access Within Campus Departments

Part of creating an accessible climate requires de-centralizing the responsibility for compliance from the disability services office to departments across campus—everyone should participate. Marianne Huger (2011), senior director of the Academic Support and Access Center at American University, points out that students with disabilities are going through the same developmental processes as other students. By expecting students with disabilities to follow a punch-list every time they start a new program or activity, an institution places a burden on them that is not expected from other students.

Huger (2011) explained, “The student…sees himself or herself as someone interested in international affairs, not as a bulleted list of courses and activities. By focusing on the accommodation needs of individual students, the institution puts a different burden on students with disabilities than it puts on others. These students must pre-plan their interactions to a degree that minimizes opportunities for spontaneous interaction and exploration.” Huger recommends that faculty, staff and students take responsibility to work towards a universal design that meets the needs of all students.

- Faculty can:
  - Utilize multiple methods of evaluation
  - Create accessible course materials
  - Use group work to increase exposure to individuals with diverse abilities
  - Educate themselves about disabilities and potential accommodations

- Administrators can:
  - Provide access to programs and information in multiple ways
  - Ensure that physical structures allow access for all students
  - Evaluate programs and services and, when barriers to access are found, work to minimize them
  - Collaborate with disability services
  - Visually represent people with disabilities in publications

“The job of fostering a disability-friendly institutional climate cannot be done solely by an office of disability services. Practitioners in this office, as well as administrators in other offices, faculty, and student leaders, all play vital roles in opening a campus environment.”

— Marianne Huger, senior director of the Academic Support and Access Center at American University (Washington, D.C.)

Source: New Directions for Student Services, 2011
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- Students can:
  - Hold meetings and programs in accessible locations
  - Bring in speakers who enhance disability awareness
  - Encourage participation in organizations and activities for students of all abilities

To help monitor climate and compliance, Jennifer Hicks, coordinator of the Commonwealth of Kentucky’s Office of the Americans with Disabilities Act, and Matt Davis, coordinator of the Student Accessibility Resource Center at Western Kentucky University, recommended forming an advisory council that includes people from a wide array of departments on campus (PaperClip Communications webinar, 11/19/15). Davis suggested including representatives from:
  - The student body
  - Information technology
  - Parking and transportation
  - Facilities management

In addition, it might be helpful to have representatives from the faculty senate, residence life, counseling services and student life. By utilizing an advisory committee or council, the responsibility of compliance is communicated and shared across campus departments, rather than being shouldered solely by the disability support office.

“The campuses that have these ADA advisory councils are the campuses that I hear from the least often. Because if you’ve got all these groups working together, the student knows that this automatic door opener won’t work, and it routinely is down. The facilities guy is right there in a meeting. You can talk about how to address those things, and I don’t ever get the complaint about it. So having an advisory council is a great idea, and one that my office wholeheartedly endorses.”

— Jennifer Hicks, coordinator of the Kentucky Office of the Americans with Disabilities Act
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Policies

Part of creating a disability-friendly campus is to putting policies in place that can create expectations for community members and increase accessibility for everyone. In addition, reviewing policies can help your institution stay ahead of potential problems for community members with disabilities as well as legal liabilities.

In a 2015 PaperClip Communications webinar, Irene Bowen, JD and president of ADA One, LLC listed the following vulnerabilities she has commonly found on college campuses:

- Emergency preparedness
- Web access
- Electronic and information technology
- Access to instructional materials
- Documentation/testing
- Contractual arrangements
- Employment
- Service and assistance animals
- New construction and alteration to physical structures

It might be helpful for your campus to review policies and procedures relating to these areas in a campus self-assessment. Then, once these policies have been updated or created, Bowen recommended training staff and administrators, re-checking for compliance and implementation, and monitoring complaints and progress.

To help you get started, we will take a look at real-world policies from a few key areas:

- Access to instructional materials
- Emotional support animals and service animals
- Mobility devices
- Web access and information technology

Effective Communication

“A public accommodation should consult with individuals with disabilities whenever possible to determine what type of auxiliary aid is needed to ensure effective communication, but the ultimate decision as to what measures to take rests with the public accommodation, provided that the method chosen results in effective communication. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.”

— Americans with Disabilities Act

Source: justice.gov
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Access to Instructional Materials

Professors might make last-minute changes to a syllabus, teaching assistants might not realize they need to make a PowerPoint accessible, students might forget to submit requests for an alternative format and publishers might not respond to requests. There are so many ways that accessing course materials can go wrong that it is no surprise that Irene Bowen, President of Disability One, LLC, lists this area as an area of vulnerability on many campuses. Below, you can read some policy highlights from various universities.

- **Pennsylvania State University: Policy for Obtaining Textbooks or Course Materials in an Alternative Format.** Psu.edu explains that students must meet with a disability specialist from the Office of Disability Services and be approved for alternative formatting, sign a form, purchase texts and then submit receipts. Once this has been done, students must submit their textbooks two months prior to the beginning of the semester for certain formats, like Braille or Tactile Images, and one month prior to the beginning of the semester for other formats, like PDF or large print. Other course materials can then be submitted throughout the semester and will then be processed on an “as needed” basis.

- **University of California Los Angeles: Alternative Format Guidelines.** According to ucla.edu, to qualify for the university’s alternative format service, students must provide documentation of their disability and meet with a member of the Office for Students with Disabilities and the alternative format coordinator. Students must submit an “Alternative Format Request Form” each quarter and are asked to submit requests as quickly as possible due to the typical two week period involved in converting required readings into an alternative format. Handouts, other course materials and tests can also be converted during the course of the quarter.

Emotional Support and Service Animals

While the ADA makes it clear that service animals (typically dogs that have been trained specifically to serve individuals with physical disabilities) should be permitted on all areas of campus, it does not provide the same access for emotional support animals. However, as you can read in the “Advocacy, Legal Action & Compliance Trends” section of this binder, the Fair Housing Act (FHA) does require that emotional support animals be permitted in residence halls.

Support and Emotional Support Animal Policies

Looking for real-world examples of service and support animal policies? Check out these resources:

- Barnard College: http://bit.ly/1NZsy8Q
- University of Texas at Austin: www.utexas.edu/student/housing/pdfs/SESApolicy.pdf
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If your institution has not already done so, it is time to craft a policy regarding emotional support animals. Von Bergen (2015) offers the following guidelines:

- Request documentation that includes:
  - The name and description of the pet, documentation of health records from a licensed veterinarian and whether the animal is housebroken
  - Documentation from a qualified professional about the student’s disability and how the animal would assist the student in ameliorating problematic symptoms

- Determine if the accommodation is reasonable
  - A request can be denied if an individualized assessment indicates that the animal “poses a direct threat to the health or safety of others… [or] physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation”

- Clearly outline the responsibilities of the owner
  - Animals must be immunized according to local licensing requirements
  - Animals should receive a clean bill of health from an annual visit to a licensed veterinarian
  - The institution can require that the owner take its animal to receive veterinary care
  - If the animal disrupts the residence hall environment (is aggressive, noisy, excessively unclean) and the owner does not address these concerns, the institution can exclude the animal from its facilities until the student can show that the problem has been resolved

Why Emotional Support Animals?

Dr. C.W. Von Bergen of Southwestern Oklahoma State University explains:

1. “Animals can have a positive influence on human functioning, and conventional wisdom has long supported the use of animals in promoting human wellbeing

2. While many benefits of animal companionship apply to groups across the board, unique benefits were found for those individuals with mental or psychiatric disorders

3. [Emotional support animals]…may be effective at ameliorating the symptoms of psychiatric disabilities by providing therapeutic nurture and support. The principal service that ESAs provide is simply companionship”

Source: Von Bergen, 2015
Other Mobility Devices

In its ADA regulations, the U.S. Department of Justice (justice.gov) stated, “A public accommodation shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public accommodation can demonstrate that the...devices cannot be operated in accordance with legitimate safety requirements.”

The regulations (justice.gov) define “other power-driven mobility” as “any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes.” In other words, unless it is hazardous to operate such vehicles on campus, students with disabilities that affect mobility should be permitted to use them.

Web Access and Information Technology

As you learned in the “Advocacy, Legal Action & Compliance Trends” section of this binder, there have been a number of cases involving accessibility issues on the virtual campus in recent years. It is clear that the Department of Justice is placing a priority on accessible online content. To provide good service to your community and avoid costly litigation, your institution should

University of Florida Segway Policy

According to the Office of Environmental Health and Safety, the University of Florida employs the following policy for users of power-driven mobility devices:

“Segway use by individuals with disabilities inside UF facilities...

- Speed not to exceed pedestrian walking speed
- Stay to the right at all times—no passing or weaving in and out of pedestrian traffic
- Segway devices not permitted in sporting venues during events such as UF football games, O’Connell Center events (unless O’Connell Center staff clear the use for a particular event) and other large capacity events
- Authorized UF personnel...may ask the person using a Segway to provide credible assurance that the mobility device is required because of a disability
  □ A credible assurance...[includes]: visible disability (amputee, loss of limb, oxygen tank or other visible disability with brace, crutches, cane, etc.); a valid, state issued disability parking placard or registration card, or other state issued proof of disability (ID Card)”

Source: ehs.ufl.edu
ensure your online offerings—from online courses to class registration systems to recruitment videos to websites—are accessible too.

Many college students prefer to communicate with their higher education institution in the virtual environment. This represents another facet of communication that must be accessible for students with disabilities and requires a certain degree of technological expertise. You can learn more about ensuring your web communication is accessible by checking out the helpful guides listed in the “Additional Resources” box.

For example, if your admissions office posts a recruitment video on your institution’s YouTube Channel, consider:

- Have subtitles or text captions been provided for those with hearing impairments?
- Are there audio descriptions of video content for those who can’t see?
- Is there a downloadable transcript that could assist a wide variety of learners to understand the content?

Ensuring accessibility enhances overall usability as well, according to Elsevier.com:

- Many people prefer to use a keyboard rather than a mouse
- Websites are easier to bookmark and navigate when titles, headings and sub-headings are used
- Websites are more searchable when they are built to be accessible