

Information for Faculty Concerning Students with Disabilities

INTRODUCTION

This document was designed to assist faculty in interacting with students with disabilities at Eastern Idaho Technical College. It addresses legislation and the rights and responsibilities of faculty. It was adapted from the *Rights and Responsibilities of Faculty Concerning Students With Disabilities* handbook which was previously published and disseminated by EITC. Copies of the original Handbook are available in the Disability Services and Resources Office.

LEGISLATION

What legislation covers higher education institutions?

The Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 as amended in 2008 (ADAAA) cover colleges and universities.

- The Rehabilitation Act of 1973 is generally regarded as the first civil rights legislation for people with disabilities on the national level. Section 504 of the Rehabilitation Act is a program access statute. It prohibits discrimination on the basis of disability in any program or activity offered by an entity or institution receiving federal funds. Since 1977 all institutions receiving federal funding must be prepared to provide appropriate academic adjustments and reasonable modifications to policies and practices for people with disabilities. Section 504 provides: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" "At the postsecondary level, the recipient {of Federal financial assistance} is required to provide students with appropriate academic adjustments and auxiliary aids and services that are necessary to afford an individual with a disability an equal opportunity to participate in a school's program. Recipients are not required to make adjustments or provide aids or services that would result in a fundamental alteration of a recipient's program or impose an undue burden." <http://www2.ed.gov/about/offices/list/ocr/504faq.html>
- The Americans with Disabilities Act (ADA) as amended in 2008 (ADAAA) is a federal civil rights statute designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same opportunities that are available to persons without disabilities. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications. According to the ADA a person with a disability is someone with:

- A physical or mental impairment that substantially limits one or more major life activities;
- A record (or past history) of such an impairment;
- Or being regarded as having a disability.

http://www1.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm?renderforprint=1

ACCOMMODATIONS

What are accommodations?

Accommodations are services provided to qualified students with disabilities so that they have equal access to all facilities, programs, classes, and activities offered by Eastern Idaho Technical College.

How are accommodations determined?

Reasonable accommodations are determined on an individual basis. Students who wish to request accommodations must self-identify and meet with the Disability Resources and Services (DRS) Coordinator. The student may be asked to provide documentation which substantiates a disability and the need for reasonable accommodations. The DRS Coordinator will review the documentation and determine reasonable accommodations. The student then receives an accommodation letter identifying these accommodations. It is his/her responsibility to deliver this letter to the faculty. The student is not required to disclose his/her specific disability to the faculty member.

Should the faculty member have questions about the accommodation/s identified in the accommodation letter she/he should contact the DRS Coordinator. An instructor may NOT forbid a student's use of an aid or accommodation if that prohibition limits the student's participation in the school program. The faculty member is required to provide the accommodation until an agreement can be reached with the DRS Coordinator. If an agreement cannot be reached, the faculty member should contact their Division Manager and/or the Vice-President of Instruction and Student Affairs. The faculty member may appeal the decision using the steps outlined in EITC Policy 106 – Grievance for Faculty and Non-Classified Personnel.

Use of a tape recorder or audio recording device in the classroom

Section 504 of the Rehabilitation Act specifically says “a recipient may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient’s education program or activity.”

<http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

This also applies to new forms of audio recording technology such as the Livescribe Pen. Instructors may request a student to complete the Permission to Audio Record in the Classroom form.

Additional information on guide dogs on campus can be found in the Service Animal Policy.

Other accommodation guidelines

- Faculty are NOT required to provide accommodations without a letter from the DRS.
- Because some disabilities may change over time and some accommodations may differ based on the class, students are required to meet with the DRS Coordinator each semester and will receive accommodation letters each semester.

CONFIDENTIALITY

Faculty and staff are required to treat all disability information with the strictest confidentiality. The DRS Coordinator will not routinely release confidential information without the student’s permission to do so.

ADA SYLLABUS STATEMENT

A copy of the ADA statement which should be included on all course syllabi can be found on the Course Syllabus Template located on FASTinfo. At the first class meeting, faculty are asked to make a general announcement regarding the availability of accommodations through the Disability Resources and Services Office.

RIGHTS AND RESPONSIBILITIES OF FACULTY

- To maintain the College’s integrity and academic standards.
- To assure all students equal access to participation in, or the benefits of, any program or activity operated by the College.
- To maintain confidentiality for students with disabilities.
- To avoid any activity which may be considered retaliatory conduct against a student who exercises his/her rights under the ADA.
- To discuss with a student with disabilities his/her accommodation letter and how best to implement the accommodations.