

# **RIGHTS AND RESPONSIBILITIES**

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## **Students and Employees with Disabilities Faculty and Staff Postsecondary Institutions**

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Students with Disabilities as Diverse Learners &  
Teaching All Students, Reaching All Learners Projects

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# Why Should I Pay Attention to You?

(when I could be getting another cup of coffee)



Photo of man spilling coffee on the sidewalk

- CDS and its employees have an obligation to set an example of how disability should be regarded in our community, classrooms and organizations.
- It's the law!

# Who Are Students and Employees with Disabilities



- Visible disabilities
- Hidden/invisible disabilities
- Nontraditional
- English as a second language

# Disclosure (is power)

Only an adult with a disability has the right to disclose their disability to others.

In college, students often choose not to disclose and ask for accommodations, hoping to make it "on their own."

Employees often fear discrimination based on their disability and will choose not to disclose.

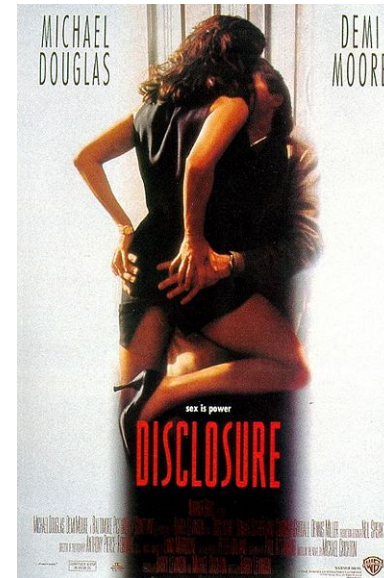


Photo of Demi Moore and Michael Douglas promoting film  
"Sex is Power: Disclosure"

# Disability as A Civil Right

- The law posits disability rights as a form of civil rights.
- People with disabilities formed a civil rights movement, inspired by that of the 1960s.
- **The law now asks us to think of disability discrimination like discrimination on the basis of race or gender.**



*In a rally in Washington, D.C., before the passage of the ADA, demonstrators extend the frame of civil rights by incorporating slogans from the civil rights movement.*

Tom Olin photo of the ADAPT demonstration for passage of ADA. Sign reads, "Access is a civil right."

# Disability Law

- Section 504 of the 1973 Rehabilitation Act
  - ✓ The first acknowledgment of disability discrimination
  - ✓ **Agencies receiving federal funds may not discriminate on the basis of disability, including public schools and universities.**



*A demonstrator's sign at a New Jersey public transit accessibility protest illustrates the core civil rights issue for people with impairments: accessibility.*

Tom Olin photo of May '89 ADAPT v. Burnley protest. Sign reads: "I can't even get to the back of the bus."

# The 1990 Americans With Disabilities Act



- First comprehensive civil rights law that outlawed disability discrimination in public **and** private areas.
- People with disabilities have the right
  - to access and participate in public programs and services in which people without disabilities participate.
  - to jobs for which they are qualified.
- **You and the institution are responsible for providing accommodations.**
- Failure to provide accommodations is a form of discrimination.

# Important Legal Concepts

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- “Equal Opportunity”
- “Otherwise Qualified”
- “Individual Inquiry”
- “Reasonable Accommodations”



# Reasonable Accommodations

## Basic Principles

- **Be open** to people with disabilities.
  - ✓ Create a statement which explicitly states that your class/program is accessible to persons with disabilities.
  - ✓ Be open to accommodation requests.
- **Confidentiality**
  - ✓ Keep students'/employees records and correspondence with DSS/personnel office secure and confidential.
  - ✓ **Disability-related information** is considered medical information and **subject to strict confidentiality rules**.
  - ✓ Do not mention students'/employees disabilities to other students or colleagues.

# What Makes an Accommodation Reasonable?

- **Mitigate the effect** a disability has on a person's ability to learn/work/participate.
- **NOT** reasonable if they **compromise** course/program content, academic/employment standards.
- In short: **modify** materials, environments and techniques, but not expectations of student learning or employee performance.

# Most Commonly Requested Student Accommodations



Clipart of clipboard,  
“Y” in sign language



- Presence of note-takers in your class
- Extended time on exams
- Taking exams in a controlled environment/with assistive tech
- Presence of sign-language interpreters in class
- Preferential seating arrangements
- Printed materials in alternate format

# Some Employment Accommodations

- Assistive technology
- Personnel support
- Interpreters & other communication assistance
- Working at home & **flexible** hours
- **Flexible** job assignments & deadlines
- Alternative formats

Photo of woman  
bending leg over head,  
“Flexibility”



# More Resources

## CDS OPE Project

- ✓ <http://www.ist.hawaii.edu>

## Department of Justice: “ADA Questions and Answers”

- ✓ <http://www.usdoj.gov/crt/ada/q%26aeng02.htm>

## Ohio State University: “Fast Facts for Faculty”

- ✓ <http://telr.osu.edu/dpg/fastfact>

