

Excerpted From: Laws, Policies, Practices and Procedures

2. Students with Disabilities: What Faculty Need to Know

The Americans with Disabilities Act (ADA), along with other federal and state laws, prohibits universities and their employees, including faculty, from unlawfully discriminating against students with disabilities. Everyone who teaches should have a solid understanding of the ADA and the *rights* it gives and *responsibilities* it imposes on universities, their employees (especially faculty), and their students. Here are *10 important things* to keep in mind about the ADA:

1. The ADA is broad in scope. It covers three broad types of disabilities – physical, learning, and psychological. It broadly defines a disability to include any physical or mental impairment that substantially limits a “major life activity,” such as seeing, hearing, breathing, walking, learning, reading, concentrating, thinking, communicating, working, and caring for oneself, or a “major bodily function” such as functions of the immune system, normal cell growth, or neurological, respiratory, circulatory, endocrine or reproductive functions. Further, the ADA protects from discrimination not only persons who presently have a disability, but also persons who have a record of being disabled or are perceived to be disabled.
2. To fulfill our legal obligations under the ADA, we must:
 - Admit qualified students who have disabilities into our schools and programs
 - Eliminate criteria that screen out persons with disabilities or testing methods that measure students’ disabilities, rather than their abilities
 - Refrain from creating an environment in the classroom or elsewhere that is hostile to persons with disabilities
 - Make reasonable modifications to policies, practices, and procedures to enable qualified students with disabilities to successfully participate in our educational programs
 - Refrain from retaliating against any person who asserts their rights or the rights of others under the ADA or who participates in an investigation of a potential violation of those rights
3. We have an obligation to provide reasonable accommodations for qualified students with disabilities. Examples of accommodations that might be reasonable to make for a particular student include:
 - Permitting or providing adaptive technologies
 - Permitting extended time for examinations or assignments
 - Assigning a buddy in class to answer questions about assignments, etc.
 - Providing preferential seating
 - Providing preferential assignment to course sections (e.g., morning-only or no-morning section meetings)

Whether a student is entitled to a particular accommodation always involves an individualized, fact-specific inquiry.

4. Decisions about accommodations are made only through and by the Office of Academic Support Services. Students must request accommodations through the College’s Office of Academic Support Services, which will engage with the student in an interactive process to determine whether the student is qualified to participate in the program at issue and, if so, whether an accommodation requested by the student or some other accommodation is both reasonable and necessary for the student to successfully participate in the program. Don’t permit students to circumvent the process. Faculty should not honor requests for accommodations unless

the student has followed the College's process for requesting accommodations and the accommodation has been approved by the Office of Academic Support Services. *Don't deviate and give students more, fewer, or different accommodations* from what the Office of Academic Support Services has authorized them to receive.

5. Academic freedom does not trump a student's rights under the ADA. Faculty input on the issue of reasonable accommodations is important, but ultimately it is the College and not faculty who will decide whether an accommodation is granted. Rigid attendance requirements, testing formats, coursework deadlines, and curriculum requirements are just a few of the areas where ADA requirements may outweigh your preferences.
6. A documented disability does not excuse bad behavior, poor academic performance, or irresponsibility. Don't confuse a request for a reasonable accommodation with a request for an exemption from a Simmons College policy or standard. The ADA requires reasonable accommodation, but not exemption. It does not require the College to fundamentally alter its academic programs, conduct standards or other policies. If you are concerned about a student's behavior or performance in your class, you are encouraged to contact the Office for Student Life.
7. Respect and uphold a student's interest in *confidentiality*. Faculty should not disclose to others (either inside or outside of the Simmons community) whether a student has a disability, the nature of that disability, or the accommodation being requested or granted to the student. Faculty should be especially vigilant not to disclose a student's disability and accommodation needs to other students.
8. Act fairly and prudently. Faculty are expected to be collaborative partners in providing reasonable accommodations for students who are eligible to receive them.
9. Don't go it alone. Get advice and assistance from your Dean, the Simmons Coordinator of Disability Services, or the General Counsel. Seek advice early and as often as you need to.
10. Recognize that there are no easy answers. The laws and regulatory guidance pertaining to students with disabilities are constantly evolving. Last week's approach may not be the best approach for this situation or this student at this time.

