

What Faculty Members Should Know About the Americans with Disabilities Act: A Guide for Working More Effectively with Students with Disabilities

What is the ADA?

The Americans with Disabilities Act (ADA) is a federal law intended to stop discrimination against people with disabilities. It applies to employers, state and local government agencies, places of public accommodation, transportation facilities, telephone companies, and the U.S. Congress. Under Title II of the ADA, public colleges and universities are required to provide auxiliary aids and services to qualified students with disabilities. Under the provisions of Section 504 of the Rehabilitation Act of 1973, the college may not discriminate in the recruitment, admission, educational process, or treatment of students. Section 504 of the Rehabilitation Act contains more specific information about compliance issues in post-secondary education than the American With disabilities Act (ADA), which was signed into law in 1990. The ADA, however, did extend the law to cover public and private institutions of higher education and any other entities that receive funding. The ADA has also facilitated access to public services. Providing auxiliary aids and services is not considered special treatment, but rather an equal opportunity to participate in the services, programs, or activities offered by the institution.

What are faculty members' responsibilities?

Campus compliance with the ADA is a shared responsibility, and faculty members play an important role in the institution's efforts. The ADA is a civil rights statute, ensuring that students with disabilities will have the opportunity to participate in postsecondary education without discrimination. For faculty members, providing reasonable accommodations or auxiliary aids and services is one way to prevent discrimination.

Please note that the courts have ruled that an individual faculty member who fails to provide an accommodation to a student with a documented disability may be held *personally* liable and that academic freedom does not permit instructors to decide if they will provide special aids and services for students with documented disabilities in the classroom.

What is the purpose of the academic accommodations?

Students with disabilities are capable individuals who experience some limitations that may require adaptation of materials, methods, or environments to facilitate learning. Accommodations may also ensure that when students are evaluated, they are able to

demonstrate what they learned rather than the effects of their disability.

How do I decide which accommodations are appropriate for a particular student?

Students are responsible for requesting accommodations and services and providing documentation of conditions that may warrant academic accommodations; therefore, faculty members are not responsible for making decisions about accommodations. The Director of the Academic Support Center recommends the accommodations that will be most effective in assuring the student's access to academic programs based on the student's documentation of a disability.

How do I know that a student in my class is supposed to have an accommodation?

The student will present an accommodations letter from the ASC to the instructor, notifying faculty of the type of accommodations that will be provided each semester. You will be asked to sign the letter and talk with the student (in the privacy of your office) about how to implement the accommodation(s) in your class. Some accommodations may be provided by the ASC (distraction-reduced testing facility for example) while others, such as extended time for exams, may be provided by the faculty member. The student is then responsible for returning the signed document to the ASC and making arrangements with you and the ASC for implementation.

To protect yourself, the student, and the institution, do not provide accommodations without a letter from the ASC. You should recommend that the student make requests for accommodations through the ASC.

Students have a right to privacy in disability matters; therefore, file accommodation letters in a secure place and do not discuss a student's disability and necessary accommodations in the presence of fellow students or others who have no educational need to know.

Will accommodations compromise the integrity of my class or academic program?

No. Colleges are not required to lower academic standards or compromise the integrity of the school or program. The Academic Support Center facilitates Berry College's compliance with federal laws by providing services and **appropriate/reasonable** accommodations to students with disabilities. This does not mean excusing a person with a disability from responsibilities or lowering expectations in the classroom, but rather, allowing the student to use her/his abilities to assimilate information or perform class work in a manner that allows fair competition with other students.

Accommodations and auxiliary aids and services are provided to "level the playing field" for the student with disabilities, enabling the student to compete with non-disabled peers. After providing accommodations, you should grade the student's work

as you would grade the work of any other student. Do not “give them a break” by being unduly lenient. On the other hand, grading the student more harshly because he/she has had the opportunity for additional time for exams or other instructional modifications would nullify the effect of the accommodations.

What else can I do?

Don't be afraid to ask the student to describe how he/she learns best. You can also make your course more disability-friendly by including information on your course syllabus that encourages students with disabilities to contact the ASC for assistance in receiving accommodations. If you need additional information or specific resources, please contact Martha Van Cise [mvancise@berry.edu or Ext. 6960].

CONTACT INFORMATION

Berry College Academic Support Center
<http://www2.berry.edu/academics/services/support/>

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