

Faculty Frequently Asked Questions

From the Office of AccessABILITY Disability Awareness Survey, February 2014

1. *What are the American with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973? How do they apply to students?*

The Americans with Disabilities Act (ADA) of 1990, along with the Amendments Act of 2008 (which became effective January 1, 2009), prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

Section 504 of the Federal Rehabilitation Act of 1973 states that “[n]o otherwise qualified person with a disability in the United States. . . shall, solely on the basis of disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal financial assistance.”

An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment.

2. *What is the institution’s legal obligation in providing accommodations to students with disabilities?*

As per the American with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, colleges and universities are required to make Reasonable Accommodations in their practices, policies and procedures, and to provide auxiliary aids and services for persons with disabilities, unless to do so would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, and accommodations they offer, or would result in an undue financial or administrative burden on the institution.

3. *Do the provisions of Section 504 and the ADA apply equally to employees as well as to students?*

Section 504 is a civil rights act which protects the civil rights of persons with disabilities. It prohibits discrimination on the basis of disability by the federal government, federal contractors, and by recipients of federal financial assistance. Organizations that receive federal funds are required to make their programs accessible to individuals with disabilities, whether a student or employee. Although its protections are limited in that they only apply to programs or businesses that receive federal funds, it was an important model for the ADA.

Title II of the ADA applies the same requirements to state and local government entities. The biggest difference is that Section 504 applies to federally funded programs and the ADA applies to state and local government funded programs (Title II). Between the two laws, all government funded programs are covered. Of course, there are many programs, such as school districts, which receive federal, state and local funds, and are therefore are covered by both laws at the same time.

4. *Should faculty provide accommodations to a student with a disability, even though the student has not provided documentation to the office of AccessABILITY?*

As a representative of the university, it is important that you refer the student to the Office of AccessABILITY to use the established procedures for accessing accommodations. This will also ensure that all accommodations needed by the student, some of which may not relate to the classroom, will be addressed by the office with the student.

5. Are faculty in higher education required to provide an accommodation to a student with a disability even if the student does not request it?

No. If a student appears to have a disability, but does not request accommodations, or informs you that s/he has a medical or psychological condition, the instructor must inform the student about the Office of AccessABILITY and that services are available for a variety of conditions.

However, under the law, the institution is only required to provide accommodations upon request of the individual. Faculty members are only responsible for providing accommodations approved by Office of AccessABILITY.

6. Does Section 504 specifically allow tape-recording of lectures as a means of assuring full participation in the classroom for students with disabilities?

Yes. You may not forbid a student's use of an aid if that prohibition limits the student's participation in the school program.

The Section 504 regulation states:

"A recipient may not impose upon disabled 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 disabled students in the recipient's education program or activity.

In order to allow a student with a disability the use of an effective aid and, at the same time, protect the instructor, the institution may require the student to sign an agreement so as not to infringe on a potential copyright or to limit freedom of speech."

— The Department of Education, Office of Civil Rights

7. What is the process of providing testing accommodations to students with disabilities?

It is the student's responsibility to schedule testing accommodations. Each student who is approved to receive testing accommodations must submit a Testing Arrangement Form at least one week prior to his/her exam. The form must be filled out and signed by the instructor, and include instructions for the delivery or pickup of the exam. For more information please go to our Forms and Guidelines section.

8. Can students choose whether or not they disclose the nature of their disability or need for accommodations to faculty members?

Yes. The student's disability is confidential information that is only communicated to the Office of AccessABILITY. A student can determine to whom they will disclose this information, and at what point during the semester. However, should they decide to use accommodations at any point, they must follow program deadlines and processes to ensure timely provision of services.

9. Could a classroom location be changed to meet the needs of students with disabilities when the assigned classroom is not fully accessible?

Yes. When the classroom is not accessible due to any factors such as location, lighting, sound, etc. and there are no other accessible sections offered within the same content area, the institution is obligated to change the location of the classroom to allow the student remain in the course, unless the student decides to postpone taking the class.

10. Can faculty choose not to provide extended time as a form of accommodation to students?

No. The rights of students with disabilities to accommodations are protected under the ADA of 1990. Once the student is qualified to receive accommodations, the institution is responsible for ensuring that the accommodations are provided.

9. Should sign language interpreters and note-takers attend class even when a student is absent, in order to relay class information?

No. The student assistants such as sign language interpreters or note-takers are only to accompany the student to classroom to ensure full access to the course.

10. Can classroom assistants (sign language interpreters, note-takers, and Communication Access and Real Time Translation [CART] providers) actively participate in class discussions, and offer their own opinions?

No. It is against program policy for an assistant to actively participate in the classroom discussions, assignments, or speak on behalf of the student or the Office of AccessABILITY. The assistant's function is only to provide auxiliary aids to the students to create parity and access.

11. May faculty discuss a student's progress with classroom assistants?

No. You are advised not to engage with a student's assistants in any conversation or exchange of information regarding the student. All communications regarding the student, in case of any concerns, may be directed only to the student, or to the Office of AccessABILITY. The Student Counselor will assist you in resolving any concern you may have in regards to a student's accommodations or performance in classrooms.

12. Can faculty and staff ask students about their disabilities and to provide documentation?No. Faculty and staff are advised not to request documentation or ask for diagnosis from the student. A student's disability-related information is privileged and confidential and can only be voluntarily shared by the student.

13. What are the Hunter College's policies and the procedures students must follow in order to receive disability-related accommodations?

Students in need of accommodations must submit verifying documentation to the Office of AccessABILITY. For additional information please see our Documentation Guidelines

14. What is the faculty's role in facilitating access to college courses, programs and services?

If you have questions please call the Office of AccessABILITY at 212-772-4857, visit our office in 1214 East, or consult our website.

17. Should my course syllabus include a statement informing students about the availability of services for students with disabilities?

Yes. One of the easiest and most effective ways of informing a student with disabilities about the available services on campus is to include a statement on your syllabus, inviting students to contact the Office of AccessABILITY. Our office works closely with both students and faculty to make the process of arranging classroom and testing accommodations as stress-free as possible for everyone.

18. How do learning disabilities affect students' learning inside and outside the classroom?

Students with a learning disability may have trouble performing specific types of skills or completing tasks that may involve memory, information processing, comprehension, time management, communication, etc., if not accommodated. Students with learning disabilities can face unique challenges that are often pervasive throughout their lifespan. Depending on the type and severity of the disability, interventions and current technologies may be used to help the individual learn strategies that will foster future success. Some interventions can be quite simple, while others are complex. If accommodations are to be provided through your office they should be discussed early, at the first mention of learning disabilities.