
   The Americans with Disabilities Act (ADA) of 1990, along with the Amendments Act of 2008, which was signed into law on September 25, 2008 and 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. The provision of Section 504 and the ADA apply equally to employees as well as to students.

   True. 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 that 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. Faculty should provide accommodations to a student with a disability even though the student has not provided documentation to the office of AccessABILITY.

True. 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. Faculty in higher education is required to provide an accommodation to a student with a disability even if the student does not request it.

False. 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 faculty must inform the student about the Office of AccessABILITY and the services for a variety of conditions. However, under the law, institution is only to provide accommodations upon request of the individual. Faculty members are only responsible for providing accommodations approved by Office of AccessABILITY.

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

True. The instructor 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.

From The Department of Education, Office of Civil Rights

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

7. How familiar are you with the process of providing testing accommodations to students with disabilities?

Scheduling Testing Accommodations are student’s responsibility. Each student who is approved to receive testing accommodations must submit a Testing Arrangement Form at least a week prior to his/her exam. The form must be filled out and signed by the instructor providing the office appropriate instructions on the delivery/pickup of the exam. For more information please go to: http://www.hunter.cuny.edu/studentservices/access/guidelines-sub/guidelines-forms-alternative-testing
8. Students who are registered with the Office of AccessABILITY may choose whether or not they disclose the nature of their disability or need for accommodations to faculty members.

True. The student’s disability is confidential information that is only received by the Office of AccessABILITY. The students can decide to whom they like to 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 process’ to ensure timely services.

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

True. When the classroom is not accessible due to any factors such as location, lighting, sound, etc. and there are no other sections offered within the same content area where the student could change to, the institution will be 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. Instructors can choose not to provide extended time as a form of accommodation to students.

False. 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 to ensure that the accommodations are provided.

11. Sign language interpreters and note takers may attend class even when a student is absent in order to relay class information.

False. The student assistants such as sign language interpreters and or note takers are only to accompany the student to classroom to ensure full access.

12. Classroom assistants (Sign Language Interpreters, Note Takers, and Communication Access and Real Time Translation (CART) providers) may actively participate in class discussions and offer their own opinions.

False. It is against program policy for an assistant to actively participate in the classroom discussions, assignments, or speak on behalf of the Office of AccessABILITY or students. The assistants’ function is to only provide auxiliary aids to the students to create parity and access.

13. Faculty may discuss students' progress with classroom assistants without the student being present.

False. Faculty is advised not to engage with student 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 Counselors will assist faculty in resolving any concern you may have in regards to student accommodations or performance in classrooms.
14. Faculty and staff may also ask students about their disabilities and to provide documentations.

   False- Faculty is advised not to request documentation or ask for diagnosis from the student. Student’s disability related information is privileged and confidential and can only be voluntarily shared by the student.

15. 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 go to: http://www.hunter.cuny.edu/studentservices/access/admission

16. For information about the faculty's role in facilitating access to college courses, programs and services, you may reach us through phone (212-772-4857) or visit our office located in E1214 and consult our website at: http://www.hunter.cuny.edu/studentservices/access/faculty-staff

17. Faculty course syllabus should include a statement informing students about the availability of services for students with disabilities.

   True. One of the easiest and most effective ways of reaching out to and informing the student with disabilities about the available services on campus is to include a statement on the syllabus to invite the students with disabilities to contact the Office of AccessABILITY. Our office works closely with 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 or taught in conventional ways. Students with disabilities can face unique challenges that are often pervasive throughout the 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 simplistic, while others are complex. If accommodations are provided through your office should be discussed earlier, this is the first mention of learning disabilities.