FACULTY GUIDELINES
ON
POLICY AND PROCEDURES
FOR
STUDENTS WITH DISABILITIES

Central Connecticut State University
New Britain, Connecticut
TABLE OF CONTENTS

Overview ...................................................................................................................................... 3
The Applicable Law, Policy, and Remedies .............................................................................. 4
Definitions .................................................................................................................................. 5
Areas of Responsibilities .......................................................................................................... 6
Identification for Student with a Disability ............................................................................... 7
Accommodations ......................................................................................................................... 8
Learning Disabilities, Attention Deficit Disorder, and Attention
Deficit Hyperactivity Disorder .................................................................................................. 9
Psychological and Psychiatric Disabilities .............................................................................. 10
Types of Physical Disabilities and Possible Accommodations ........................................... 10
Conclusion .................................................................................................................................. 13
OVERVIEW:

The purpose of these guidelines is to assist CCSU faculty in meeting the needs of students with disabilities, in accordance with federal and state laws. Statistics from 1998 indicate that one in every eleven college freshman had at least one disability, a threefold increase in twenty years. When one considers the statutes that have been enacted since 1973, the statistic is no longer startling.

In 1973, Congress passed The Rehabilitation Act, popularly known as “Section 504,” which prohibited discrimination of an otherwise qualified individual with a disability under federal grants and programs. In 1975, Congress enacted the Education for All Handicapped Children Act, now the “Individuals with Disabilities Education Act” (“IDEA”), which requires states to ensure that all children with disabilities receive a free appropriate public education through the provision of special education and related services.

In 1990, Congress passed the Americans with Disabilities Act, (“ADA”), which broadens the protections offered by Section 504. The ADA is applicable to public and private employers, state and municipal services, public accommodations, and telecommunications services. Title II, public services, governs the University’s obligations to its disabled students.

These statues have resulted in more and more disabled students being admitted to institutions of higher education, numbers for which few institutions are prepared. To maintain our federal funding, and avoid liability to individual plaintiffs, the University is obligated to engage in an interactive process with the qualified student with a documented disability to determine the reasonable, effective accommodation.

The University’s legal obligations go beyond the removal of architectural barriers and provisions of auxiliary aids to teaching strategies, policies, and rules, known as academic adjustments. While the law does require equal access to programs for qualified individuals with disabilities, academic standards are not to be compromised in making an accommodation.

These guidelines are intended to assist faculty in understanding what she or he must do when faced with a student who claims a disability and seeks accommodations. Every member of the University faculty and staff has responsibility to implementing the principles of disability law; no one office or individual is accountable, we all are.
THE APPLICABLE LAWS, POLICY, AND REMEDIES

A. Federal Laws

1. Rehabilitation Act of 1973 (“Section 504”) 29 U.S.C. section 794: “No otherwise qualified individual with a disability in the United States... shall, solely by reason of her of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...”

“Program or activity” includes a public system of higher education.

2. The Americans With Disabilities Act (“ADA”) Title I- Public Services 42 U.S.C section 12132: “Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.”

B. Connecticut Laws

1. Section 46a-58 (a) “It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, blindness or physical disability...”

2. Section 46a-71: (a) “All services of every state agency shall be performed without discrimination based on race, color, religious creed, sex, age, national origin, ancestry, mental retardation, learning disability or physical disability, including but not limited to, blindness...

3. Section 46a-75: (a) “All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of stage agencies, or in which state agencies participate, shall be opened to all qualified persons, without regard to race, color, religious creed, sex, age, national origin, ancestry, mental retardation, learning disability or physical including, but not limited to, blindness.

(b) Such programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all students and trainers, with special attention to the problems of culturally deprived, educationally handicapped, learning disabled, economically disadvantaged or physically disabled, including but not limited to, blind persons.”
C. **CCSU Affirmative Action/Equal Opportunity Policy Statement**

“Central Connecticut State University is committed to the goal of providing equal educational opportunity and full participation for persons with disabilities. To that end, this statement of policy is put forth to ensure that no qualified person be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program of activity of the University.”

A member of the University community may file a complaint of alleged discrimination with Office of Diversity & Equity, pursuant to the University’s internal grievance procedures.

D. **Remedies**

Each of the statutes cited above provides aggrieved persons a private right of action against the state agency in federal or state court or the Connecticut Commission on Human Rights and Opportunities (“CHRO”) to enforce the statutory rights. An aggrieved person is permitted to sue an individual defendant for violations of rights guaranteed by the U.S. Constitution under 42 U.S.C Section 1983.

**DEFINITIONS:**

The ADA defines several of its applicable terms.

**Auxiliary aids and services** include:

- (a) qualified interpreters or other effective methods of making aurally delivered materials available to students with hearing impairments;

- (b) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

- (c) acquisition or modification of equipment or devices; and

- (d) other similar services ad actions.

**Disability** means, with respect to an individual:

- (a) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

- (b) a record of such an impairment; or

- (c) being regarded as having such an impairment.
**Major life activities** include, but are not limited to, walking, seeing, hearing, speaking, breathing, learning, and working.

**Qualified individual with a disability** means a person with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the public entity.

**Physical or mental impairment** includes, but is not limited to, any physiologic disorder affecting one or more body systems: neurological, musculo-skeletal, special sense organs, respiratory, cardiovascular, digestive, hemic and lymphatic, and skin; mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. Examples include speech, vision, and hearing impairments, cerebral palsy, muscular dystrophy, multiple sclerosis, HIV diseases, drug addiction (not current use) and alcoholism.

**AREAS OF RESPONSIBILITY**

The President’s Advisory Committee for Students with Disabilities is co-chaired by Coordinator of Student Disability Services, Natalie Stimpson-Byers and Moises Salinas, Chief Diversity Officer. Its membership reflects faculty and administrators from each of the four schools. Its primary mission is to support Academic and Student Affairs in accommodating disabled students through information and recommendations.

The Coordinator of Student Disability Services receives students’ requests for accommodations, reviews documentation to determine student eligibility for services. The Coordinator also provides notice to faculty members that a student in her/his course has a disability that requires reasonable accommodation. **Coordinator of Student Disability Services: Natalie Stimpson-Byers, Copernicus Hall, Room 241, 832-1957.**

The Office of Diversity and Equity oversees policy on persons with disabilities. The Office investigates complaints of discrimination. **Diversity and Equity Chief Diversity Officer: Moises Salinas, Davidson Hall, Room 102, 832-1653.**

Counseling and Wellness Center offers no cost, confidential counseling to students who have psychological or behavioral concerns that impact on their academic responsibilities and well-being. **Director: Timothy Corbitt, Marcus White Hall, Room 204, 832-1945.**

The University Health Service evaluates and treats medical conditions, and makes referrals, as appropriate, to specialists. **Director: Dr. Myra Rosenstein, Marcus White Annex, 832-1925.**
IDENTIFICATION OF THE STUDENT WITH A DISABILITY:

Determining who has an impairment that may constitute a covered disability is sometimes a simple matter of observation: a person using a wheelchair, a service dog, or hearing aids. Other impairments are hidden, including but not limited to, diabetes, epilepsy, legal blindness, or cardiac conditions, while others are “invisible,” as learning disabilities, psychiatric disorders, alcoholism and drug abuse (not current use).

Some students readily identify themselves as having disabilities, but many others do not, out of embarrassment, fear of stigma, or denial of the existence or effect of the condition. Those students may later self-identify in a panic, as they see good grades slipping away. Faculty may make, at their discretion, modifications within their courses as they see fit. However, when modifications are made, faculty should inform the Coordinator of Student Disability Services of said modifications. No modifications that are labeled “accommodations” should occur without authorization from the Coordinator of Student Disability Services.

If faculty suspects a student may have an undisclosed disability, faculty should privately discuss the matter with the student. If the student acknowledges a probable disability, the student should be referred to the Coordinator of Student Disability Services.

The student who asserts a disability that requires accommodation must submit supporting documentation from the appropriate professional(s) to the Coordinator of Student Disability Services. The documentation must demonstrate how the disability affects the learning situation for which the student seeks accommodation and that information must be shared with the faculty member(s) whose courses are involved in the requested accommodation. The Office of Student Disability Services will notify the faculty affected of the accommodation granted in a form that identifies the student, as well as any additional information that will assist the faculty in providing reasonable accommodation.

If the student appears to have difficulty with the granted accommodation, faculty should inform the Coordinator of Student Disability Services so that the interactive process can continue in order to arrive at an appropriate accommodation.

The programs and activities must be offered in the most integrated setting appropriate to the needs of the qualified student with a disability. The qualified individual with a disability must be provided with an opportunity to participate in or benefit from the program or activity that is equal to that offered to others; the opportunity cannot be less effective, different, or separate from that offered to others except in limited circumstances.

The academic institution is not required to make fundamental or substantial modifications to affect the substance of its programs, lower academic standards, or encroach on academic freedom.

The primary responsibility for identifying disabilities and adjusting the learning environment rests with the student, but the cooperation of and communication by faculty, Coordinator of Student Disability Services, and other relevant professionals facilitates compliance with the laws. All efforts to meet with
the student, determine the effective accommodation, administer the accommodations, and assess the effectiveness of that accommodation should be carefully documented.

**ACCOMMODATIONS:**

An accommodation for a disabled student should be provided in the most integrated setting feasible, one that permits the student to obtain the same result, gain the same benefit or reach the same level of achievement as other students. ADA and Section 504 are not intended to confer benefits on the disabled, but rather to eliminate unfair burdens. An accommodation that would fundamentally alter the nature of the service, program, or activity is not reasonable and need not be provided.

An accommodation proposed by a student with a disability may not be summarily denied, but requires consideration of the individual issues. The Chief Diversity Officer and the Coordinator of Student Disability Services are available for consultation on accommodation issues, as is the President’s Advisory Committee for Students with Disabilities. There is a dispute resolution process, included as an addendum to this document.

Examples of accommodation, or academic adjustment, found to be reasonable and effective include, but are not limited to:

- Additional time to complete degree of course work,
- Modification to the instructional method,
- Substitution of required, but non-essential courses,
- Extended quiz and test time,
- Distraction reduced environment for quiz and test administration,
- Alternate forms of test taking, e.g., oral examination rather than written,
- Provision of test accommodations such as large print test, Braille text, readers, transcribers, take home tests,
- Tape recording of classes, assistive listening devices,
- Texts on tape, qualified interpreters
- Note-takers, and
- Flexibility in class schedules, deadlines, course load reduction.
The University is not required to provide personal care attendants or tutors to a greater extent than those provided for non-disabled students.

LEARNING DISABILITIES, ATTENTION DEFICIT DISORDER, AND ATTENTION DEFICIT HYPERACTIVITY DISORDER:

A. Learning Disabilities (“LD”)

Learning disabilities are one or more of a diverse group of conditions, presumably neurological in origin, that cause significant impairments to perception and/or processing of auditory, visual, and/or spatial information. The expression of these conditions widely varies. The most common learning disabilities are dyslexia (reading), dysgraphia (writing), and dyscalculia (mathematics).

Persons with LD are likely to have average to superior intelligence. One of the ways that LD is diagnosed is the discrepancy between intellectual capacity and achievement.

In general, the student with a learning disability can succeed academically through the use of adaptive teaching and learning strategies, but it is crucial that the specific disability is identified, and that documentation from a professional and the student’s own experiences are part of the process of making effective adaption.

B. Attention Deficit Disorder (“ADD”)/Attention Deficit Hyperactivity Disorder (“ADHD”)

ADD and ADHD are likely neurologically based conditions that impair the student’s ability to attend and focus. The typical symptoms are distractibility, restlessness, lack of focus or concentration, disorganization, and lack of follow through for tasks. As with LD conditions, intelligence is typically average to superior, but the student may be a chronic underachiever. Accommodations for ADD/ADHD are similar to those utilized for LD students, but, as always with disabilities, the reasonable and effective accommodation is determined in consultation with the student.

Possible accommodations for learning disabilities include, but are not limited to, the following:

- Provide the course syllabus and book list in a form the student can comprehend, including reading aloud into the student’s tape recorder.
- Provide outline or notes of lectures, written or read aloud into the student’s tape recorder.
- Allow extended time for tests and written assignments.
- Permit the student to tape record class lectures and discussions.
- Assist the student, with Student Disability Services help, to find note takers.
- Permit the student to be evaluated in a format that allows him/her to demonstrate knowledge of the subject without undue interference from the learning disability.

**PSYCHOLOGICAL AND PSYCHIATRIC DISABILITIES:**

These disabilities may be the most challenging for students and the University to effectively address. Psychological or psychiatric disabilities may manifest themselves in various ways, some of which interfere with the student’s ability to think, learn, and/or effectively communicate. To accommodate a student with an emotional or mental illness, one must know what the present effect of the disability will be on the student’s functioning in class, what behaviors may be exhibited, and what side effects from any medication may impact on the student’s learning. Faculty and student in conjunction with SDS need to discuss strategies and academic adjustments that will accommodate the disability without altering the core requirements of the course.

The law requires that the University provide reasonable accommodations only to the known mental or physical limitation of a student with a disability who is otherwise qualified. That is, only students who present adequate documentation of a disability should be accommodated. If faculty observes behavior that appears unusual, the student should be referred to Student Disability Services and/or Counseling and Wellness Center, but the faculty should refrain from diagnosing, labeling, or treating the student as if disabled.

A student with a mental disability is subject to the same student code of conduct as non-disabled students. Students whose behaviors are disruptive may be referred to the Counseling and Wellness Center, in addition to, but not in lieu of, the Campus Judicial Office. A student whose behavior constitutes a direct threat, i.e. abusive, threatening, aggressive behavior, -should be reported immediately to the dean of the appropriate school, and campus police as necessary. The United States Supreme Court has recognized the need to balance the interests of people with disabilities against legitimate concerns for public safety. The Court’s test of whether a person poses a direct threat is designed to avoid determinations based on generalizations or stereotypes. The University must conduct an individual assessment of the student based on current medical opinion or the best available objective evidence to determine: The nature, duration, and severity of the risk; the probability that the potential injury will actually occur, and whether reasonable modifications to policies, practices, or procedures, will mitigate the risk. (Source: Department of Justice, 28 C.F.R. 35, Sub part A)

**TYPES OF PHYSICAL DISABILITIES AND POSSIBLE ACCOMMODATIONS:**

The suggested accommodations listed below are not the exclusive means, but are intended to facilitate the interactive process with the student. The student is generally the best source of information to determine the effective academic adjustment.
A. Students with Visual Impairments

Individuals are considered legally blind when visual acuity is 20/200 or less in the better eye with corrective lens use, while persons considered blind may have some light and shadow perception but are unable to use vision to facilitate learning.

Modifications which may be effective:

- Provide reading lists and syllabi for audio taping or brailing.
- Assist the student, with Student Disability Services, to find readers, note takers, and/or tutors, or team with a sighted student.
- Seat low vision students close to blackboard, screen, or other visual display.
- Provide sufficient space for service dogs.
- Face the class when speaking.
- Read what has been written on the board or screen and describe other visual materials used.
- Allow lectures to be audio-taped.
- Provide copies of lecture outlines, and notes where appropriate.
- Be flexible about deadlines.
- Consider alternate assignments, in consultation with the student.

B. Hearing Impaired Students

Hearing loss is the most frequent chronic physical impairment in the United States. The losses range from mild to total. The age of onset often significantly impacts on the severity of the impairment, and those who lost their hearing prior to the development of speech generally are the most disabled. Because they have never heard language, these students are likely to have speech and reading deficits.

Some, but not all, hearing-impaired students are able to lip read, but even when highly skilled, the lip reader misses more than half of what is said. Sign language is the primary form of communication for the severely and profoundly hearing impaired.
Suggestions:

❖ Permit the student to sit close to the speaker, or to the qualified interpreter.

❖ Write key points on the blackboard and provide written copies of the material used.

❖ With Student Disabilities Services, assist the student in identifying a note taker and/or a hearing partner.

❖ Provide the student with copies of outline, lecture notes, supporting documentation, and other devices that replace the auditory classroom information.

C. Mobility and Manual Dexterity Impaired Students

Students with gross motor deficits, those who ambulate slowly, use canes, crutches, wheelchairs, braces, prostheses, are challenged on our campus by its physical conditions. Most of the buildings, sidewalks, parking lots and garages pre-date the ADA and have been “retro-fitted” to the degree possible. Because of these challenges, Student Disability Services tries to arrange classes for mobility-disabled students to minimize problems of going from one class to another. Occasional lateness may occur, but if the disabled student is frequently late, faculty should consult with the student to determine the problem and then seek an appropriate solution.

Students with impaired manual dexterity may need such modification as a note taker, audiotape of lectures, a student-partner, oral examinations, or extended test times.

The physically impaired person may have great difficulty with library and research assignments. Student Disability Services should be notified of assignments that may be problematical and faculty should be flexible with deadline and formats.

D. Other Medical Conditions

There are numerous medical disorders that are chronic, or permanent, that may be covered disabilities. Those disorders include, but are not limited to, cerebral palsy (“CP”), traumatic brain injury (“TBI”), multiple sclerosis (“MS”), and epilepsy. Depending on the expression and severity of these conditions, accommodations may be required.
CONCLUSION:

Federal and state laws provide broad civil rights protections for person with disabilities. The statutes not only prohibit discrimination, but also demand accommodations are made to provide equal opportunity to participate in the agency’s programs, services, and activities, unless it is an undue hardship or fundamental alteration. Providing an undue burden is difficult for the university because all available state resources are considered. Some courts have demonstrated deference to higher education institutions where there is evidence of at least a rational determination that an essential part of the academic program would be altered. However, other courts look for evidence that the higher education institution “conscientiously considered” the impact of the proposed accommodation.

As evident from the foregoing material, cooperative efforts and effective communication among SDS, faculty, students, and other officials is necessary to meet the legal standards set out for the university. As one court notes, in order to be granted deference for its academic decisions, the university bears a “weighty responsibility” in considering requested accommodations. This responsibility should be shared and appropriate support provided to the participants.

Questions and concerns may be directed to:

Natalie Stimpson-Byers, Coordinator of Student Disability Services, Copernicus Hall, Room 241, 860-832-1957; Email: Byers@ccsu.edu;

Moises Salinas, Chief Diversity Officer, Davidson Hall, Room 102, 860-832-1653; Email: MoisesM@ccsu.edu