



Cornell University
Student Disability Services

Bulletin on Student Disability Issues for Cornell Faculty

August 2012

This information is being provided to ensure that members of the Cornell Faculty are well-informed about federal disability laws and the rights of students with disabilities.

Who Provides Testing Accommodations?

Instructors are responsible for providing testing accommodations for students in their courses (except at the Law School). The resources available for proctors, testing rooms, and scribes vary by the college or school from which the course is offered. In some colleges, departmental staff will assist instructors with identifying rooms near the testing location for accommodated testing. In courses where TA's are used, the TA is often assigned to proctor the exams for students who need a reduced-distraction testing environment or extended time. Students should not be assigned to take an exam in a lounge or open area that is not quiet and conducive to concentration. The SDS office will assist with testing accommodations in circumstances where students need specialized disability assistance.

Accessible Classroom Technology

The Departments of Justice and Education (DOJ&E) share responsibility for oversight of compliance by universities with federal disability laws. The DOJ is responsible for enforcement and implementation of Title III of the Americans with Disabilities Act of 1990 (ADA) as amended in 2008, which covers private colleges and universities. The DOE enforces Section 504 of the Rehabilitation Act of 1973 (Section 504). The use of technology, when used by public entities as part of their programs, services, privileges, advantages, or goods is covered by both the ADA and Section 504.

The DOJ&E issued a "Dear Colleague" letter regarding Electronic Book Readers to colleges and universities on June 29, 2010 expressing concern about the use of classroom technology that is inaccessible to students with visual disabilities. The letter speaks specifically about the use of electronic book readers, and more broadly about the responsibility to ensure that individuals with disabilities "can acquire the same information, engage in the same interactions, and enjoy the same services . . . with substantially equivalent ease of use." While accommodations can be provided to achieve accessibility if a technology is not fully accessible, the accommodations must afford an equal level of effectiveness and be provided in an equally integrated manner. This obligation is applicable to all uses of technology, including pilot programs, online programs and those contracted by a third party.

The DOJ&E determined that the use of technology in a classroom that is inaccessible to a category of persons with disabilities is discrimination, which is prohibited by the ADA and Section 504.

The message to be taken from the "Dear Colleague" letter is that all planning and consideration of the use of emerging technology must include the accessibility features with the end goal of ensuring accessibility from the initial stages of its use.

You can read the "Dear Colleague" letter and the Q & A's issued by the DOJ&E at:
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html>.

Support for Providing Captioned Video

Kaltura, the Video Platform Service used on Blackboard has support for closed captions allowing for accessibility for students who are deaf/hard of hearing. The staff in IT's Academic Technologies Center (ATC) can facilitate the captioning and synchronizing of video content used on Kaltura. If closed captions are needed for a student with a disability, SDS will support the cost of the captioning. An optional video player is also available that has controls that are accessible for persons with disabilities that affect one's ability to use a computer keyboard. Contact ATC at:
atc_support@cornell.edu

Timely Notice

It is a recognized principle in disability compliance in higher education that universities can establish reasonable procedures for requesting accommodations. At Cornell, these procedures require the student to:

- Submit current disability documentation to SDS that provides evidence of impairment and the need for accommodations.
- Upon approval for accommodations, provide an SDS accommodation letter to the instructor in a prompt and timely manner.
- Take the steps needed to facilitate the accommodation process in the course.
- Contact SDS if the accommodations provided are ineffective or there are disability-related conflicts or acts of discrimination.

The SDS staff informs students who are currently registered with our office that accommodation letters should be given to instructors within the first two weeks of classes.

The SDS staff tries to meet with incoming students within the first three weeks of the term. New students, and those who register throughout the year, may request accommodations after the first two weeks of the semester.

How much notice is needed by the instructor depends on the course and the resources of the instructor and the department. Instructors can set their own procedures and expectations of notice as long as they can demonstrate that the procedures are reasonable and necessary for the provision of effective accommodations.

Instructors are not expected to make or change arrangements for accommodations for last minute requests. Students often learn the importance of addressing disability issues early when an instructor holds the student to a reasonable standard of timely notice.

What to do with a student when . . . A Case Review

A student gave you an accommodation letter from SDS for testing modifications on the first day of the semester. She then missed several classes and assignments with no communication with you. Midway through the semester the student sent you an e-mail explaining that her absences were due to depression. She provided a brief, vague letter from her physician and asked if she could submit three late assignments. By return e-mail, you reiterated the course policy, which is detailed in the syllabus, of "no late assignments" because assignments are discussed in the following class. The student acknowledged her understanding of this policy in a return e-mail. No further discussion regarding missed work ensued.

After the semester ended and final grades determined, the student provides you with a letter from her therapist that indicates the student has a disability and requests that you modify your grading guidelines to accommodate the student's disability. What should you do? What might you have done earlier?

Whenever a student, or someone on his/her behalf gives you information from a medical provider and/or is requesting new modifications to course policy or procedure outside of the SDS process, refer the student, along with the documentation, directly to SDS. This practice will protect you from potential discrimination complaints and help the student by directing them to use Cornell's established disability procedures. If SDS determines that additional accommodations are needed that would require a change in course policies, the SDS staff will consult with you.

In general, accommodations are not provided retroactively. The purpose of accommodations is to remove barriers by putting modifications, auxiliary aids and services in place early to mitigate the impact of the disability as the student moves forward from the time of registration with SDS.

Learn more about teaching students with disabilities

The recently updated *Faculty Resource Guide to Teaching Students with Disabilities* has information about types of disabilities and their impact on student learning. The guide also has suggestions for inclusive instructional strategies that help all learners and reduce the potential need for individual accommodations.

The guide, along with other helpful information, can be found on the SDS website at sds.cornell.edu/faculty



Best Practice: Using a syllabus statement

Put a statement on your syllabus with information for students with disabilities, such as:

Students with Disabilities:

Please give me [TA, Course Coordinator] your Student Disability Services (SDS) accommodation letter early in the semester so that I have adequate time to arrange your approved academic modifications. Meeting with me in my office hours will help ensure confidentiality. If you need an immediate accommodation for equal access, please speak with me after class or send an email message to me and/or SDS at sds_cu@cornell.edu. If the need arises for additional accommodations during the semester, please contact SDS. [Revised July 2012]

If you have questions about accommodations, please contact the SDS staff. Our goal is to help identify effective solutions for access challenges.

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