

Accommodating Students with Disabilities:

A Handbook for University of Virginia Faculty and Staff

President's Message

To Faculty, Students, and Staff:

The University of Virginia does not discriminate in education or employment on the basis of age, color, national origin, religion, sex, or disability. Affirmative action and equal opportunity programs, including grievance procedures, meet all federal and state laws. The University seeks to accommodate its academic programs, related student support services, and facilities to the needs of persons with all types of disabilities. The University further aims to ensure that employment opportunities are not denied to such persons. The University has made a substantial commitment to meeting the requirements of Section 504 of the Federal Rehabilitation Act of 1973 through construction designed to increase the accessibility of our buildings. We have also created a faculty-student-staff advisory committee on interests of persons with disabilities. The committee examines issues related to access to facilities, and other matters of interest to persons with disabilities.

Four University documents are especially relevant to the concerns of persons with disabilities. They are the "Institutional Self-Study on Access to Programs by the Handicapped" (June 1978), the "Transition Report on Removing Architectural Barriers to the Handicapped (December 1977, revised April 1986), "A Plan for Equal Access" UVa's Transition Plan (1993), and "A Plan for Equal Access: Vol. I & II," UVa's Self-Evaluation (1995). Copies of these reports are available in the offices of the deans and vice presidents.

I urge the entire University community to join the effort to make our facilities and programs accessible to all of our members, including those with disabilities.

John T. Casteen, III

Coordinator's Report

The University of Virginia is committed to making its educational programs and opportunities fully accessible to students with disabilities. We have put in place systems and adequate support services to fulfill our commitment. Notwithstanding, each year we must be ready to work with our students to anticipate and meet their changing needs. Each year the number of students that we serve with disabilities will grow as advances in medicine, science, education, and society enables students previously excluded the opportunity of higher education.

The faculty's active participation is essential to ensure that our classes and programs are accessible. This booklet provides educators with information about certain disabilities, pertinent laws and University resources. There are many other sources of support for faculty. The Learning Needs and Evaluation Center plays a major role assisting students and faculty in the development of accessible academic programs. The center provides testing, auxiliary aids and other support services for students and makes recommendations to faculty as to the range of options for reasonable accommodation of students with disabilities.

Just as we employ new teaching strategies and technologies to enhance the experience of all students in a class, we need to modify when possible our instruction in order to share our knowledge with students with disabilities. Without such accommodation, these students may not be able to take full advantage of the educational opportunities at the University. The support of faculty is essential for the creation of an environment that values and welcomes diversity.

Brad Holland
Section 504 and ADA Compliance Officer and
Coordinator of Services for Students with Disabilities

Foreword

More than 15 years after being signed into law, the Americans with Disabilities Act (ADA) has continued to shape the experiences of students, faculty, and staff at the University of Virginia. As educators and potential employers of persons with disabilities, colleges and universities have increased access to their facilities through construction and renovation, in-class accommodation and assistive technology. Post-secondary education can provide the preparation to take full advantage of employment opportunities in business, industry and the professions. In order for students with disabilities to benefit from this preparation, University faculty and staff must all take part in creating an institution that provides equal access to learning, programs, and services for individuals with all types of disabilities.

This handbook is designed as a guide to help faculty members, administrators and staff understand their critical role in reasonably accommodating the needs of students with disabilities. Students with disabilities and faculty members each have rights and share responsibilities in identifying appropriate accommodations. This electronic handbook serves as a preliminary guide to address common questions about teaching students with disabilities. It is also intended to identify and encourage use of a network of persons who regularly provide guidance and help resolve problems associated with implementing accommodations. Contact numbers are provided throughout the document, and also in the "Contact Information" section at the end of the document.

Background and Legal Requirements in the Postsecondary Setting

The Americans with Disabilities Act and Section 504 of the Rehabilitation Act are both designed to make sure that people with disabilities have equal access to public services and programs. In the post-secondary environment, colleges and universities must "level the playing field", but are not required to guarantee that a student will reach his/her potential or achieve academic success. Grade, middle, and high school students with disabilities operate under additional laws, some of which mandate a greater role in a student's academic success. Disability-related procedures at UVA, therefore, can represent quite a change for incoming students.

Specific examples of accessibility requirements in the postsecondary setting include building a ramp so that students in wheelchairs can get to their classrooms, providing sign language interpreters for deaf students during lectures, and giving extra test-taking time to a student with learning disabilities to make sure that they have sufficient time to read an exam. By contrast, accommodations would not be provided to ensure that a student gets a "B" instead of a "C" on an exam.

Definition of a Disability

Legally, an individual with a disability is defined as anyone with a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, working, or learning.

For instance, at a university, a student with a learning disability might be able to do math and write at the same level as other students, but might have a specific weakness in reading that causes him or her to misperceive letters or words. The student is capable of understanding the content of the reading, but may do so more slowly, or need to get the information through a different or additional media (for example, listening to books on cd while following the text on a computer screen).

A student with low ability across all measured areas of intellectual functioning is not considered to have a learning disability—the weak learning area has to stand out as substantial and much lower than other abilities. Additionally, a student whose lowest abilities are equivalent to those of the average American adult, even in the presence of much greater abilities in other areas, would also not be considered disabled. The decision about whether a learning disability is present is usually based on at least three factors: the presence of around or below average current diagnostic test scores in a specific learning area, history of problems in that area, and evidence that the weakness is still currently present from contextual information (school reports, grades, parents' input, etc.) Determination of psychiatric, physical, or medical disabilities is also based on current functioning and applicable history, as well as verification of the condition and its impact on current functioning through medical, psychological or other appropriate documentation.

An important concept to understand related to disability accommodations is “otherwise qualified”: At universities, disability accommodations are provided to people who meet admission requirements including having the academic ability to learn the core information from their courses and apply it as required. This is what the term otherwise qualified means, and the standards are no different from those to which all students are held. For students with disabilities, however, the university must remove barriers to learning that are less related, or unrelated to the most important course information. An example would be a student with a visual impairment who is perfectly capable of studying and understanding Greek literature, but who can’t see the pages of the book to undertake that study. Understanding the literature is essential, seeing the pages of the book isn’t because seeing isn’t related to understanding the material. By contrast, if the same student wanted to drive one of the university buses, but can’t see well enough to get a license, the university is under no obligation to provide accommodations that let the student drive the bus anyway. In that case, seeing the road is essential. The fact that the student with a disability has been admitted to UVA implies that this student has the same rights as other students to participate in university programs, courses, and services with reasonable accommodations that do not interfere with the academic integrity of the institution. The student may or may not succeed in a particular course for a variety of reasons, but they are qualified to be at UVA, and are not being given special advantage in order to make up for general lack of ability.

The ADA protects four broad categories of people:

(1) People who currently have a disability

A disability is a physical or mental impairment that substantially limits a major life activity. Conditions that may be considered a disability include but are not limited to:

- Anxiety
- Attention Deficit/Hyperactivity Disorder
- Cancer
- Cerebral palsy
- Deafness/Hearing Impairment
- Depression
- Diabetes
- Epilepsy
- Heart Disease
- Learning Disorders
- Multiple sclerosis
- Muscular dystrophy
- Orthopedic, speech, or visual impairments

What this means at UVA: right now, the largest group of students that the LNEC serves are individuals with learning or attentional disorders (65% or more), followed by students with psychiatric disabilities (20-25%), and medical or physical disabilities

including students with hearing and vision problems (about 15%). These numbers don't add up to 100% because some students have more than one condition.

Things that are not considered a disability (but may be covered under other laws or guidelines):

Problematic personality traits such as quick temper or poor judgment that are not the result of a diagnosed physical or mental condition

Disadvantages related to finances, environment, or culture

Current, ongoing drug abuse or conditions associated with ongoing drug abuse

A particular sexual orientation

Sexual behavior disorders

Personal attributes such as age, hair color, or being left or right handed

Compulsive behaviors like gambling, stealing, or fire-setting

(2) People who are regarded as having a disability

This category prevents discrimination based on assumptions that employers, educators, or others might make when they learn that an individual has a particular condition.

What this means at UVA: Let's say that you have had students with learning disabilities in your class in the past, and have found that they have struggled. Because you don't want to see students set themselves up for failure, you actively discourage students who identify as learning disabled from taking your class. In this case, even though your intentions are good, your actions are discriminatory. You probably already know you would be discriminating if you discouraged first-generation American students from taking your very difficult course because you know that some first-generation groups are statistically more likely to have come from an impoverished educational background that would have improperly prepared them for your class. The same principle applies to students with disabilities—you can't act on assumptions or stereotypes about a particular group.

Nothing about having a disability, however, should automatically prevent a student from failing a course if they do badly. Any student who meets the prerequisites for your class has the same right as all UVA students to enroll and put forth his/her best effort to succeed. However, you should grade students with disabilities using the same standards you use for any other student. Similarly, students with disabilities should be held to the same standards of behavior, attendance, participation and honor as other students, even if their condition interacts with those things. The exception to this is when a specific disability accommodation directly requires modification in something like attendance. Even in those cases, however, accommodations should not interfere with the most important requirements of the course, or excuse the student from any of the coursework.

(3) People who have a past history of mental or physical impairment

What this means at UVA: This entry relates to the one above; you can't discriminate because of problems you think might be there based on past conditions or disabilities. It would be discriminatory, for instance to act differently towards a student based on an assumption that his history of depression might cause him to miss class or participate poorly.

(4) People who have an association with, or are caring for another person with a disability

What this means at UVA: Because of the median age of the student population here, this one is not often an issue, but the general idea is to avoid discriminating against a person because, you think they'll have trouble meeting your course requirements due to the amount of time they must give to caring for someone with a disability. If, however, the person takes your course and does have trouble meeting course requirements, then you should evaluate that student just as you would any other. The idea is that you don't assume there will be a problem in advance just because someone is acting as a caretaker to an individual with a disability.

Reasonable Accommodations

Because accommodations are handled on an individual basis according to specific areas of difficulty, there are no specific sets of accommodations that are automatically assigned to a particular condition or diagnosis. Two students with identical diagnoses may have very different strengths and challenges; therefore, they will need different accommodations to ensure access. Some frequently provided accommodations include the following:

Priority course enrollment

Screen reading software programs or other special computer equipment

Alternate formats for textbooks or other course material (e.g., books on cd)

Extended time, readers, and/or scribes for exam taking

Reduced distraction environment for exams

Sign Language interpreting

Computer Assisted Realtime Transcription

Captioning of Video material

Peer note taking assistance

FM systems (assistive amplification device) for lectures

Preferential seating

Use of word processor for exams requiring significant writing

Considerations of alternate courses for foreign language requirement

Permission to tape record classes

Modification of seating, furniture, or class location to ensure access

Reasonable accommodations should not cause a significant burden on faculty, staff or other students. Each semester, the LNEC provides students with disabilities with letters

to their professors and instructors that list accommodations they will need in each class. These letters are called accommodation “memos”. The student should provide the memo to each instructor at or near the beginning of each semester, and initiate a conversation with the professor about how the accommodation will be put in place. If the process of implementing an accommodation is difficult or unclear for any reason, the instructor or student should contact the Learning Needs and Evaluation Center/Disability Services for assistance (see below for contact information). Professors and instructors are NOT required to provide any accommodation unless it is specifically listed on the LNEC accommodation memo, even if the student reports needing it. If in doubt, contact the Learning Needs and Evaluation Center for help in deciding if additional requests are reasonable or supported.

The Purpose of the Learning Needs and Evaluation Center/Disability Services (LNEC) at UVA

The main purpose of the Learning Needs and Evaluation Center/Disability Services (LNEC) is to make sure students with disabilities have the same chance for success (defined as average performance or better) as students who do not have disabilities. The LNEC does this by making sure that students with disabilities are able to access learning materials, buildings, services, and programs at UVA. Once reasonable access is provided, it is up to the student to do the necessary work—the LNEC helps make sure they have the chance to do it.

The LNEC accomplishes its mission by:

- Reviewing extensive information about students, including documentation related to their ability to learn, their health, or their psychiatric information. From this review, the LNEC determines whether a condition or diagnosis has substantial enough manifestation to meet the criteria for disability.
- Approving appropriate and reasonable accommodations that don't interfere with the basic requirements of courses or university values or missions.
- Working with students, faculty and staff to put accommodations into place.
- Acting as a liaison with other University departments to coordinate non-classroom accommodations such as transportation or electronic texts.
- Providing consultation about disability and supportive assistance for departments, faculty, staff, and guests of the University.
- Encouraging students with disabilities to self-advocate, while recognizing that they may need some help doing this because the process is new to them or the problem is in the larger system.
- Serving as a liaison and resource to the University community, prospective students and parents, other institutions of higher learning, and state and federal agencies regarding disability issues.
- Preliminary testing for students who are having academic difficulties caused by uncertain factors. For instance, if a student is having trouble understanding professors' lectures, or knows class material but never has time to finish tests, then the LNEC may be able to help the student begin sorting out why.

When to contact the LNEC/Disability Services

Questions about how to implement particular accommodations: the LNEC can help you figure out logistics related to such things as finding available space for extended time for exams, or addressing a lack of volunteers for peer note taking. Sometimes you may have a better idea for meeting a student's need than implementing an accommodation in the usual way (for instance, professors who have their TA's take notes on a laptop may want to provide these electronically to students with disabilities rather than soliciting peer note takers). The LNEC encourages professors and instructors to call and suggest alternate ideas for meeting accommodation needs, as this is a way that good solutions can become available to all students with disabilities.

Determination of whether an accommodation is reasonable: if you are concerned that an accommodation will place too much of a burden on you or other students, or if you are worried that it is interfering somehow with core course requirements, call the LNEC. They may have alternative ideas, or, in rare cases, it may be that the accommodation can't be applied. *If you are considering denying an accommodation which the student has requested with appropriate documentation, always consult with the LNEC first, even if you think the student will accept your decision.*

Referral of a student for evaluation: if a struggling student (non-disabled or disabled) comes to you for help and would like more information about the source of his/her problems, the LNEC is often a logical place to start. Professors and instructors should be careful not to make judgments or offer advice that makes assumptions about whether a student has a particular diagnosis or disability. For instance, if a student is concerned because he can't finish tests within their time limits no matter how hard he studies, don't tell the student that he should go to the LNEC because he might have a learning disorder. Instead, suggest in a neutral way that the LNEC is a resource that can help students understand and address academic struggles.

Test proctoring/space: the student should take the initiative in approaching you about making alternate exam arrangements well in advance, but you will need to help him or her figure out how to make that happen. The LNEC can serve as a resource to you in this process.

Any questions at all: the LNEC will engage in frank dialogue with you about your concerns or curiosities, even if you think your question might be silly or politically incorrect. Some straightforward questions the LNEC has answered in the past: "What do I do if I don't have anyone to proctor a special exam administration?", "Are learning disordered students just low ability students?", "How can I teach this stuff to someone who can't see?" "Is this student just using accommodations to get away with something?"

Student Responsibilities:

- Present documentation to the LNEC that conforms to published guidelines
- Meet with LNEC staff
- Request accommodations in a timely manner—if the student requests an accommodation at the last minute (e.g. requesting extended time the day before an exam that you told the students about at the beginning of the semester), you aren't required to provide it. You should decide ahead of time, however, how you will provide extended time if you know you are going to be giving pop quizzes or other unscheduled evaluations.
- Deliver accommodation letters to faculty—even if the student is approved for an accommodation in your class, you are not required to provide it if s/he does not give you the letter (“memo”) from us and talk with you about how the accommodations will be arranged.
- Discuss accommodations with faculty—usually this is done when the student gives you a memo.
- Bring problems to LNEC—students are told many times and in many different ways that they are responsible for telling the LNEC as soon as possible if they are having a problem with their accommodations. If, for example, a student comes to you and says that s/he can't take the final because the LNEC hasn't been providing notes all semester the way they were supposed to, you should call the LNEC rather than trying to help the student compensate for the situation. If the student never told the LNEC that the notes were not coming in and is just bringing it up as a problem at the end of the semester, the LNEC is very likely to let the student and you know that the student shouldn't be excused from any course requirements and should have to take the exam.

Faculty/Staff/Instructor Responsibilities

- Establish your policies related to disability accommodations in advance and present them to your students at the beginning of each semester: although the LNEC encourages all students receiving accommodations to request memos and discuss any necessary accommodations with their professors at the beginning of each semester, faculty can assist in this process. We strongly encourage the use of syllabus statements, similar to the sample below. This will help make sure that students requesting accommodations for a disability do so early, and go through the LNEC. In turn, this will help you feel more certain that only students qualified for accommodations are receiving them. A syllabus statement will also help prevent later arguments; for example, a student might argue that you never told her that she had to get a formal accommodation memo from the LNEC before she could have extended time for a test, therefore, you should provide the

accommodation informally. If you have a syllabus statement, you can show that the requirement was presented to her in writing at the beginning of the semester.

Sample Syllabus Statement

*Disability Support Services: It is the policy of the University of Virginia to accommodate students with disabilities in accordance with federal and state laws. Any student with a disability who needs accommodation, for example in arrangements for seating, extended time for examinations, or note-taking, should present the appropriate paperwork (i.e., an accommodation memo) from the Learning Needs and Evaluation Center (LNEC) and follow-up with the instructor about logistics and implementation of accommodations. If you, as a student with a disability, have difficulty accessing any part of the course materials or activities for this class, please notify the instructor immediately. Accommodations for test-taking should be arranged at least **X business** days in advance. A student's academic dean is also available to assist with accommodations, particularly for temporary or emergency situations. Students with disabilities are encouraged to contact the LNEC: telephone 434-243-5181, TTY 434-243-5189, or via the Web at <http://www.virginia.edu/studenthealth/lneec.html>.*

A syllabus statement represents not only a response to Federal expectations but also a desire on the part of the institution to meet its own commitments to students with disabilities.

- Provide the approved accommodations, or contact the LNEC if you believe there is a reason you shouldn't: actions such as trying to establish on your own whether a student "deserves" accommodations or refusing to provide accommodations because they are too much trouble or you don't believe particular conditions merit them can cause agonizing problems for a student with a disability, and can set you and the university up for legal challenges. See section below for more information about appealing accommodations.
- Provide the accommodations in a matter of fact way, as a normal part of your teaching process: don't imply or say that the accommodations are a special privilege or inconvenience.
- Protect the privacy of students with disabilities: don't disclose to other students that a particular student has a disability, or draw attention to that student for being "different". Also, a student is not required to tell you what his/her disability is, so you shouldn't ask. Students requesting accommodations will have already disclosed their conditions to the LNEC, and do not need to further disclose to professors or instructors. However, they must provide formal documentation (an LNEC memo) before you are required to meet their accommodation needs.

Suggestions for Working with Students with Various Types of Disability

The list of possible academic accommodations is unlimited, and accommodations are approved according to individual needs. Below are suggestions for working with students with any type of disability in the classroom. These are followed by suggestions for working with students with specific conditions or concerns. Professors may or may not know the specific nature of a disability, as some conditions are apparent while others are hidden; some students disclose details, and some choose not to. The Learning Needs and Evaluation Center (243-5180) can provide additional ways to address specific disabilities and/or situations.

For All Students with Disabilities

- Students are required to discuss their accommodation needs with you in advance, but they are not required to disclose the nature of their disabilities. You can certainly ask about ways you can be helpful, but don't ask about the specifics of their condition. If they volunteer information, you can respond to that.
- Make your textbook/course material selections as soon as you know you are teaching a course. It can take some time to translate a printed text to cd or other formats—if you wait until the first day of class to designate texts, then it may be several weeks before a student with a disability has a text available.
- Use a syllabus statement to encourage students to arrange accommodations early (see faculty/staff/instructor responsibilities section above for a sample syllabus statement).
- Expect some students to need peer note takers or a tape recorder in the classroom. In the event that you are planning to publish your lecture notes and are worried about having the lectures taped, you can have the student sign a release form agreeing not to release the tapes or otherwise hinder your attempts to copyright the lectures. The LNEC can help you format such an agreement if needed.
- Provide assistance interpreting graphics or pictures (or seek assistance of the Learning Needs and Evaluation Center for this service).
- Make requests for peer note takers as soon as a student has provided you with documentation of this need. Along with an accommodation memo (a letter to you from the LNEC designating disability needs), the student will also provide you with instructions about arranging a note taker for the class.
- Beyond academic accommodations, if you offer extra assistance of some sort to a student with a disability, wait until the offer is accepted. Then listen or ask for instructions. Most students will be thoroughly aware of what they need, and will

already have a plan to get the need met. Avoid being overly solicitous or drawing unnecessary attention to the student—they will let you know if they need help.

- Be patient. Some disabilities may cause a student to take longer to communicate or do a particular task. Don't be afraid to ask a student to repeat him/herself if you don't understand. Don't finish sentences for the person, or pretend to understand when you don't. Speak directly to the student, and not to the interpreter, classmate, or companion.
- When planning special events or activities outside of the classroom, think well in advance about accessibility needs for students with disabilities. Contact the LNEC if you are not sure how to make the event or activity accessible.
- Provide important class information such as exam or due dates in several formats—e.g. a syllabus, plus class announcements.
- Expect some students with disabilities to need extended time and/or a reduced distraction environment for testing. Think about how you might implement this.
- No disability accommodation is meant to be an undue burden; contact the LNEC for ideas if room space or time considerations are making special exam administrations difficult.

Some possibilities for arranging extended time include:

- For large classes, a separate time and location for extended time testing may be useful
- If a student just needs extended time, but not a reduced distraction environment, have him/her do the exam with the rest of the class, collect the exam, and then give it back to him or her after other students have exited to use the rest of the time available. The exam could be completed in the classroom, your office, the library, or anywhere else that is convenient
- Use the honor system—tell the student to take the exam in the library, at home, or wherever
- Have your TA proctor a separate administration
- Contact the LNEC for special considerations related to midterms or finals.

For Students Who Are Blind or Who Have Visual Impairments

- Read information aloud as you write it on the board/overhead

- Provide assistance interpreting graphics or pictures (or seek assistance of the Learning Needs and Evaluation Center for this service).
- Provide copies of handouts to the LNEC well in advance of when they are needed so that they can be translated to alternate formats where required
- In small classes, say the name of the person with whom you are speaking when responding to questions so the student with a visual impairment knows who is participating.
- Guide dogs must be allowed in nearly all public places and situations. They are extremely well-trained and shouldn't disrupt your class. Let them do their job by not drawing attention to them or focusing on them as something unusual in the class.
- Sometimes visually impaired students need to write their papers using larger fonts. Because larger fonts produce longer papers, designate word limits instead of page limits to establish a uniform standard for all students.
- Pay attention to the possible effect on the student if the physical arrangement of the room changes or unexpected obstacles are introduced to the classroom.
- Make sure that aisles are kept clear of backpacks, umbrellas, etc.

For Students with Chronic or Temporary Medical Conditions
or Psychiatric Disabilities

- At times, serious medical or psychiatric conditions can have acute phases requiring treatment, bed rest or hospitalization. These phases are often unpredictable. If accommodated through the LNEC, the student should approach you in advance about an occasional need to be absent or late with work. Although you do not need to compromise core course requirements, where possible, be flexible and consider ways that the student will be able to get the most important course information and experience with the proposed modifications.
- Students with unavoidable absence or flexible deadline accommodations should have a very specific discussion with you at the beginning of the semester about reasonable limits on absence in your course, the number of absences that might be expected (based on history or the student's best guess), and when and how all missed course material will be obtained and work or exams made up. If the student isn't specific, you can press for this. Consult with the LNEC for assistance with working out a reasonable number of absences for your course.
- Some medical and psychiatric conditions can change markedly across the course of a semester; be prepared for accommodation needs to change as well.

The LNEC will notify you or provide the student with a new memo if accommodation needs have changed. As in other situations, you do not need to provide new or different accommodations unless the student gives you appropriate paperwork from the LNEC, or the LNEC notifies you directly.

- If you are concerned about the in-class behavior, functioning, or safety of a student with a psychiatric disability, contact the LNEC or Counseling and Psychological Services (CAPS: 924-5556) to discuss appropriate action.

For Students Who Are Deaf or Hearing Impaired

- Look at the class when you are speaking and avoid pacing.
- Avoid standing with your back to a window or other light source. The glare from behind you can make it difficult to read lips and other facial expressions.
- Repeat questions or comments made by other students/persons in the classroom before answering.
- Use visual aids when possible.
- Some students will use an ASL interpreter or a transcriptionist in the classroom. There is a lag time between what is being said in class and the deaf student receiving the information. The student's comments in the class may be delayed due to the time taken to interpret the information.
- The grammar used in American Sign Language (ASL) is different from English grammar; thus, students may make errors in written English resulting from grammatical differences in the structure of the two languages. Be aware that these mistakes are not related to the student's intelligence.
- When talking through an interpreter, address your comments to the student.
- Meetings with the deaf student and the interpreter are encouraged to establish the most effective way for the deaf person to receive and communicate information.
- In classes with specialized vocabulary, it is useful to provide lists of special terms to the student and the interpreter ahead of time so the information is accurately conveyed.
- Be patient when speaking with a deaf individual. Allow yourself time to try to understand what s/he is saying, and don't be embarrassed to ask the person to repeat him or herself.

- Do not exaggerate your speech or lip movements for lip readers. Speak normally.
- Avoid oral testing.

For Students with Mobility/Movement-Related Disabilities

- Where possible, the LNEC will notify you in advance if the classroom you will be using has physical accessibility problems. Be prepared to change classrooms as needed.
- Be aware of potential problems if you conduct any part of your class or offer special activities outside the usual classroom setting. Will the student with the disability be able to get there and take part as usual? Provide advanced notice of the changed location to the students with mobility issues.
- Pay attention to the possible effect on the student if the physical arrangement of the room changes or unexpected obstacles are introduced to the classroom. Make sure that aisles are kept clear of backpacks, umbrellas, etc.
- Students with mobility challenges may need more time to get between classes, causing them to be late regularly. Additionally, unpredictable obstacles on the way to your class such as icy sidewalks, fallen branches, late buses, or improperly parked cars can cause significant delays for students with mobility issues. Patience and understanding on your part are useful in these situations. The LNEC does not typically approve disability accommodations that allow students to be late regularly, and will not approve any accommodation that disrupts class or hampers students' ability to learn. If you notice chronic lateness, don't assume it is related to the disability—simply talk to the student, point out the lateness, and ask for an explanation. If it is related to the disability, problem solve and/or request advice from the LNEC. If it is not related, handle the problem as you would with any other student.
- If your office is not in an accessible location, offer an alternate, private location to meet with your students with mobility issues

For Students with Learning or Attention-Related Disabilities

- Providing learning through as many different “channels” as possible will help all students, but will particularly help students with learning or attentional disorders.
- Providing visual images or audio clips along with written information can be very useful. If the textbook explains the information in one way, then an alternate type of explanation in class may help the student grasp the concepts.

- Provide all students with information at the beginning of the semester about accessing tutoring services and office hours for extra help
- Understand that students with learning or attentional disorders may require more repetitions of information than other students. As a result, they may come to office hours and ask about something you already covered in class or readings. Although you can certainly set limits if they are taking up all your time, be ready to provide a reasonable amount of extra help
- Although you should hold students with learning or attention disorders to the same standards of conduct as any other student, be aware that they may have trouble *appearing* as attentive as you would like them to. This can be because of a primary attention problem, or because it is hard to pay attention when learning problems are making the process of hearing or reading difficult and exhausting. So these students may stare out the window, doodle, or seem disconnected during class discussions. While rude or disruptive behavior should not be tolerated and can be handled as it would be with any student, consider that non-disruptive but inattentive behaviors may just be a student's strategy for coping with a difficult learning situation.

Process for Appealing Recommended Accommodations

In the event that an accommodation recommended by the LNEC is not appropriate for your course, please use the following appeals process:

For accommodations which have already been approved by the LNEC, as long as it is actually possible to do so, put the recommended accommodation in place while you appeal its necessity—this will avoid unnecessary delays in providing the accommodation if further review determines that it should be in place.

If a student tells you s/he has not been approved for a particular accommodation through the LNEC, but believes that s/he should have the accommodation, you are not required to put the accommodation in place during the appeals process. Further, it is the student's responsibility to appeal the denial by contacting the LNEC. You are only required to put accommodations in place when the student has provided you with a formal accommodations memo from the LNEC, and has allowed you adequate time to make alternate arrangements.

If you believe that an accommodation is inappropriate, provides an unfair advantage, or causes other problems, contact the person from the relevant LNEC program to discuss why you believe the accommodation should not be implemented. See Contact section below for contact names. If you are unable to resolve the situation with someone from the appropriate LNEC program, contact the LNEC Director (Allison Anderson) or Assistant Director (Deborah Berkeley).

If you are unable to resolve the situation with the LNEC Assistant Director or Director, you may contact UVA's Section 504 and ADA Compliance Officer, Brad Holland (924-7819—see additional contact information below). The Compliance Officer or his designee will make the final determination about the appropriateness of the accommodation.

If a student believes s/he has been discriminated against due to his/her disability, s/he should be referred to the ADA Compliance Officer or UVA's Office of Equal Opportunity Programs.

Frankly Speaking: Straightforward things you should know about students with disabilities at UVA

Not just anyone can get accommodations. UVA sets fair standards for providing accommodations, similar to those set by national standardized exam providers such as GRE, LSAT, and MCAT. In order to be approved for accommodations, students must provide extensive documentation which confirms a substantial impairment in functioning compared to the average population.

At one time in UVA's history, it was much easier to get accommodations: the LNEC, like disability service providers at other universities, was still exploring what it meant to have students with significant disabilities at UVA. Standards had not yet been established for distinguishing between disability and just not being good at something. Additionally, no distinction was being made between having a diagnosis of a disorder and having a diagnosis of a disorder with symptoms so substantial that they constituted a disability. Nationally, no one was clear about how best to document disabilities or accommodate them. Although there are still many gray areas and institutions still have some flexibility in creating a "threshold" for disability, the LNEC and UVA have established firm guidelines that are consistent with the most recent legal and civil rights interpretations of the ADA and Section 504 of the Rehabilitation Act and institutional values. As a result, these guidelines and procedures are fairly and consistently applied.

The Vice President of Student Affairs Office (VPSA) and the LNEC are on your side. The VPSA office and the LNEC believe in and protect the academic integrity of UVA just like you do. For that reason, accommodations are not provided when they are not merited. Attempts to get special privilege or a particular grade are not supported. In conflict, the LNEC and other University agencies strive to understand fully both the faculty and student's viewpoints. UVA has an excellent group of professors who are well-educated on current issues; the LNEC and UVA will support and go to bat for them if necessary just like they do for students. If an accommodation seems unreasonable or unmerited, you should discuss the situation with the LNEC to determine a more reasonable solution.

Students with disabilities are students: they should not be defined by their disabilities. Individuals with disabilities have the same range of behaviors as non-disabled individuals. Beyond providing accommodations to ensure equal access, you should treat students with disabilities the way you would treat any other student. Hold them to the same academic standards; allow them to fail if they won't do the work. Provide the same praise you would to other students for their achievements. Make eye contact and casual conversation. Be patient if they do some things slowly. Above all, make sure you include them. Just like any other student, UVA students with disabilities are aware when they are left out.

Students with learning or attentional disabilities aren't low ability students trying to get away with something. In fact, having below average intellectual abilities across the board is one thing that helps rule out the presence of a learning disorder. Students with learning or attentional disabilities at UVA have met the same rigorous admission standards as all other students. Students must have at least average intelligence, with a few specific, substantial learning deficit areas in order to demonstrate that they have learning disabilities. Students accommodated for learning or attentional disabilities through the LNEC underwent extensive testing that is very resistant to faking.

Extended time for exams is not the big academic boost that it might seem to be. If a student doesn't know the material, no amount of additional time will help. If the point is to know and manipulate the material well, not just do so quickly, then extended time is not interfering with course requirements or giving a student an unfair advantage. Ask yourself if it's important that your students know the material, or know it quickly.

Many students with disabilities wish they weren't different: they wish they didn't need accommodations, and don't feel lucky that they're qualified for them. At UVA, they are often teenagers in late adolescence, and what they most want is to fit in.

Contact Information

Learning Needs and Evaluation Center/Disability Services

Contact names by program:

Director: Allison Anderson, Ph.D., aea3f@virginia.edu
Assistant Director: Deborah Berkeley, M.A., dms7g@virginia.edu
Deaf and Hard of Hearing Services: Greg Propp, J.D., gp5c@virginia.edu
Learning, Attentional and Psychiatric Disorders, and Testing for students with academic concerns: Bob Diamond, Ph.D., rd5b@virginia.edu
Allison Anderson, Ph.D., aea3f@virginia.edu
Note taking Program: Wijitha Bandara, yk4y@virginia.edu

Physical disabilities including visual impairments, mobility issues, transportation, housing, test proctoring: Deborah Berkeley, M.A.

Reading Program: Genevieve Grosbaum, glg2v@virginia.edu
Linda Lisanti, ll8w@virginia.edu

Reception, appointments, and test scheduling: position to be filled – 243-5180
Email: LNEC@virginia.edu **Fax:** (434) 243-5188
Telephone: (434) 243-5180 **TTY:** (434) 243-5189

Mailing Address
Learning Needs and Evaluation Center
Elson Student Health Center
400 Brandon Avenue
PO Box 800760
Charlottesville, VA 22908-0760

Messenger Mail
Learning Needs and Evaluation Center
Elson Student Health Center
PO Box 800760

Location
Elson Student Health Center
400 Brandon Avenue
(Corner of Brandon Ave. and Jefferson Park Ave., diagonally across from New Cabell Hall)

Hours
8 AM - 5 PM Monday - Friday
Summer Hours: 8 AM - 4:30 PM Monday - Friday
Winter and Spring Break Hours: 8 AM - 4:30 PM Monday – Friday

Section 504 and ADA Compliance Officer: Brad Holland Located in the Office of Equal Opportunity Programs, Mr. Holland addresses policy concerns of the University in relation to the needs of persons with disabilities. He is the final arbiter in matters of appeal brought by faculty members or students regarding requested accommodations.

Location and phone number: Washington Hall,
East Range
434-924-7819
Fax: 434-924-1313
email: bkh9d@virginia.edu

Office of Equal Opportunity Programs: The Office of Equal Opportunity Programs (EOP) helps develop, implement, and monitor the University's equal opportunity policies, including those relating to nondiscrimination and affirmative action.

Office Locations and phone numbers:

UVa. Grounds

Washington Hall
East Range
434-924-3200

Health System

Box 800581, Room 1221
434-243-6368

Web and Other Resources

Here are a few basic resources for further information.

- ADA Home Page:-ada.gov- Information and Technical Assistance on the Americans with Disabilities Act: <http://www.ada.gov/>
- AHEAD: Association on Higher Education and Disability: <http://www.ahead.org/>
Gordon, M., & Keiser, S. (2000). *Accommodations in Higher Education under the Americans with Disabilities Act (ADA)*. New York: Guilford Press.
- U.S. Department of Education: information about the Office of Civil Rights, its role in promoting equal access to education, and the prevention of discrimination in educational settings: <http://www.ed.gov/about/offices/list/ocr>

The Learning Needs and Evaluation Center can provide more resources upon request. See contact information above.

Administrative Assistance Network

There are various levels of academic support and student services available for use by the University community in reasonably accommodating qualified students with disabilities.

Section 504 and ADA Compliance Officer. (Brad Holland, 924-7819) Located in the Office of Equal Opportunity Programs, Mr. Holland addresses policy concerns of the University in relation to the needs of persons with disabilities. She is the final arbiter in matters of appeal brought by faculty members or students regarding requested accommodations.

Learning Needs and Evaluation Center (LNEC). (Allison Anderson, 243-5180)

Located in Student Health, the LNEC provides services for the non-medical needs of matriculated students with disabilities. Students who either know or perceive that they qualify for assistance under disability laws and regulation guidelines and are seeking a form of assistance should contact the LNEC. Incoming students who are qualified for assistance have been encouraged to contact the LNEC prior to their arrival for classes at the University. Services include but are not limited to: taped reading to supplement Recording for the Blind; word processing training; access to selected equipment; supervised study; writing assistance; transcribing of lecture tapes; note takers; tutorials and consultation; liaison with faculty; diagnostic testing for students with academic concerns; coordination with State and other agencies; assistance to faculty.

School Associate/Assistant Dean. Each school has appointed a Dean to assist its faculty in the following areas of concern:

- Course/Degree Requirements - to provide assistance to students with disabilities in making their decisions regarding specific courses of study and to provide guidelines regarding accommodations. Each course/degree requirement is:
 1. Essential to the course of study;
 2. Essential to a professional licensing requirement; OR
 3. Modifiable for persons with disabilities.
- Class Relocation - to work closely with the Registrar relocating classes inaccessible to students with disabilities because of architectural barriers.
- Coordination - to oversee any space modifications and the remuneration of special services by LNEC in support of students with disabilities.

University Committee on Access for Persons with Disabilities. (Wynne Stuart, Chair, 924-0999) Representatives from the University community, including faculty, staff, and students, advocate for improvement of services for persons with disabilities.

Student Council's Committee on Student Life (924-3454) This committee serves to advocate for students on a range of issues related to student life and student services.

ADA Network - Points of Contact and Bibliography

Administrative/Staff

Coordinator of Services for Students with Disabilities	Brad Holland	924-7819
Learning Needs & Evaluation Center	Allison Anderson	243-5180
Facilities Management	David Villott	982-5914
Student Health	William Tolley	924-5362
Counseling Center	Russ Federman	243-5150
Dean of Students	Lori Willy	924-4246
Office of African American Affairs	Sylvia Terry	924-7923
Student Financial Services	Yvonne Hubbard	982-6000
University Career Services	Jim McBride	924-8900
Equal Opportunity Programs Office	Brad Holland	924-3200
Parking & Transportation	Millicent Lindsay	924-7231
Library Services	Leland Deeds	924-6112
Athletic Department	Mark Fletcher	982-5022
Housing Division	Pam Cersley	924-6873

School - Associate/Assistant Dean

College of Arts and Sciences	Richard Handler	924-3351
School of Engineering and Applied Science	William Thurneck	924-3155
School of Architecture	Ellen Cathey	982-4567
School of Nursing	Sarah Farrell	924-0099
McIntire School of Commerce	Rebecca Leonard	924-3865

Curry School of Education	Joanne McNergney	924-0757
Graduate Arts and Sciences	Aaron Mills	924-6739
Darden School of Business Administration	Marsh Pattie	982-2940
School of Law	Martha Ballenger	924-3737
School of Medicine	Richard Pearson	924-5579
Summer Session	Dudley Doane	924-6166
School of Continuing & Professional Studies	Dean TBD	982-5206

Appendix A: The Regulations

In September 1973, Congress passed Public Law 93-112, the Rehabilitation Act of 1973 which was amended in 1974 by Public Law 93-516. Section 504 of the Act states:

"No otherwise qualified handicapped individual in the United States...shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

In May 1977, the Department of Health, Education, and Welfare issued regulations implementing Section 504. This nondiscrimination statute and the regulation issued under it (specifically Sub-part E) guarantees a right of entrance for qualified students with disabilities into our nation's colleges and universities. The regulation, as written, incorporates the Education for All Handicapped Children Act of 1975. In May, 1980, the Regulation was reissued and codified as 34 Code of Federal Regulations 104 by the Department of Education. Section 504 represents the first Federal Civil Rights Law protecting the rights of persons with disabilities. The language of the law is comparable with that of Title VI, Civil Rights Act of 1964, and Title IX of the Educational Amendments of 1972, which prohibits discrimination in education on the basis of sex. On July 26, 1990, the Americans with Disabilities Act (ADA) was passed with the intention of further eliminating discrimination against persons with disabilities through enforceable standards set by the federal government. The Act focuses on areas of employment and access to public transportation, public accommodations and communications, all of which pertain to colleges and universities. Built upon Section 504 and the Civil Rights Act of 1964, the act states its purpose as providing "a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities."

In 1985 the General Assembly of Virginia added Title 51.01: Persons with Disabilities to the Code of Virginia. The essence of the Virginians with Disabilities Act was to reiterate the Commonwealth's support of Section 504. The regulations for Non-Discrimination in State Grants and Programs were put into effect October 1, 1990 by the Board for Rights of Virginians with Disabilities. These regulations were set forth to implement Section 51.5-40 of the Code of Virginia which prohibits discrimination on the basis of disability in state and state-assisted programs and activities. As an institution of the Commonwealth, the University endorses these regulations.

Guidelines of the Regulations

We are therefore expected as academicians and administrators to uphold the following conditions, amongst others, set forth in 34 C.F.R. Part 104:

1. The University may not limit the number of students with disabilities admitted.
2. Preadmission inquiries as to whether an applicant is disabled are prohibited. Students may self-declare a demonstrated disability to the Coordinator of Students with Disabilities.
3. No student may be excluded from any course of study solely on the basis of a disability.
4. Modifications in degree or academic course requirements will be made to ensure that such requirements do not discriminate against qualified students with disabilities.
5. Prohibitive rules such as those barring tape recorders from the classroom must be waived for certain students with disabilities.
6. Auxiliary aids must be permitted in the classroom when they are required to ensure full participation of the students with disabilities.
7. Alternate testing and evaluation methods for measuring student achievement will be necessary for students with impaired cognitive, sensory, manual, or speaking skills (except where these are the skills being measured).
8. Special equipment or devices used in the classroom (and, in some cases, teaching techniques that rely upon sight, hearing, or mobility of students) may require adaptation by faculty in individual disability cases. This may include the switching of classrooms.
9. Counseling students with disabilities toward more restrictive careers than students without disabilities is discriminatory unless such counsel is based on strict, defensible licensing or certification requirements in a profession. The regulation also states that the University is not required to provide ramps, elevators, and other devices to remove physical barriers in every building or in every part of a single building, but is required to make every program, viewed as a whole, accessible. It is the University's responsibility to provide parking for individuals with disabilities at or near each of the University buildings that have been made accessible. With the number of mobility impaired students increasing annually, it will be necessary to strictly enforce parking and transportation rules to ensure that space is available for their vehicles.

Lastly, the regulation states that if the Director of the Office for Civil Rights finds that the institution has discriminated against persons on the basis of disability, termination of federal financial assistance could result. Although internal administrative processing of complaints through the University's Equal Opportunity Affirmative Action Office is encouraged, students with disabilities who feel discriminated against have the right (and have exercised it) to utilize the Office of Civil Rights and the federal court system to settle their claims.

Appendix B: Sample Agreement for Taping Lectures
Disabled Student Services
San Francisco State University (SFSU)

In the "Rules and Regulations" outlining procedures for compliance with Section 504 of the Rehabilitation Act of 1973 (Non-discrimination on the Basis of Handicap), it is stated, in the HEW Regulations, § 84.44 (B), "a recipient to which this subpart applies (SFSU) may not impose upon handicapped students...rules such as the prohibition of tape recorders (or brailers) in classrooms...that have the effect of limiting the participation of handicapped students in the recipient's (SFSU) education program or activity."

Some professors may later want to copyright lectures and therefore are concerned about allowing students to tape record their lectures. This problem can be solved by the student's completing the following agreement:

Agreement for Taping Lectures

I, (name of student), agree that I will not release the tape recording or transcription or otherwise hinder (name of professor)'s ability to obtain a copyright on lectures I taped in (department, course #, title).

Student signature:

Date:

The student gives this to the professor upon completing it.
(The College Student with a Disability: A Faculty Handbook: p. 30)

Some of the information contained herein was compiled directly from the following pamphlets:

Nondiscrimination Under State Grants and Programs, Board for Rights of Virginians with Disabilities, regulations implementing Section 51.5-40 of the Code of Virginia.

Americans with Disabilities Act of 1990