**Faculty Frequently Asked Questions**

**Defining Students with Disabilities**

1. **What is a disability?**

A disability is a medical or mental health condition that substantially limits one or more major life activities of an individual.

1. **What are major life activities?**

Major life activities are those activities that the average person can do with little or no difficulty, such as walking, seeing, hearing, talking, breathing, learning, caring for one's self, working, etc.

1. **What are substantial limitations?**

A substantial limitation is a significant restriction in the condition, manner or duration in which a major life activity is performed compared to most people. The activity must be limited to a considerable extent by the impairment for that individual to be protected by federal statutes.

1. **Who qualifies as having a disability under the ADA?**

An individual with a disability is any person who:

* 1. has a disability
	2. has a record of a disability
	3. is regarded as having a disability or has a relationship with someone who has a disability

Those in category 1 are entitled to reasonable accommodations to ensure equality of opportunity to participate in Marquette's programs and activities. Those in category 2 and 3 are protected from discrimination on the basis of disability only. Students in category 1 must be academically qualified to meet the university's academic and technical standards for admission or participation in its educational programs and activities.

**Accommodations**

1. **What is a reasonable accommodation?**
Based on current practice in the profession, an accommodation is any change in the educational environment that effectively and appropriately enables an individual with a disability to have equal educational opportunities to participate in programs and activities. An accommodation is *unreasonable* if it is an “undue burden”, would be considered a “fundamental alteration”, is for a personal service, or would be a direct threat to safety; evaluation of either reason must be done in consultation with ODS. The University has an obligation to respond to all accommodation requests from individuals with an appropriately documented disability.

Reasonable accommodations are intended only to provide students with disabilities an equal opportunity to participate. They do not guarantee success or prevent failure for the student's academic program. If students cannot meet the essential program requirements and achievement standards, with or without accommodations, they are not considered qualified individuals with disabilities. Standards do not have to be lowered nor do essential requirements need to be waived to allow students with disabilities to participate.

1. **How are accommodations determined at Marquette?**

Upon receipt of documentation from an appropriate professional, it is reviewed to ensure that it meets ODS criteria. Guidelines exist, but a student’s specific accommodations are always set on a case-by-case basis based on the current impact of the disability. While the student is an active participant in the determination, modifications must also be reasonable and appropriate from the University’s standpoint. Prior to granting an uncommon accommodation, the instructor involved will be consulted as to whether it would compromise an essential element of their course.

1. **How are instructors notified about students in their classes?**

Students requesting accommodations in specific classes will be provided with an accommodation letter that they must distribute to their instructors with enough time to coordinate the outlined accommodations. In instances where accommodations are needed on the first day of classes (materials in an accessible format, for example), ODS will reach out to the instructor with as much advanced notice as possible to begin coordination.

1. **Can I disagree with the identified accommodation, outlined on the student’s accommodations letter?**

Yes, but do not unilaterally discontinue or refuse accommodations without formal administrative consultation and legal review; doing so will likely put the University in non-compliance with the American’s with Disabilities Act and Section 504 of the Rehabilitation Act. Start by discussing your concerns with ODS. With further explanation, you may agree that the accommodations are both reasonable and doable, but if unique aspects of your course were not fully considered, then alterations to previously approved accommodations may be needed. If you feel the accommodations are inappropriate, please review your course objectives and forward information to ODS explaining why the identified accommodation would compromise your course objective(s). The matter will be reviewed with appropriate University administration.

1. **What role does the student play in the accommodation process?**

Students are expected to self-advocate for their needs much more in the post-secondary setting, which is quite different then what their role was in high school. ODS strives to inform students of this, and your reinforcement of that message would be helpful. The student must make the first move by contacting ODS and submitting the requested documentation.

In preparation for a semester-long working relationship with you, students are advised to introduce themselves during the first few weeks of the semester to request their accommodations and to inform you of any additional information that will help you to assist them throughout the semester.

It is also the student’s responsibility to notify their instructors of their need for accommodations in a timely manner. The Office of Disability Services reinforces this expectation during the students' accommodation meeting and explains that instructors are not obligated to arrange accommodations if they have not been given adequate time to make the necessary arrangements. Students must also make themselves available to you to discuss their availability (including when else they may have class or tests scheduled which would interfere with your preferred testing time). If the student does not feel that the identified accommodations are meeting their needs, they are expected to discuss their concerns with ODS. Students must also regularly attend class, complete assignments, and meet the same academic requirements that other students must meet. A student’s right to accommodations is not retroactive. They are only guaranteed after the student provides documentation, eligibility is determined, and the student formally requests accommodations.

1. **What role does the instructor play in the accommodation process?**

An instructor has the right to confirm a student’s request for accommodations and to ask for clarification about a specific accommodation with ODS. Instructors do not have the right to refuse to provide an accommodation or to review a student’s documentation which may include diagnostic data. Instructors have a responsibility to work with ODS in providing reasonable accommodations, keep all records and communications with students confidential, and to refer a student to ODS who requests accommodations but is not currently registered. Instructors do not have to provide accommodations for students not registered with ODS, but may choose to make informal adjustments at their own discretion; this may be most salient when a student is experiencing a temporary impairment, such as an injury from which they are expected to fully recover, or as a student is going through the documentation process with ODS.

Just as with all students, instructors carry the ultimate responsibility for conveying the course content and assessing the learning of students with disabilities. If a student needs to be accommodated, the student will provide you with a copy of their accommodation letter, typically within the first few weeks of the semester. Included in the notice will be the student’s name, the course number and section, and a description of the approved accommodations that you need to provide. If complex or time-consuming accommodations are involved (e.g., converting your instructional materials to a tactile form, enlarging handouts, etc.) ODS will try to notify you well in advance of the start of the semester. ODS will assist you in converting materials if needed. Note: this desirable practice is limited by the actions of students who may delay qualifying for disability services or alter their class schedules at the last minute, and when teaching assignments occur relatively late.

1. **What about attendance requirements?**

Students with disabilities should generally be expected to meet stated attendance requirements, but there are instances for exceptions. A class attendance rule should be modified to accommodate a student if recommended in the student’s accommodation letter, and if attendance is not essential to the meet class requirements. However, if the class involves weekly labs, involves interaction between students, or students and the instructor, participation in the class is a grade requirement or is an essential element for learning the class material, then a student who cannot attend all essential class meetings may not be otherwise qualified to participate and complete the class.

1. **What about homework or assignment deadline requirements?**

Instructors can set deadlines in their syllabi that are distributed at the start of each semester. Students with disabilities should be expected to meet these deadlines, particularly when the deadlines are explicitly stated and students are given a number of weeks to complete the assignment. However, occasionally, a student's disability may require a reasonable extension. The need for that type of adjustment will be outlined on a student’s accommodation letter and should be explored between the student and instructor to determine whether or not some amount of deadline flexibility could be appropriate on specific assignments, as well as an agreed upon system for letting the instructor know on the rare occasions when this flexibility is necessary. Any deadline flexibility is meant to address acute need, and is not designed to extend all due-dates in a class.

1. **Are students required to receive accommodations in labs?**

Student with disabilities should have the opportunity to participate in lab work the same as their non-disabled peers. Instructors should contact ODS if they have questions or concerns about appropriate lab accommodations or modifications to ensure that all students can perform labs tasks safely.

1. **What assistance is available to faculty to meet accommodation needs, such as appropriate testing space, proctoring assistance, etc.**

The Office of Disability Services can assist instructors with testing accommodations by providing a secure testing room and proctor in our office, 707 Building Room 503. Please contact our Testing Coordinator at **odstesting@mu.edu** for more information.

1. **What if a recommended accommodation from ODS is not appropriate for a class?**

Instructors should contact ODS immediately if a recommended accommodation is not appropriate for a class. The goal is for the student to have an equal opportunity to participate in classes, and if the student is eligible to receive accommodations, all measures must be taken to determine what alternative accommodation(s) may be appropriate.

1. **Does academic freedom have an impact on this process?**

Instructors are assured of their right to teach course content that they deem to appropriate to their classes. Steps must be taken to ensure that those chosen materials are accessible to students with disabilities to ensure compliance with disability-access laws. Instructors are ultimately responsible for providing accessible class materials, but may request assistance from ODS in converting clean source materials.

**OTHER FAQ**

1. **What can I expect regarding a student’s behavior?**

A student with a disability who is disruptive in class and impeding others ability to learn, should be treated as any other student who is displaying inappropriate behavior. If an instructor feels that there is a disability-related reason for the student’s behavior, the instructor can discuss this with ODS to determine if there is a solution to the problem or strategies for addressing the behavior.

Campus safety is a significant concern of all colleges and universities. All campus employees must be aware of the University’s safety practices, procedures, and emergency plans before an incident occurs and to follow those plans should an emergency occur. If anyone on campus displays violent behavior, contact the police department at 414-288-1911.

1. **Is a student’s disability confidential?**

Disability information is confidential and should *never* be discussed or referred to in front of classmates or other individuals. When disclosing they possess a disability, students expect that confidentiality will be maintained. Any information regarding the disability will be housed in a student file in the Office of Student Disability Services.

The information that ODS shares with instructors is limited to that which they must know to provide the reasonable accommodations approved by appropriate ODS staff. Information about a student’s specific diagnoses is generally not needed to provide modifications in the classroom. ODS will share additional information, only when appropriate, as determined by FERPA.

1. **What if I suspect a student might possess a disability, but has never self-disclosed?**

If an instructor feels that a particular student may have a substantially limiting disability, he or she should refer the student to ODS or to the department's website for more information (http://www.marquette.edu/disability-services). This is a delicate subject; while the potential for discrimination is rarely an issue in this context, directly inquiring about the existence of a disability is not appropriate. A private academic conference may give you an opening to mention various explanations for poor performance without implying that any certain one applies. You may also provide the student with information on the various campus resources available for assistance.

1. **What if a student tells me they have a disability, but they never provide me an accommodation letter from the Office of Disability Services?**

Please refer him/her to ODS first. Even though responding immediately may seem more efficient (or friendlier), acting on a student’s self-report is outside of established policy and problems can result (e.g., unwarranted or uneven treatment of students, unnecessary work for you, etc.)

1. **Should I take into consideration a student disability when measuring their performance in my classroom?**

It is important for instructors to remember that providing reasonable accommodations to a student with a disability does not guarantee success in the course. Students with disabilities may not master the course material, just like any other student. Students with disabilities have the same right as other students to fail as part of their educational experience.

1. **Can instructors fail students with disabilities?**

Accommodations do not guarantee success, nor do they prevent failure. Yes, instructors can fail students with disabilities the same as they can fail any student who has not met the essential requirements of the class. Grading decisions based on disability status or the use of accommodations are discriminatory, and illegal.

1. **If a student feels that he/she has not been treated fairly, what's the procedure? What are the rights of the instructor if the complaint is directed at the instructor?**

If a student feels that discrimination based on disability has occurred, the student should follow the grievance procedure as stated in the university's policy document, “Accessibility at Marquette University.” All parties involved in the grievance will be interviewed by the grievance investigator who will then provide the findings of the grievance in a written response to the complainant.

1. **If a student appeals a grade and states that the reason the grade is in question is because the student believes he/she wasn't accommodated, what is the proper procedure to resolve this issue?**

Students can file grade appeals if they believe an error has occurred in the instructor's grading process according to the grade appeals procedure. If the grade appeal is disability-related, the student may be referred to the Director of the Office of Disability Services to file a grievance.

1. **What happens if an instructor catches a student engaging in academic dishonesty, and the incident occurs during a test or quiz for which the student receives an accommodation, such as extended time and a separate room? Can the accommodations be suspended?**

Students with disabilities are subject to the policy on academic dishonesty the same as their non-disabled peers. The matter should be discussed between the instructor and the student, and the appropriate college office administrator if appropriate. However, accommodations are entitlement-based, not rewards for good or bad behavior, and if the student remains in the class, accommodations must be maintained.

1. **Are there ways instructors can gear their teaching to help students process and retain the information instructors want them to know?**

One way that instructors can make their class information to all students is to employ some Universal Design strategies for Instruction. Universal Design for Instruction (UDI) is an approach to teaching that consists of the proactive design and use of inclusive instructional strategies that benefit a broad range of learners including students with disabilities. For further information, instructors can check this website:[**www.facultyware.uconn.edu**](http://www.facultyware.uconn.edu/).

Instructors can also consult with ODS staff on other teaching strategies for their classes that will help students with disabilities master course content. The likelihood is that if these strategies are utilized, all students in the class will benefit.

1. **Is there a recommended syllabus statement I could use?**

“In compliance with the ADA, all students with a documented disability are entitled to reasonable accommodations and services to support their academic success and safety. Though a request for services may be made at any time, services are best applied when they are requested at the beginning of the semester. To receive accommodations and services the student should immediately contact the Office of Disability Services (414-288-1645) or ods@marquette.edu.”

You may also want to indicate your openness to discussing individual learning needs with all students. Some instructors may wish to add a statement indicating that students need to identify their need for accommodation within a certain number of days from the beginning of the semester; because students are allowed to request accommodations at any point, doing so may discourage a student from seeking appropriate accommodation in your class. When working with students who request accommodations mid-semester, ODS ensures that they are aware that they must give instructors adequate time to coordinate these new accommodations. In most instances, instructors must be given at least one week’s notice before accommodations can be guaranteed.