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Higher Education's Next Great Challenge: Ensuring Full Inclusion for Students with Disabilities

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Introduction

Most institutions of higher education have incorporated the basic elements of the Americans with Disabilities Act (ADA) into their policies, practices, and procedures. Many have established disability services offices to handle requests for reasonable accommodations, auxiliary aids, and services, and have assessed the accessibility of their campuses to identify and remove architectural barriers. Colleges and universities often offer notetakers, recording of classes, sign language interpreters, and extra time on examinations. Despite these positive actions and changes, most higher education institutions have not achieved full inclusion of students with disabilities.

The Centers for Disease Control and Prevention (CDC) reported in 2019 that 26% of people in the U.S. have a disability. Youth and young adults with disabilities are less likely than those without disabilities to complete secondary school, enter postsecondary education, or complete a bachelor's degree (Cheng & Shaewitz, 2019). National college enrollment rates for young adults with disabilities in 2017 was only 25.4%, compared to 40.9% of their peers without disabilities (ibid). In addition, the average national rate for college completion was only 3.6% of young adults (ages 18-24) with disabilities compared to 10.9% of young adults without disabilities—the gap between those with and without disabilities earning a bachelor's degree or higher was 7.2% (ibid).

Despite the best of intentions among colleges and universities to comply with the Rehabilitation Act of 1973, the ADA of 1990, and the ADA Amendments Act (ADAAA) of 2008, compliance is not

sufficient to ensure full inclusion of all students with disabilities. To reach full inclusion, colleges and universities—including staff, faculty, students, and boards of trustees—must change campus culture and the conversation about disability, accommodations, and access to create a welcoming community for all students. Reaching this goal requires attention to legal rights of students with disabilities and responsibilities of schools as well as a greater awareness of the benefits to the entire system of a disability-diverse student body.

This guide presents information and strategies to improve the successful participation of students with disabilities in higher education. Section 1: Begin at the Beginning introduces a purposeful recruitment and admissions approach to attracting disability-diverse students. In Section 2: More than Compliance, we describe the many aspects of accommodations for students on campus, including how to determine whether an accommodation is needed, how to meet those needs, and how to build a campus-wide understanding among students and staff about accommodations. This section includes ways to offer legal protection to students and the appropriate application of academic and disciplinary procedures. In Section 3: Bridge the Divide, we describe the levels of technology accessibility needed for an inclusive classroom. Section 4: Beyond Disability Diversity describes the culture of inclusivity that is needed to support full academic and campus involvement of students with disabilities.

This document is based on the most current research on disability and higher education as well as lessons learned from studies and practices for including racially/ethnically underrepresented students, LGBTQ students, and women. The recommendations build on standards developed by the Council on the Advancement of Standards in Higher Education (CAS) as revised in 2014, the Association on Higher Education and Disability (AHEAD), and ideas put forward from a range of experts in higher education, disability, integration, and equal access. The experiences of colleges and universities, employers, and communities working to increase

diversity and inclusion of other underrepresented groups offer important lessons for institutions of higher education seeking to include and support students with disabilities to become successful alumni. Encouraging a more diverse student population benefits the entire learning establishment as well as future employers and communities. A diversity of ideas, skills, and tools is essential to a team, a workforce, a community, or a campus that wants to excel at solving complex problems (Page, 2017).

Begin at the Beginning: Recruiting Students with Disabilities

Inclusion and supports for students with disabilities are often siloed on campuses. Staff and students view this as a compliance issue handled by the disability support services office rather than a campus-wide diversity and inclusion issue. To ensure full inclusion of students with disabilities and campus staff, the work must be done both **campus wide** to ensure universal access and **individually** to ensure students and staff receive accommodations. The role of the school's administration in creating a universally accessible campus is vital, not only to enforce policies, but also to create inclusive campus policies and demonstrate a commitment to the cultural shift that true inclusion requires.

The first step in meeting legal requirements is to ensure that admissions processes and hiring practices are designed and developed so that the communications, programming, and the physical environment are universally accessible. Admission of students with disabilities is an important aspect of creating a student body that has the cognitive diversity necessary to achieve these goals. Hiring staff who reflect that diversity of thought will provide insights into design and development of higher education approaches, curricula, and more, while offering mentoring to all students, including those with disabilities.

There is no conflict between excellence and diversity. “People who find themselves torn between the highest-ranked candidate by traditional criteria and a diverse candidate often need only to think harder.... Excellence demands diversity” (Page, 2017). Targeted admissions of underrepresented student groups are not enough to achieve all the benefits of diversity. Campus administration and faculty must be aware that stereotype threat, implicit bias, and lack of supportive networks can undermine the success of the disability-diverse student and the institution (Steele, 2011). Institutions with a real commitment to diversity must hire leaders who represent the diversity that is desired on their college campus. The following are strategies that colleges and universities can use to increase their admissions rates for students with disabilities, including targeted recruitment, affirmative admissions policies, and a clear approach to accommodations.

Use Inclusive Recruitment Efforts Enhance your recruitment efforts of potential applicants with disabilities by reaching out to students with disabilities through local and state high school guidance counselors, transition coordinators, and state Vocational Rehabilitation programs, and disability organizations as well as current students and alumni with disabilities. Create materials and talking points for recruiters to emphasize the value your institution places on a disability-diverse student body and include specific examples of how you practice inclusion. Ensure that recruitment materials contain information about how to ask for accommodations both before and after college admission. Train recruiters and others who will first interact with these students on implicit bias and disability awareness. Universities that have affirmative action programs or that serve as federal contractors may also be responsible for collecting and reporting data about employees with disabilities. In those cases, Section 503 of the Rehabilitation Act was revised in 2014 to include guidelines for employers to ask about a disability after a person is hired through anonymous surveys (Regulations, 2014). The individual has the

right to self-disclose or not to self-disclose. An inclusive environment that feels safe for staff and students will encourage self-disclosure.

Recruitment Efforts for Inclusive Staff, Faculty, and Trustees
Review your current hiring practices and include a statement that the college or university encourages applicants with disabilities. For the Board of Trustees, require that the governance committee include criteria for identifying members with disabilities. An effective way to increase student diversity is to encourage diversity throughout all levels of the system.

Create an Affirmative Admissions Approach Unlike in the context of race and gender, there are few, if any, constitutional limitations on affirmative action for students with disabilities. The ADA limits pre-employment inquiries about disability; however, pre-admission inquiries as to disability are permitted as part of an affirmative recruitment program as long as use of the disability-related information is limited to affirmative recruiting and is kept confidential. Note that promoting preferences for students with disabilities does not violate the ADA.

Look Beyond the GPA Disabilities often take time to identify, diagnose, treat, and accommodate. Medical documentation of disability can be expensive and time-consuming for students and accommodations are frequently denied or not fully implemented. As a result, high school grades, extracurricular activities, and admissions test scores may not tell the true story of a student with a disability's merit. Admissions decisions for students with identified disabilities should look behind the numbers to see the underlying indicators of merit, including how the student has implemented self-advocacy skills to remain successful in their primary and secondary schools.

Design Orientation for Potential Students with Disabilities

Students with disabilities, like first-generation college students and students from other traditionally underserved groups, may not know what to expect from college, particularly because the processes and standards for accommodation differ between secondary school (e.g., special education services under the Individuals with Disabilities Education Act) and college (ADA accommodations). Provide a more in-depth orientation for students with disabilities (and other underserved groups) to support their transition to higher education, establish supportive networks and mentors, and point out resources the students may need to succeed at school. Sharing this information with all students at orientation will also help to support a culture of inclusion by informing all students, including those without disabilities, about the high value the institution places on diversity and inclusion.

More than Compliance: Accommodations as a Student Retention and Inclusion Approach

The central concept of the ADA is equal opportunity. Students with disabilities must not be discriminated against or treated worse than students without disabilities. In addition, recognizing that most facilities, policies, rules, classes, textbooks, and activities were designed for students without disabilities, the ADA requires affirmative changes to educational facilities, policies and procedures, practices, and methods of communication when necessary to provide students with disabilities an equal opportunity to benefit, participate, and succeed. These affirmative obligations are bounded by the concepts of reasonableness, undue burden, fundamental alteration, and direct threat.

In addressing a request for a change or exception because of a disability, it is important to assess whether the request is for

- equal treatment/nondiscrimination (for any practice that treats a student with a disability differently from students without disabilities, such as disciplinary practices that are based on a student's disability-related behavior);
- effective communication (for any means of communication, such as teaching formats or materials, websites, announcements, testing materials or formats); or
- a reasonable accommodation (for virtually any other change needed because of a disability).

These requests may or may not be explicitly labeled as a request for "reasonable accommodation," "reasonable modification," or "effective communication" and may or may not be directed to the disability services office.[1]

How to Determine if an Accommodation is Disability-Related

Students with disabilities may self-identify and request equal treatment, reasonable accommodations, or effective communication at any time during college. In those situations for which a student with a disability does not request an accommodation in advance, the school is generally not required to apply a reasonable accommodation retroactively (e.g., if a student fails to request testing accommodations, fails an exam, and then makes a request, a school is generally not required to allow the student to re-take the exam with the accommodation).

In reality, many students who are experiencing independence for the first time will reject the label of disability, especially if they have a hidden or invisible disability, such as a learning disability, ADHD, or depression. They may enter college without self-identifying as having a disability, only to find that after one or two semesters that they do need some kind of accommodation. The opportunity to self-identify and request an accommodation should be made available throughout the student's participation in school.

Schools can establish and rely on clear, simple, and flexible processes and procedures designed to facilitate student requests for reasonable accommodations. Often, students will make requests directly to faculty or staff, and those staff should know how to immediately

1. To the extent equal treatment, reasonable accommodations, and effective communication principles overlap, this Guide refers generally to such requests as requests for "reasonable accommodations." However, the legal terms, and to some extent the legal requirements, differ for requests for equal treatment, reasonable modifications/ accommodations, and effective communication and this guide notes the differences when they are relevant.

implement the established accommodation procedures determined by the disability support services office. Faculty and staff must also know how to direct students to the appropriate office to begin the process necessary to receive accommodations if none have been provided. To avoid liability, schools should ensure that bureaucratic technicalities do not interfere with an appropriate response to a student who makes a good faith effort to seek an accommodation.

On occasion, a student may need to unexpectedly request a disability-related support. For example, a disability-related crisis or hospitalization may interfere with scheduled testing or class attendance. Schools are not excused from the duty to consider accommodating these requests even when they occur without advance notice. In those cases where the disability-related support is needed but the student is unable to make a timely request, schools may offer (but not require) accommodations. For example, if the school knows a student is hospitalized for depression, the school may assume that some accommodations, such as delaying an exam, are needed and proactively offer modifications. Note, however, that the mere fact that a student is receiving counseling or taking medication for depression or another mental health disability would not generally require a proactive reasonable accommodation process.

Many schools require medical testing and verification of the need for reasonable accommodations; however, medical testing is not the sole method by which a student can demonstrate a disability and/or the need for accommodations. Schools should be careful in demanding and relying exclusively on medical testing results. While a diagnosis of a physical or mental impairment that substantially limits a major life activity is required to determine whether a student has a disability under the ADA, the U.S. Department of Justice (DOJ) has provided technical assistance in the high-stakes testing context that should guide institutions of higher education in requiring documentation of disability and needed accommodations (U.S. Department of Justice, Testing Accommodations). The DOJ points to recommendations of qualified professionals, proof of past accommodations, observations

by educators, results of psycho-educational or other professional evaluations, an applicant's history or diagnosis, and an applicant's statement of their history of accommodations, and notes that only one or two of those methods of proof should be sufficient.

In some cases, students may develop or identify their disabilities, such as learning or mental health disabilities, after entering higher education. Obtaining timely medical documentation of the disability while managing a course load may be difficult due to the time and financial resources needed to get appointments with qualified medical professionals. As a best practice, schools that rely on medical testing and verification should take steps to ensure that such testing is readily available to students and that students are informed of the school's requirements and how to meet them. The availability of disability-based accommodations should not be limited by the student's income or access to medical providers. To ensure this is not a barrier to students, schools can establish relationships with low-cost providers of common medical tests required by the school to document disabilities and make their contact information available to students. Schools may also subsidize the expenses of disability testing for low-income students, include those costs among the expenses eligible for financial aid, and ensure that their insurance providers for students cover such testing.

Campuses should ensure that all students are made aware at the start of school that medical testing or confirmation may be required, involve additional costs, take time—and that the school has resources to assist. Orientation and learning sessions are ways to make that information is available to students. Also, it is important to note that although testing for ADD/ADHD and learning disabilities is fairly standardized, mental health diagnoses require different approaches and must generally be based on the findings of the student's treatment provider. Assessing the validity of medical documentation of disability should not be left to professionals who lack the necessary medical knowledge. Qualified medical professionals should be consulted before school staff challenge the validity of a diagnosis.

Are Accommodations Really Needed for High Performing Students?

Sometimes questions arise about the need for accommodations for students who appear to be high performers in high school or college. The regulations issued under the ADAAA clarified that academic success or failure is not the only basis on which to assess a student's abilities or limitations. Instead, a school should consider limitations imposed by a student's disability on the condition, manner, or duration of educational tasks, such as reading, writing, learning, or test-taking. Accommodations should support a student with extra difficulty, effort, time, or pain. For example, a student with a learning disability who has been successful in high school may still be entitled to an accommodation in college because of additional learning time needed in comparison to their peers without disabilities.

In addition, eligibility requirements, such as grade point average, core course requirements, or clinical skills requirements, may be modified or waived for a particular student whose disability prevents him or her from meeting the requirements, unless the school can demonstrate that the requirement is essential to the program or degree at issue. In the latter case, the school must ensure that the requirement has been consistently and neutrally applied (i.e., it has not been modified or waived for other students), that the school has considered alternative means to meet the requirement, and that there is a strong connection between the requirement and the program's core objectives.

What is a Reasonable Modification or Accommodation?

The ADA requires colleges and universities to reasonably modify their policies and practices to allow a student with a disability an equal opportunity to participate and succeed in school. Reasonable accommodation is an extremely broad and flexible concept encompassing any change that is necessary and disability-related, as long as it is not unreasonable or unduly burdensome and does

not fundamentally alter the school's program. Common reasonable accommodations in higher education involve changes to course formats and schedules, examination accommodations, timing changes, course loads, housing changes (including permitting emotional support animals in housing or offering separate housing for people with post-traumatic stress disorder or gender dysphoria), all-gender bathrooms that are fully accessible, alternative methods of demonstrating or obtaining practical skills, and extra time to complete projects. Less common accommodations may also be required, such as extensions of degree-completion requirements, alterations to required-course requirements, or in-person attendance requirements, leaves of absence, or part-time schedules.

Service Animals and Companion Animals

Some colleges and universities have struggled with the intersecting obligations to students with disabilities who may have service animals and other types of disability assistance animals such as companion animals. For schools that provide housing for students, the housing is covered by both the ADA and Fair Housing Act (FHA). The ADA specifically requires service animals (dogs or miniature horses that are individually trained to provide a disability-related service) to be allowed everywhere the person with a disability goes, including classes, activities, and housing. Schools are not required to permit companion animals (any animal that is not a dog or miniature horse or that is not individually trained to provide a disability-related service) in classes and other public spaces. However, students may request a service animal to accompany them anywhere on campus (other than housing). These requests should include appropriate documentation of the disability and need as long as the request does not fundamentally alter the school's educational programs and services.

Service animals are not limited to certain disabilities. A person with a mental health condition, a sensory disability, a mobility disability, or invisible disability may have a service animal that is trained to remind the person to take medication, alert the person to sounds, take action to alleviate a panic attack, or warn the person of an imminent

seizure, among other supports. A college may not prevent a service animal from accompanying its owner unless it would be an undue burden or fundamental alteration to allow the animal in a certain location or the animal is, in fact, disruptive or not housebroken, or is not under the control of its handler. There is no general exception for areas where other people may be allergic or anxious about dogs, although for a severe allergy or phobia a school may need to provide accommodations to both the animal handler and the person with an allergy or anxiety about dogs. A school must not require registration, certification, or specific indications (e.g., vests, tags, or harnesses) and may not impose surcharges or fees for service animals. The college is not responsible for care, feeding, or supervision of the animal.

The FHA has different requirements than the ADA and it is important to understand these differences. The FHA requires **all** disability-related animals (including service animals as well as emotional support, comfort, or therapy animals, and other types of assistance animals, whether individually trained to provide a service or not) to be allowed to live in housing with the student with a disability. The FHA does not apply to non-housing programs, such as classes and other activities.

Examination Accommodations/Modifications

A common question in higher education is the extent to which examination accommodations must be granted. This depends on whether the requested change will allow a student with a disability to demonstrate the knowledge that the test is intended to assess. In other words, examination accommodations should be designed to prevent a student's disability from interfering with their demonstration of knowledge. The amount of time given to students to complete an exam is often determined by administrative concerns of the faculty, school, or testing provider. Extending examination time would be a reasonable accommodation for a student whose disability interferes with speed due to physical or cognitive processing. If physical or cognitive processing efficiency or communication is what is assessed

by the exam, a shorter extension of time would be reasonable. Standard testing conditions are sometimes also designed to defeat potential security risks and prevent cheating. These legitimate concerns can often be addressed through other individualized means when a reasonable accommodation to the standard exam conditions is necessary to accommodate a disability.

Schools that prepare students for professional licensing, which often includes exams or other means of demonstrating knowledge and skills, conform their teaching and examination methods to the professional licensing bodies. However, the limits of what accommodations another entity will provide in licensing can only go so far to justify limits on exam accommodations in schools. A school's responsibility is to educate students in a field of study, but that field of study may or may not lead to a student joining the profession. For example, even if a student's disability were not accommodated by a Bar examination, this would not justify a law school in refusing to admit or educate the student or failing to accommodate the student to demonstrate knowledge of the law in alternative ways. There are a variety of legal careers that would not require Bar admission and a variety of arguments and enforcement actions a student may take to challenge a Bar's failure to accommodate his or her disability. As another example, a medical college could not exclude applicants with Hepatitis from accommodations on the basis that the state licensing entity would not license graduates with the disease. A similar level of care should be applied when responding to accommodation requests on the basis that a professional licensing entity would not permit the same accommodations in its testing.

Schools are interested in providing examination accommodations only to students whose disabilities require them, and they must balance that need with the obligation to avoid unduly burdening students with disabilities. As the DOJ recently made clear, previous testing accommodations provided to the student on similar exams and formal and informal accommodations the student received in secondary school should generally be accepted by subsequent

schools as adequate proof that a similar accommodation is necessary (U.S. Department of Justice, Testing Accommodations). The Department also made clear that documentation from qualified professionals who have evaluated the student should be accorded deference when determining what accommodations to provide. The Department stated that schools and testing entities should not "flag" or otherwise distinguish accommodated scores from other unaccommodated scores when reporting test scores and grades for students with disabilities.

Denying an Accommodation Request

The ADA places the responsibility on college and university leaders to determine whether an auxiliary aid or service is an undue burden on the institution or requires a fundamental alteration and to document those decisions and reasons in writing. (Auxiliary aids and services may include notetakers, interpreters, readers, open and closed caption, voice synthesizers, specialized gym equipment, Brailled calculators, assistive listening devices, and more.) This includes documenting decisions made to purchase or develop inaccessible communication technology or educational technology (such as websites, technology-based course materials, and course platforms). This kind of high-level decision-making authority is not legally required for providing reasonable accommodations. However, it is a best practice to ensure that staff who receive accommodation requests have access to budgets and a clear authority to determine what college-wide resources are available before denying any type of accommodation request. Again, any denied request for accommodations should be documented to ensure that the school can distinguish them from future requests.

To avoid inadvertent liability risks, it is important to have expert and high-level staff provide a mandatory check for staff and faculty decisions on reasonable accommodations. All faculty and staff should understand that, while they do have input, they are not the final decision makers and they must refer reasonable accommodation requests to appointed staff and leadership. Although informal

accommodation approvals reduce processing time and burden for students with disabilities, they can be dangerous for colleges by inadvertently setting precedents and creating inconsistency that can lead to discrimination based on individual attitudes and assumptions. A balance of process, authority levels, and delegation of responsibility can allow staff to grant simple accommodations, while restricting authority to deny accommodations or to grant particularly expensive or disruptive accommodations to senior university staff. These combined levels of authority with high-level oversight provides greater coordination across programs and campuses, allowing leaders to identify opportunities to share accessibility resources across programs and leverage disability accommodations efficiently.

Strategies to Ensure Campus Accommodations

All staff are responsible for creating and maintaining an inclusive environment. College and university leaders and administrators are responsible for ensuring that campus policies and procedures are compliant with the law. They should also ensure that all faculty and staff are aware of and trained in those policies including how to handle accommodations requests. Schools can take specific steps to create a learning experience and campus culture that is inclusive of all students.

Achieve Full Compliance

Achieving full compliance on campus requires that schools adhere to appropriate laws and regulations in appointing compliance staff and setting policies for the entire institution.

> **Build in Access from the Start** When considering strategic and institution-wide initiatives, prioritize universal access in your planning. Access that is built-in, rather than retrofitted, will be more convenient, inclusive, economical, and ethical in the long-term. By creating environments that are universally accessible, all students can benefit whether inside the classroom or during activities across campus.

Avoid Blanket Denials The ADA does not provide for categorical rules. If a certain type of accommodation will never be granted, the school will have the burden of proving that the change would be a fundamental alteration or undue burden in light of all the resources available. Any accommodation denial of this type should be documented at a senior leadership level.

Implement Effective Dispute Resolution Develop, review, and revise procedures for resolving disagreements regarding specific accommodation requests, including a defined process to review requests. The disability support services office as well as students, faculty, and staff with disabilities should participate in the development, review, and revision of compliance efforts and procedures for investigating complaints.

Stay Informed Work with the disability support services office and other diversity-focused offices to stay informed about emerging disability issues on campus that may warrant new or revised policies. Create advisory bodies on disability-related policies that include students, faculty, and other stakeholders with diverse disabilities to inform decision making on an ongoing basis. Include their input when finalizing strategies.

Standardize the Process Accommodations request processes are often cumbersome, which can delay approvals. Standardize the process by allowing requests to be made via online request forms and/or emails that can automatically generate responses to commonly approved accommodations. Standardize the process by allowing requests to be made through online forms and emails that can automatically generate responses to commonly approved accommodations. Online forms should meet or exceed Web Content Accessibility Guidelines2 (WCAG 2.1). These steps can encourage early requests and reduce processing time.

Know What's Important The essential elements and requirements of the academic degree an institution provides are inviolable, but how a student is permitted to meet them should be flexible. Develop, review, and revise policies and procedures that maintain a balance between "reasonable accommodation" and "otherwise qualified" without fundamentally altering core educational standards. Prioritize inclusion during the development, review, and revision of policies regarding the student's responsibility to meet the institution's qualifications and essential technical, academic, and institutional standards.

Establish a Centralized Budget Students with disabilities are not responsible for the costs of reasonable accommodations. Schools should establish a budget for the disability support services office and a separate, centralized budget for all other departments. Centralized budgets support staff, accommodation coordination expenses, office supplies and equipment, professional development, and predictable assistive technology and accommodation costs. By establishing a centralized budget available to all departments, the faculty and staff from these various departments will not feel pressured to reject accommodation requests because of the perceived impact on their budgets. Schools should be aware that the costs can be unpredictable and fluctuate for accommodations such as readers and notetakers, interpreters, transcription, captioning, book conversions, assistive technology hardware or software, or facility modifications made for individuals. Clarify the appropriate use (i.e., for accommodations rather than office infrastructure or fixed expenses) of these funds as an open-ended financial obligation. The disability support services office should have the autonomy to use these funds as necessary to remove barriers and implement accommodations so that access occurs as quickly as possible.

Keep Track and Be Consistent First, conduct a comprehensive analysis of accommodations to determine unmet needs, relevant

expenditures, external and internal resources, and impact on students and the institution. Establish mechanisms to get feedback from students, faculty, and staff about their accommodation needs. Second, be consistent. If faculty are granting ad hoc accommodations (e.g., attendance exceptions, notetaking assistance) for student-athletes, student-performers, student-workers, or students with urgent medical or family needs, while administrative offices are denying similar accommodations for students with disabilities based on undue burden or fundamental alteration, the school faces potential liability under the ADA. Third, count your successes in meeting student accommodation needs and track the costs of accommodations as investments. Look for opportunities to leverage those investments and improve efficiencies.

Connect with Free Community Resources Create connections with government and community resources that can assist with accommodations, disability awareness training, and mentoring programs. Resources may include the state Vocational Rehabilitation agency, state or local centers for independent living, and local disability service providers, and other organizations that are led by or support people with disabilities.

Create a Culture of Inclusion

Creating a culture of inclusion means going beyond compliance and doing what is necessary to create a culture that is inclusive of all students, including those with disabilities. For example, an institution meets the technical standard of accessibility by having a ramp entrance to a building; however, it is not fully inclusive when that ramp requires individuals with disabilities to take a circuitous route to find it.

Develop Policies that Support Inclusivity

- Develop accessibility policies for faculty to follow when planning and creating content for their courses. Provide expert staff to help faculty develop and implement those policies.
- Develop policies that promote and incorporate principles of universal design in physical facilities and in classroom instruction.
- Develop policies that recognize and respond to differences in disability and learning support needs that include learning disabilities, communication disabilities (including vision, hearing, and speech), cognitive disabilities, and different learning and communication techniques.
- Develop policies that respond to student crises, including mental health crises, in a flexible, supportive way. These policies should consider how to support students with cyclical mental health disorders such as anxiety, depression, and other related symptoms. These policies should appropriately take safety and security into account while avoiding uninformed assumptions and stereotypes.

Notify All Staff Inform staff and faculty about their roles and responsibilities to ensure access and inclusion of students with disabilities. Then, hold them accountable for complying with accommodation procedures and decisions by including accessibility and accommodations results in performance evaluations. Schools should require, not just offer, training for staff and faculty on criteria and

procedures for accessing and authorizing accommodations. Educating staff should be part of their ongoing professional development.

Establish a Culture of Universal Design for Learning
Provide meaningful, effective, and on-demand professional development to faculty and staff on universal design for learning (UDL). In a recent study of the effect of an online UDL course for faculty, researchers found that as little as four to six hours of training resulted in the increase of knowledge, a positive change in attitude toward disability, and greater confidence in faculty's ability to implement principles of UDL in their classroom (Wynants & Dennis, 2017). Provide training for faculty and staff regarding accommodations and auxiliary aides and accessible technology. Include administrative support staff, who can ensure that accessibility, including document accessibility, is carried out seamlessly.

Establish Decision Making Authority Most accommodations are low-cost and nondisruptive. Reserve high-level (dean's office) review for denials and approvals of accommodations that exceed a certain cost, alter pedagogy in significant ways, or require further guidance for faculty.

Maintain Privacy of Accommodations Requests Arranging accommodations without revealing student identities to faculty or staff, when possible, will protect student confidentiality and avoid unnecessary discomfort. When faculty or staff are involved in implementing an accommodation, the school administration should confirm with students how they would like to be involved in communications with faculty.

Connect Personnel and Offices Create policies that facilitate inter-departmental collaboration to serve students with disabilities. Greater collaboration across student affairs, housing, dining, and

disability support services offices is likely to result in a smoother campus experience for students. Sharing solutions, lessons learned, and successes across departments, while respecting student confidentiality, will create a strong institutional commitment to collaboration on disability issues.

Spread the Word Regularly and repeatedly remind staff and students of disability policies and the availability of accommodations. Use standardized statements on syllabi, in recruitment and orientation materials, and in posted notices. These statements serve as important reminders and help students and faculty find applicable policies and procedures when they need them. In addition, provide one-on-one consulting for students with disabilities on the process of seeking accommodations, self-advocacy, disclosure, and college success. A best practice includes the creation of a program of student ambassadors and peer mentors—students with disabilities who have gone through the process themselves, have been trained, and are willing to help guide new students.

Ensuring Campus Safety and Appropriate Student Discipline

Even when colleges and universities establish policies, procedures, and practices to treat students with disabilities equitably, unequal treatment still occurs. For example, safety requirements or disciplinary actions are applied more stringently to students with disabilities—more often for those with mental health disabilities and cognitive disabilities. These ideas and practices may arise from a belief that the school needs to protect students with disabilities from risk of failure in class or of danger to self or others. However, colleges and universities must ensure that disciplinary procedures and actions, admissions requirements, and qualification standards (e.g., academic eligibility, course requirements, codes of conduct) protect the rights

of students with disabilities in a way that is inclusive rather than exclusionary. Even when disciplinary actions (such as mandatory leaves of absence) are intended to protect students with disabilities, they can violate the ADA if they are overprotective and unnecessarily exclusionary. School responses must be proportionate to the perceived risk and tailored to address each student's needs. Blanket mandatory leaves of absence in response to a student's mental health crisis, for example, may exacerbate an already-challenging situation by interfering with treatment, removing on-campus social connections and supports, and eliminating an area of success from the student's life, all with no guarantee that replacement supports will be available off-campus.

Students with disabilities are, of course, subject to their schools' neutral legitimate safety requirements, including requirements that are designed to prevent harm to students with disabilities themselves. Students with disabilities can be excluded or limited if they pose a direct threat to others. However, a school must meet a high standard to show a causal relationship between the student's actions and the perceived risk, show that the risk is likely, and show that the harm would be significant.

Schools should be cautious when implementing blanket disciplinary rules or consequences when a student's challenged behavior is disability-related, particularly when the harm from the behavior is to the student himself or herself. For example, a blanket mandatory one-year leave of absence following a hospitalization for self-injurious thoughts or conduct, such as "cutting," may reflect generalized assumptions about mental health disabilities that are not correct in the individual context. On the other hand, a rule requiring all students to be cleared by a health care professional before returning to on-campus housing after a self-injury would be more likely to withstand scrutiny under the ADA. Similarly, overly broad or vague conduct requirements, such as those prohibiting all dangerous or self-destructive conduct, are unlikely to withstand scrutiny, especially if they are applied disproportionately to students with disabilities

(e.g., if students without disabilities engage in binge drinking without consequence, but a student with a disability is put on mandatory leave for an eating disorder).

Before applying a safety or disciplinary requirement to disability-related behavior, a school must ensure that its concerns about the behavior are based on an individual analysis of the student, his or her disability, and the real risks of the behavior—not stereotypes or assumptions about the disability. This individualized analysis can often be accomplished based on information from the student's healthcare provider, the student, and the student's family.

Even if a safety or conduct standard is applicable and legitimate, it is important to note that disciplinary actions are also subject to the requirement for reasonable accommodation to reduce the risk of harm, such as increased support or counseling, course withdrawals, incompletes, reduced course load, alternative assignments, online or at-home courses, or leaves of absence.

Bridge the Divide: Strengthen Access and Accessibility with Technology

In addition to the growing presence of technology in the classroom, most institutions have some element of online learning through supplemental online elements, online classes through a learning management system, or some combination of online and in-person classwork. In this technology-rich school environment, accessibility for all students is particularly important. This brings both opportunities and challenges as colleges and universities must keep accessibility in mind when designing online content, courses, and systems.

> **"Some technology simply cannot be accommodated and requiring its use amounts to discrimination. The only way to ensure equal access is to evaluate usability before purchase or adoption" (Dietrich, 2014, p. 71).**

The DOJ's Consent Decree with Miami University, available at **https://www.ada.gov/miami_university_cd.html**, provides a roadmap for policies and procedures to ensure technology and content accessibility. In addition, the DOJ and Department of Education have warned colleges and universities about the potential liability attached to deploying new inaccessible technology. In Dear Colleague Letters to college and university presidents in 2010, the Departments explained,

> **Requiring use of an emerging technology in a classroom environment when the technology is inaccessible to an entire population of individuals with disabilities–individuals with visual disabilities–is discrimination prohibited by the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) unless those individuals are provided accommodations that permit them to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner. (U.S. Department of Education Office for Civil Rights Joint "Dear Colleague" Letter: Electronic Book Readers, 2010, p. 1).**

The Departments have negotiated settlements with higher education institutions to require them to use new technologies only if the technologies are accessible or "...the universities provide reasonable accommodation or modification so that a student can acquire the same information, engage in the same interactions, and enjoy the same services as sighted students with substantially equivalent ease of use" (U.S. Department of Education Office for Civil Rights, p.2).

To ensure that students with disabilities can access new educational technologies requires more than an after-the-fact auxiliary aid. The 24/7 use-anywhere access that students with and without disabilities have come to expect through educational and personal devices cannot be achieved with a human assistant, such as a reader or interpreter. Furthermore, converting inaccessible print materials to accessible electronic or Braille via the optical character recognition process is time-consuming, resource-intensive, and often delays access. The technology itself needs to be accessible. Following are strategies and recommendations for planning and guidance to ensure that a college or university's technologies are available and accessible.

Have a Mission and Strategy Institutions should develop and adopt a mission and strategy for accessible technology. Assess the strategic plan periodically to track progress, identify existing barriers, and adjust strategy as needed (Luna, 2014). A good example of a mission statement comes from the California State University system: "It is the policy of the CSU to make information technology resources and services accessible to all CSU students, faculty, staff and the general public regardless of disability." – Executive Order 926 (Reed, 2004).

Be Transparent Provide transparency about the strategic plan and periodic progress updates to the public and interested stakeholders, including how and when the institution is addressing accessibility. Institutions often do not want to acknowledge that they are not fully accessible, even when they are working hard on accessibility, for fear it will lead to lawsuits. However, lack of transparency may actually cause students and other stakeholders to assume the institution is not aware of its own inaccessible technology and increase complaints and legal challenges.

Adopt a Standard Adopt a clear standard for accessibility. The U.S. Access Board recommends that higher education refer to the Web Content Accessibility Guidelines (WCAG) 2.0, Level AA as the standard to follow, which surpass the 508 compliance standards recommended by federal agencies. As part of these guidelines, make captioning a standard element of all videos used in classes and on campus and provide a budget for creating video captions (Dietrich, 2014). Require that all new content posted to a website meet the accessibility standard and establish accessibility checkpoints before content can be posted.

Establish Approval Procedures Develop a process for approving exceptions to accessibility for content and technology use. Exceptions should be limited to when accessibility would be an undue burden

(e.g., when exceptionally difficult or expensive, or no accessible version of the technology is available) or fundamental alteration (e.g., accessibility would undermine the purpose of the technology), and equally effective alternative access can be provided. Document all exceptions and all equally effective alternative access methods.

Gather Feedback Obtain feedback from students, faculty, staff and administrators on current accessibility challenges and priorities and implement their recommendations. Create and implement a feedback strategy to seek ongoing input from students with disabilities, faculty, and staff about the accessibility of technology.

Provide Resources and Training Provide the required funding, support, and personnel to lead accessibility efforts. Provide expert assistance to faculty and staff to help make content and technology accessible and to activate accessible features of technology. Train key staff on creating accessible content and accessible formats, (e.g., scanned PDFs versus searchable). When creating content, faculty and support staff should know what is and is not accessible. If they do not possess the technical knowledge to change content to be accessible, then they should know whom they can turn to for help (Dietrich, 2014).

Provide Assistive Technology to Students Ensure that students have access to a variety of assistive technologies such as screen readers, screen magnifiers, and text-to-speech. There is a variety of assistive software that is free and gives students options to use technology independently in common spaces.

Set Responsibility and Accountability Let faculty and staff know that they are responsible for ensuring the accessibility of any new content and technology they develop and that they have access to resources to help (such as administrative support staff who know how to make documents in various formats accessible). Conduct

periodic (automated and manual) accessibility audits of technology, feedback loops, and performance evaluations.

Provide Expertise and Tools Identify staff to provide expertise on accessible technology, making content and technology accessible, and accessibility checks. Ensure that people with disabilities and accessibility experts are included in working groups identifying new technology to be used by the institution. Provide tools, such as checklists, testing mechanisms, and training to facilitate accessible technology and content.

Inform and Hold Faculty Accountable Require faculty to identify and select curricular materials (e.g., textbooks) that are available in accessible formats. When faculty selects curricular materials that are not already available in accessible formats, make advance arrangements to obtain or create accessible formats for students with disabilities to receive on a timely basis. Assess the teaching tools that professors plan to use for accessibility. If there is no accessible solution and no way of making the content accessible, faculty should reconsider their teaching tool and seek a more accessible option (Dietrich, 2014). Faculty and disability services staff should work together to ensure that students with disabilities are getting educational materials at the same time as their counterparts without disabilities.

Hold Vendors Accountable Include accessibility as a requirement in the procurement contracts for any technology from third parties. Require vendors to certify that their technology meets a set standard, test the accessibility of their products, and share the results of testing. Require vendors to indemnify the school if the technology does not meet accessibility standards. If accessible technology for a certain product does not exist, include ongoing accessibility improvement requirements as part of the vendor contract. Include accessibility

requirements (generally using the WCAG 2.1 AA standard), testing requirements, requirements for documenting accessibility, and indemnification requirements in contracts that involve technology used by students, staff, faculty, parents, and the public.

Hold Third Parties Accountable If third-party content, websites, or applications are offered by the school to its students or are necessary to access school activities (e.g., paying bills, obtaining transcripts, registering for activities), require third-party providers to conform to the accessibility standard or provide equally effective, timely alternate access for individuals with disabilities.

Prioritize and Remediate Set priorities and deadlines for remediation of website content, class materials, and class technology, giving the highest priority to the content that is used most often or is most essential to the student experience in admissions, classes, and extracurricular activities. Use a qualified accessibility consultant to assess the accessibility of existing websites, class technology, and class materials, provide remediation advice, and do the remediation. Make arrangements (e.g., telephone assistance, alternative formats) to provide timely access to inaccessible material upon request for students with disabilities during the interim period before remediation is complete.

Ensure Implementation Meet with students who require accessible technology and their professors before classes begin each semester to ensure that any content and technology will be accessible to them or that alternate accessible materials are available on a timely basis. Periodically check in with the students and faculty to ensure that coursework is accessible.

Beyond Disability-Diversity: Full Inclusion for All Students

Disability-diversity on college campuses is no longer optional—it is an expectation. Students entering college today have grown up with the ADA and they have witnessed inclusion and mainstreaming of students with disabilities their entire lives. The most powerful barriers to full inclusion include stigmas about students with disabilities, negatives attitudes, and lack of understanding among campus administrators, faculty, and staff.

Research continues to show that faculty lack understanding of inclusive pedagogy or the importance of adopting teaching strategies that benefit students with disabilities (Wynants & Dennis, 2017). Attitudes not only affect how teaching is done, but a professor's general willingness to provide accommodations for students as well (Wynants & Dennis, 2017). For example, professors are more likely to adopt inclusive teaching methods if they understand that students with disabilities have limitations that arise from external barriers and not students' inherent abilities (or lack thereof) (Wynants & Dennis, 2017).

Often the faculty in higher education do not know the legal rights and responsibilities of students with disabilities, do not understand their responsibility for accessibility, and do not understand the role of the disability support services office (Wynants & Dennis, 2017; Behling & Linder, 2017). Even when campuses offer training on accessibility to faculty, those staff who do not make time to participate may find themselves in an "emergency" situation attempting to respond

to an accommodation request (Behling & Linder, 2017). In some cases, faculty may be resistant to adjusting how they teach for the benefit of a small number of students (Behling & Linder, 2017). Just as professors are expected to comply with other duties outside the classroom such as creating curricula, providing syllabi, and being available to students at a certain time every week, creating a more accessible environment should also be an area of responsibility.

A common concern among faculty is that accommodations for disabilities are unfair to other students or create lower academic standards. These attitudes contribute to the stigma that students with disabilities often face in higher education. As a practical matter, these attitudes can make students with disabilities work harder to get the accommodations they need by trying to persuade faculty that they require accommodations. Stigma can make it harder for students with disabilities to succeed and more likely to give up. In addition, the fear of stigma can isolate students with disabilities, making them less likely to seek the accommodations they need, participate in classes, or network with their peers to find success strategies.

As many as two-thirds of students with disabilities may have invisible or hidden disabilities (NCES, 2017). Adopting principles of universal design for learning will benefit a significant number of students. Faculty and staff can take the following steps to improve classroom inclusion by following UDL principles without fundamentally altering the content or changing the standards to which all students are held.

Educate Faculty about Disability Teach faculty members about disability bias, particularly unconscious bias, and raise awareness about common disabilities. For example, faculty should know that students with learning disabilities do not have a reduced intellectual capacity, rather they may have processing disabilities that can be addressed by the format in which information is conveyed, organizational mechanisms, and other tools. Educate faculty about

the science behind disability diagnoses and accommodations. (As noted at the start of this guide, hiring more staff, faculty, and Trustees with disabilities will change perceptions of people with disabilities at all levels of campus.)

Communicate Publicly Share messages about the school's commitment to inclusion of students with disabilities as fully consistent with high educational standards and that accommodations do not lower the institution's standards or expectations. Make clear that the school expects students with disabilities to be successful in meeting academic standards and communicate that accommodations are a normal part of that success. Frame UDL as giving both faculty and students the ability to interact with content in a variety of ways, rather than as diminishing the quality of learning.

Design Accessible Curricula When designing curricula, consider the different ways in which information can be presented. For instance, when using a graph to illustrate a point, add text to describe what the graph shows. This will allow students who have trouble interpreting visual data and students with visual disabilities to interact with the information. It can also help all students better understand the concept being presented.

Use Structural Scaffolding When assigning large projects, consider using "structural scaffolding." This simply means breaking up a large assignment into smaller segments. An example of this would be to ask students to turn in different elements of a final project at different deadlines (Austin & Vallejo Pena, 2017).

Use Multi-Modal Teaching Methods Use multiple methods to teach materials. Rather than traditional lectures, professors can engage

students through technology, group discussions, interactive exercises and other methods which allow the students to be more proactive learners and to balance learning and communication methods at which they excel with those they need to practice (Austin & Vallejo Pena, 2017).

Share Resources and Responsibility Faculty should make use of campus resources for professional development on universal design for learning (CAST, 2018). However, it is not the sole responsibility of a professor to make everything accessible. Faculty should have access to expertise and resources offered across campus to ensure an inclusive teaching environment.

Educate and Exchange Faculty across departments and disciplines should exchange ideas on how best to create inclusive environments in their classrooms. The exchange of ideas can not only lead to innovative solutions, but also enhance a culture of inclusiveness.

In addition to supporting faculty and staff to shift their behaviors and attitudes, the highest levels of leadership on campus should embrace disability-diversity consistently and publicly. Real change requires both on-the-ground change among faculty, staff, and students as well as champions at the level of president, dean, chancellor, or provost.

Find a Champion At least one high level official should focus on inclusiveness and equal access. A campus official can facilitate collaboration, negotiate funding, and reach other institutional officials to demonstrate a commitment to inclusiveness.

Encourage Responsibility and Accountability Leaders at all levels should be engaged in leading, messaging, and measuring improvements in inclusion. All staff should clearly see their own role in, and contribution to, inclusiveness.

Message and Mission Draft a diversity mission statement that frames disability inclusion and access as an environmental concern rather than an individual problem. Include disability in all statements and programs designed to increase diversity and inclusion, including targeted recruitment efforts and summer orientation or enrichment sessions for traditionally underserved groups.

Measure Collect and analyze data and information from students on the services provided to students with disabilities and the quality of those services. Use that information to implement program improvements.

Reach Everyone Anyone may have a disability. Distribute information on availability of services through all mainstream channels.

Share Your Culture of Inclusion Conduct awareness events with the input of people with disabilities, to inform and educate rather than perpetuate misconceptions about disabilities. Foster conversations among students with and without disabilities.

Manage and Mentor Keep faculty engaged and involved to generate buy-in across fields. Encourage faculty to communicate constructive feedback, become mentors to students with disabilities, and communicate their belief in the ability of students with disabilities to succeed.

Avoid Silos Do not rely on the disability support services office to be solely responsible for accessibility and inclusiveness. Inclusion takes the commitment of the whole institution and cannot be achieved by a single department.

Reject Stigma and Protect Confidentiality Be positive in your discussions about disability. Leadership rejecting stigma about disability helps others reject it too. At the same time, due to persistent cultural stigma about disability and important privacy interests, it is essential to keep disability-related information strictly confidential and avoid any process that exposes or segregates students with disabilities.

Create Support Systems Support mentoring, coaching, team activities, and group study programs by, for, and among students with disabilities. Create student groups of those with disabilities and their allies as one method of providing support systems and sharing information. Establish student disability ambassadors or peer mentors who have been through the accommodations process, have received training on the school's procedures, and are willing to mentor and guide other students.

Track Outcomes Many schools collect data on academic performance and post-graduation employment according to race, gender, and other factors, but few track the outcomes for students with disabilities as a group. Tracking this data can help colleges to demonstrate the success of students with disabilities and identify disability-related barriers to success.

Highlight Success Highlight alumni with disabilities and invite them to campus to talk about their expertise, career success, and challenges and how they addressed them. Offer mentoring opportunities that matches students to alumni or community leaders with disabilities.

Conclusion

Becoming an inclusive community takes work at all levels—from the top administration and Board of Trustees, to faculty and staff, to students. Research indicates that students with disabilities must experience a sense of "belonging" within eight weeks of arriving at college, or they will be at high risk of dropping out (Leake & Stodden, 2014, p. 403). Thus, shaping the culture of higher education institutions is one of the most important steps to achieving the goal of disability-diversity and inclusion.

Culture is shaped by the attitudes of administration and faculty and the framework through which disability is viewed. Even when students do not experience outright hostility, stigma and generalizations are likely to be the most prevalent barriers in the path of students with disabilities. Although research on discrimination in higher education has not focused on disability specifically, lessons learned from the inclusion of students from diverse racial and ethnic backgrounds and women can provide important insights for students with disabilities as well. Stereotypes about people with disabilities, (e.g., they are inconvenient or expensive to accommodate, they are not working hard enough, they are not really qualified, or they are cheating by requesting accommodations), abound in higher education. Just as in the context of race or gender, these stereotypes are not simply a threat when they are held, and acted upon, by faculty and staff of higher education institutions (Steele, 2011). The existence of widely held stereotypes about particular groups also threatens how students who are members of those groups perceive

and evaluate themselves, which then affects their performance (American Psychological Association, 2006). To counteract common biases against students with disabilities while creating an inclusive campus culture, leaders at all levels of the institution must model the behavior they wish to see and additionally support faculty, staff, and students with disabilities to fully engage in all aspects of campus life.

Higher education continues to be a goal for all Americans, and college campuses prepare a significant proportion of adults to join the workforce and participate actively in civic institutions. Campuses should reflect society in all its rich diversity, including disability diversity. Attracting the highest talent means ensuring access and inclusion of every student. A campus culture that reflects full inclusion will be more attractive to all students, while also influencing students to be more inclusive of people with disabilities in their careers and communities. In turn, successful graduates become spokespersons and advocates for themselves, for others, and for their schools.

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