Making Programs Inclusive for Students with Disabilities

Melanie Eley, Web Accessibility Coordinator, UNCG Online
Tina Vires, Director, OARS

Objectives

- **Become familiar with laws and policies/Compliance Obligations (and avoid personal liability)**
- **Understand relevant definitions**
- **Understand how accommodations are assessed**
- **Craft an accessibility statement for program marketing**
- **Learn how to implement accommodations**
- **Know Program Organizer Responsibility**

UNCG

Poll Questions

Q1: What is your level of experience with program accessibility?
A. Beginner (never done this, don't know how)
B. Intermediate (some experience/knowledge of accessibility principles)
C. A lot of experience (use accessibility principles regularly when planning programs and events)

Q2: Have you ever provided student accommodations in your programming?
● Yes
● No

Laws & Policies

Laws & Policies - Sect 504 & 508

Rehabilitation Act of 1973

- ## Section 504
    - Prohibits discrimination on the basis of disability by institutions that receive federal funding

- ## Section 508 (refresh in 1998 and 2017)
    - Requires electronic and information technology to be accessible to people with disabilities, including employees and members of the public

Americans with Disabilities Act (1990)

- **Reinforces Sections 504, 508, and IDEA**

  - Prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities

  - Extends to post-secondary realm, educational opportunities for "otherwise qualified" individuals with disabilities

Laws & Policies - ADAA

ADA Amendments Act (2008)

- **Expanded on the original ADA**

  - Broadened definition of "disability"

  - Added several items to the "non-limited" list of "Major Life Activities" – including "concentrating"

  - Relieved institutions of a requirement to demand extensive analysis to confirm "disability"

Laws & Policies - UNCG

UNCG ICT Accessibility Policy

- **Supports ADA, Section 504/508, WCAG 2.1, NC Gen. Stat 168A-7**
  - Information and communication technology (ICT) resources should be accessible to all users to ensure compliance with federal and state accessibility laws

Laws & Policies - Personal Liability

The court has identified when individual employees/instructors may be named personally liable, such as **in situations…**

"...where (a) he or she is <u>in a position of authority</u>…"[See also U.S. v. Morvant, 843 F.Supp. 1092 (E.D. La. 1994)]

Laws & Policies Continued

Therefore, it is important to…

- Accept accommodation requests and work with appropriate personnel to provide the requested accommodation, unless doing so falls under one of the three main categories where we may/should legally deny an accommodation (later slide)

- Avoid negotiating accommodations

If need or concerns arise, consult with appropriate contact

Definitions
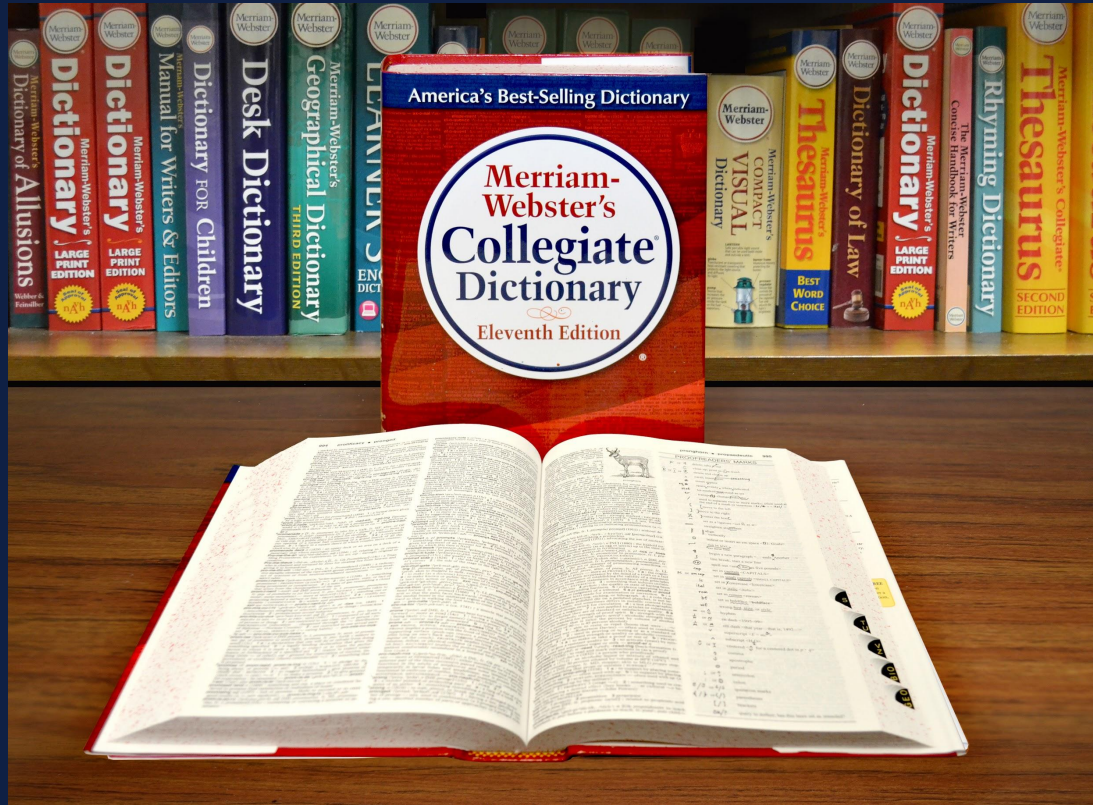
Disability:

a physical or mental condition which substantially limits one or more major life activity

ADA (1990) and ADA Amendments Act (2008)

DISABILITY RIGHTS ARE CIVIL RIGHTS

The ADA is Civil Rights legislation, meant to:

- Remove barriers

- Provide equity of access

- Ensure equal opportunity for people with disabilities in society

Accessibility vs. Accommodation

Accessibility

ability to use or engage with something independently or without needing to ask for modification or alternative format.

PROACTIVE: consider accessibility before and during product design process

Accessibility vs. Accommodation

Accommodation

making an adaptation or modification to meet the needs of a specific individual or group.

- **REACTIVE: adjustments made to existing product; often temporary**

Why Accessibility Over Accommodation?

Inaccessible design excludes people.

Accommodations give access to whoever is there at the time. Often requires extra work for redesign.

Accessible design means current and future users will have access. Little extra work will be needed.

Source: Univ of Minnesota: Accessibility vs. Accommodation

Accessibility & Universal Design

Accessible Design: needs of people with disabilities are specifically considered in the design process
Center for Universal Design

Universal Design: design of products and environments to be usable by all people to the greatest extent possible without need for adaptation or specialized design
Center for Universal Design

Source: Univ of Minnesota: Accessibility vs. Accommodation

Poll Questions

- T/F - Marketing event info via multiple modalities (electronic, paper flyers, social media, etc.) is an example of UD?

- T/F - Sharing event information on Instagram and Twitter is another good example of UD?

Assessing Accommodations at UNCG

Three Ways to Accommodate

- General

- Provision of auxiliary aids and services

- Alteration to policy/procedure*

With or without reasonable accommodations, the individual must be able to meet the essential program or course requirements.

*This may mean modification of a University's attendance policy or no pet policy, etc.

University Responsibility

The Office of Civil Rights (OCR) requires reasonable accommodations for university events.

Common accessibility needs:

- Accessible parking/entrance/seating/restrooms
- [Accessible video/streaming platform](#)
- Interpreting services (CC or ASL)
- [Accessible marketing & presentation materials](#)
- Early access to presentation materials
- Service animals (not accommodation)

Accessibility Statement

- Include an accessibility statement in all of your marketing materials

- Designate someone to respond to potential requests

Sample Accessibility Statement

"In compliance with the Americans with Disabilities Act, UNC Greensboro will honor requests for reasonable accommodations made by individuals with disabilities. Requests can be implemented more effectively if notice is provided at least 10 days before the event. Direct accommodation requests to (insert the appropriate contact person and contact info for your event here)."

The event contact person will then consult the appropriate personnel for implementation. OARS, UNCG Online, or HR (contact us if not sure!)

Requesting Event Accommodations

Attendee Responsibility

Contact the event organizer in a timely manner to communicate accommodation needed (FM system, interpreter, captioning, etc.)

An accommodation is not considered "reasonable" if any of the following are affirmative:

- Would the accommodation constitute an undue burden?
  (*Rare* - cost may not always be a factor; consider interpreters)

- Does the accommodation result in a direct threat?

- Is the accommodation a fundamental alteration of course/program requirements? (be able to defend rationale; see next slide)

Fundamental Alteration

(CPR Example)

OCR: Process should cover the following…

1. Is the decision made by a **group** of people who are trained, knowledgeable and experienced in the subject area?

2. Did the group consider reasonable alternatives that may meet essential requirements?

3. Did the conclusion result from a careful, thoughtful, and rational review of the program requirements?

Videos & Virtual Events

Videos

DIY Option:

● **Automatic Speech Recognition (ASR) captioning with editing**

    ○ Canvas, Panopto, YouTube, Zoom

Outsource Option:

● **Uploading caption files**

    ○ Canvas, Panopto, YouTube

Virtual Events - Live Meetings

Live Meetings

- ○ Live Transcript feature
  [Video](#)

- ○ Assign a typist feature
  [Video](#)

zoom

QUALITY
EDUCATION

Organizer Responsibility

- **Provide accommodations in timely & pleasant manner**
- **Contact OARS to discuss**

  - Options if accommodation may be a fundamental alteration

  - Any need to negotiate accommodations

- **Contact accessibility@uncg.edu for technical assistance to implement accommodations online**

*OCR Complaint No. 11-20-2024

Reporting Access Issues

- **Report an Accessibility Issue Form**

  - Found on OARS site, & Accessibility Resources site

- **accessibility@uncg.edu**

  - Making your online course accessible

- **oars@uncg.edu**

  - Questions about accommodations

Poll Question

T/F - Organizers must provide an interpreter even if one has not been requested

T/F - Organizers must include an accessibility statement in their marketing materials

Ensuring PWDs are Heard

UNCG PhotoVoice (4:39)

PhotoVoice Slides PDF

Animals on Campus

First Airplane Ride:

His human says Daniel's gentle quacking keeps her calm during flights; she has PTSD.

I sleep soundly whenever she is in the room with me. She helps alleviate my stress. When I have her near me I don't shake at all, …I seem to be able to concentrate more on my work when she is around me. ~Student

(My cat) helps me overcome my anxiety issue that comes with my autism. ~student

Serious and pervasive disorder including isolation, etc. ESA is therapeutic for all symptoms. ~M.D.

His company serves as a pleasant distraction from my anxieties. I have not had a single panic attack since I've had him. He helps alleviate underlying issues with regard to the onset of depression… and relieves me of my intense feeling of loneliness.
~ Student
(diagnosis: chronic medical and depressive disorder)

…serves as a way to focus when I am suffering anxiety attacks, encourages me to stay active… when I would rather curl up in a ball in my room, and helps with symptoms of disassociation… I have thoughts of self harm, and (he) keeps me from indulging…

~Student (Dx: PTSD)

I cope with OCD, anxiety, and depression every day. Medications have brought me a long way, but could never rid me of the panic attacks before they were at full force like Malibu does. I get hooked on certain small things as a by product of my disabilities wherein Malibu will come and stand on my shoulders or lap and nudge me until that cycle is interrupted before I can get too worked up. If I get anxious and start pacing (the precursor to a massive panic attack) she will sit or stand in front of me and force me to stop and redirect attention to her.
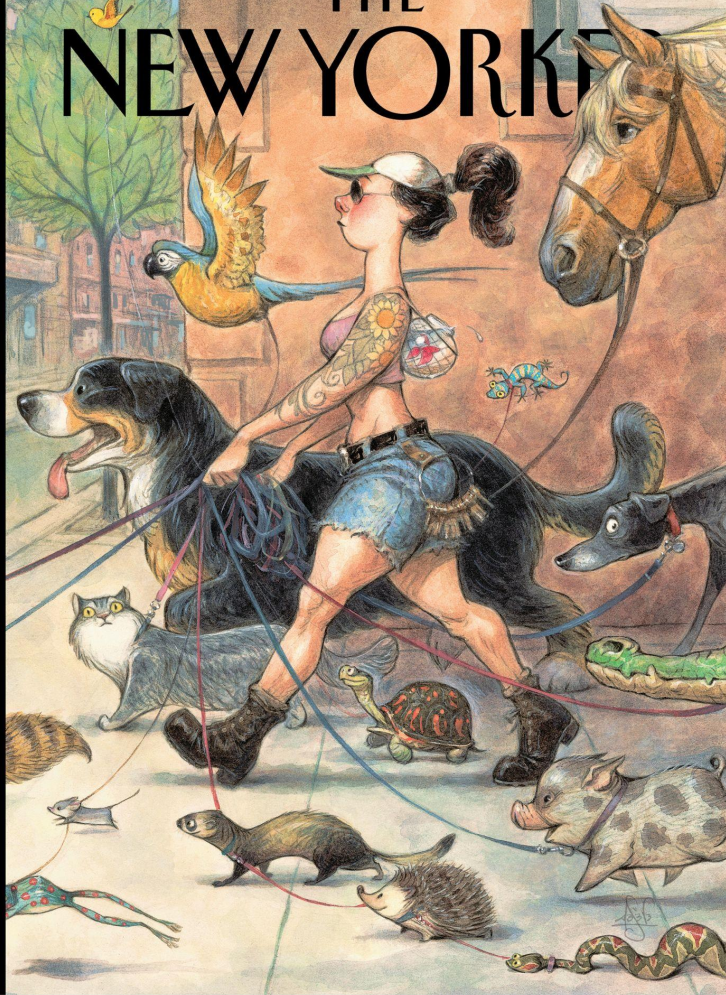
~J.M.

Service Dogs

Dogs - individually trained to do work or perform tasks for people with disabilities are service animals. Examples include, but are not limited to:

- Guiding people who are blind
- Alerting people who are deaf
- Pulling a wheelchair
- Alerting and protecting a person who is having a seizure
- Reminding a person with mental illness to take prescribed meds
- Stabilizing a person with Post Traumatic Stress Disorder (PTSD)

These are working animals. The work or task a dog has been trained to provide must be directly related to the person's disability.

Service Dog

UNCG

Emotional Support Animal?

Service Animals

A <u>Service</u> animal will (almost) always be a dog and is permitted almost anywhere its owner is permitted. If not obvious, one may <u>legally ask ONLY</u> two questions:

1. Is this a service dog required because of a disability? (Do not ask what disability.)
2. If "yes" - What task is it trained to perform? (No demos may be requested.)

Revised ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities.

Anything else about service animals?

Do <u>NOT</u>:

☐ *Ask about the nature or extent of an individual's disability*

☐ *Require proof that the animal has been certified, trained or licensed as a service animal*

☐ *Require the animal to wear an identifying vest or tag*

☐ *Ask that the dog demonstrate its ability to perform the task or work*

Poll Question

T/F - All pets are Emotional Support Animals

T/F - Cats can make great Service Animals

T/F - I can verify a dog is a Service Animal by asking what task it is trained to perform

Questions

Resources

- **OARS -** OARS homepage

- **How-to Instructions & Demos** - video demonstrations and instructions for creating accessible videos and other online content

- **Report an Accessibility Issue -** form for faculty, students, and visitors to use to report a non-emergency accessibility issue

- **Campus Accessibility Information** - a variety of UNCG accessibility resources on one page

- **Learning Disabilities Handout** - tips for providing access for one of the most common invisible disabilities; can also be used to address other invisible disabilities

- **Introduction to Universal Design** - Section508.gov gives a good overview of Universal Design

- **NCA&T OCR Complaint 11-20-2024 Case Resolution** and **OCR Letter to NCA&T**

- **U.S. v. Morvant** - personal liability for failure to accommodate individual with disability

- **ADA - Service Animals**

- **UNCG Policy - Animals on Campus**