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SOME DISABILITY DISCRIMINATION LAWS

The Americans with Disabilities Act is a civil rights law that prohibits discrimination against people with disabilities. The ADA has placed a number of obligations on all post-secondary institutions to provide reasonable accommodations so that individuals with disabilities can have equal access to university programs, services, or activities. Exceptions to these accommodations are allowed only when they would result in fundamental alterations in the nature of the programs, or in undue financial or administrative burdens, or both.

The Americans with Disabilities Act of 1990 defines a person with a disability as a person who:

- (1) Has a physical or mental impairment that substantially limits one or more of life's major activities (e.g., seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working);
- (2) Has a record of such an impairment (e.g., cancer, alcoholism, mental illness); or is regarded as having such an impairment (e.g., a facial scar, bodily disfigurement, or HIV or AIDS).

Some requirements of applicable federal and state laws include:

Title II of the ADA prohibits the university from excluding qualified individuals with disabilities from participating in or being denied the benefits of university-provided, programs, services, or activities. The university is required to do the following to enable individuals with disabilities who meet eligibility requirements to receive

services or to participate in programs or activities:

- ✍ Make reasonable modification of facilities, programs, practices, or services
- ✍ Remove architectural, communication, or transportation barriers
- ✍ Provide auxiliary aids and services

Section 504 of the REHABILITATION ACT of 1973 prohibits the university from discriminating against or excluding qualified individuals with disabilities from its programs and activities solely because of disabilities. This Act prohibits discrimination in employment and sets rules for program and facility accessibility for individuals with disabilities.

Under the **MICHIGAN PERSONS WITH DISABILITIES CIVIL RIGHTS ACT**, persons have rights to the opportunities to obtain employment, housing, and the full and equal utilization of public accommodations, public services, and educational facilities without discrimination because of disabilities. An employer cannot fail or refuse to hire, recruit, or promote a person because of a disability that is unrelated to the individual's ability to perform the essential duties of her/his job. At universities, the Act prohibits discrimination that affects a student's full utilization of the university's programs, activities, and services, including housing.

An accommodation must be considered when determining whether an individual with a disability can perform the duties of her/his job or is eligible to utilize the services of the institution. The university must provide reasonable accommodations for individuals with disabilities, unless to do so would result in undue hardship.

AMERICANS WITH DISABILITIES ACT AND YOU: A GUIDE FOR FACULTY AND TEACHING STAFF

This guide explains the process required before faculty and teaching staff may provide any accommodation to a student. It also gives some explanation of ADA-defined disabilities and provides instructional suggestions for providing reasonable accommodations to students with special needs. ***It is the student's responsibility to request an accommodation from Student Disability Services.*** Please be certain to ask for, and receive, the Notification to Instructor form (which is issued to the student by Student Disability Services) from the student before providing an accommodation.

As a prerequisite to providing an accommodation to a student with an ADA-defined disability, it is essential that the disability be verified by the Student Disability Services office and that accommodation be provided consistent with the recommendations of that office.

CAUTION: It is of paramount importance that faculty and teaching staff do not provide an accommodation until the student's disability has been verified by the Student Disability Services office and the student provides a Notification to Instructor issued by Student Disability Services.

It is understandable that faculty and teaching staff want to provide assistance to students to facilitate their academic success. However, instructors have no authority to provide an accommodation to a student without complying with the office of Student Disability Services process for validating a student's disability. This validation results in a letter of Notification to Instructor.

If instructors provide an accommodation independent of the process described here, a precedent will be set that will undermine the purpose of this process and subject the University to possible claims of illegal discrimination.

Increasing Classroom Success

It is essential that students recognize it is their responsibility to request accommodations. Therefore, faculty and teaching staff, in order to encourage students with disabilities to seek accommodations, should announce to classes and place the following statement on course syllabi or outlines:

"CMU provides students with disabilities reasonable accommodation to participate in educational programs, activities, or services. Students with disabilities requiring accommodation to participate in class activities or meet course requirements should first register with the office of Student Disability Services (120 Park Library; telephone: 989-774-3018; Telecommunications Device for the Deaf: 989-774-2568), and then contact me as soon as possible."

Central Michigan University is committed to working with students with disabilities to facilitate their academic success, and the university recognizes that instructors are key to achieving this goal. At the same time, the university recognizes that students must initiate and actively participate in any requests they make for accommodations.

Thus, the university expects students with disabilities to assume responsibility for requesting from faculty and teaching staff accommodations that will provide equal access to university programs, services, or activities. The university also expects these students to schedule appointments with their professors to discuss abilities, classroom requirements, and methods conducive to assuring access to programs.

A student is not required to notify anyone at the university that he/she is a person with a disability. Many students do not submit verification of disabilities or request any accommodations.

Do not assume a person has a disability or pressure a student into requesting accommodations. When a student does identify her/himself as a person with a disability and requests accommodation, the university wishes to act promptly to verify the disability and provide accommodations consistent with its processes.

PROCESS FOR PROVIDING ACCOMMODATION

Members of the faculty or teaching staff have the closest immediate contact with students who have disabilities. The university relies on its instructional staff to be sensitive to those who request accommodations for disabilities as defined by the ADA. Therefore, it is important to understand the process used to provide accommodations.

In some cases a disability is obvious, but in many cases it is not. Before the university provides accommodation to students, Student Disability Services asks each student to document her/his disability. This can be a complex matter and should be done only by that office.

Immediately after a person's disability is verified by Student Disability Services, that office consults with the student, and possibly others, to determine what accommodations are appropriate and possible. Accommodations are provided on a case-by-case basis. Student Disability Services will provide the student with a Notification to Instructor that identifies recommended accommodations.

Occasionally the student may request an accommodation directly of the instructor. Students who make such requests but do not have a Notification to Instructor from Student Disability Services should be referred to that office to obtain the required notification. When the student has received the Notification and given it to the instructor, a conversation with the student is one of the best ways an instructor may understand how the recommended accommodation from Student Disability Services would effectively accommodate the student's disability.

Faculty and teaching staff who have questions or would like consultation on how to best provide the recommended accommodation should contact Student Disability Services.

Confidentiality

Confidentiality of all disability information is essential. At no time should instructors inform the class or others that a student has a disability, except at the student's express request in writing. All disability information that the student gives the instructor is to be used exclusively for arranging reasonable accommodations for her/his course of study.

Denial of Accommodation

Once a student has self-identified her/himself as a student with a disability and has obtained a Notification to Instructor, faculty and teaching staff must not deny the recommended accommodation. Denial of a recommended accommodation could result in claims of illegal discrimination and litigation against individual faculty or teaching staff, as well as the university. Therefore, Student Disability Services should be contacted for assistance relating to questions about the reasonableness of recommended accommodations. Student Disability Services is a helpful resource for evaluating the validity of a requested accommodation and for recommending suitable alternatives.

In some instances the instructor and the student with a disability may meet with Student Disability Services to discuss recommendations for accommodation. If no agreement is reached as to the accommodation, the student should be referred to the department chair or dean to formally appeal. If the dean determines the accommodation request is unreasonable, he/she will refer the request to the Provost's Office for appropriate actions.

Evacuation Procedures

Faculty members and teaching staff should be familiar with classroom emergency evacuation procedures and are urged to contact Environmental and Safety Services at 989-774-7398, Facilities Management Service Center at 989-774-6547, or the appropriate dean's office before such emergencies occur. In the event of an emergency evacuation, and as appropriate, faculty and teaching staff should help ensure that individuals with mobility, visual, hearing, and other disabilities receive assistance necessary to evacuate. For more information refer to www.ess.cmich.edu/building.htm and www.cdihp.org/evacuation/emergency_evacuation.pdf.

TERMINOLOGY

Negative Phrases

- ☞ The blind
- ☞ Suffers a hearing loss
- ☞ Afflicted with MS
- ☞ CP victim
- ☞ Stricken with MD
- ☞ Retarded; mentally defective
- ☞ Epileptic
- ☞ Confined or restricted to a wheelchair
- ☞ Cripple; lame; deformed
- ☞ Dumb; mute
- ☞ Fit
- ☞ Courageous (implies the person is a hero or martyr)
- ☞ Normal person (implies person with a disability is not normal)
- ☞ Stutterer

Affirmative Phrases

- ☞ Person who is blind; person who is visually impaired
- ☞ Person who is deaf; person who is hearing impaired
- ☞ Person who has multiple sclerosis
- ☞ Person affected by cerebral palsy
- ☞ Person who has muscular dystrophy
- ☞ Person with mental retardation
- ☞ Person with epilepsy; person with a seizure disorder
- ☞ Person who uses a wheelchair
- ☞ Physically disabled
- ☞ Unable to speak; non-verbal
- ☞ Seizure
- ☞ Successful; productive
- ☞ Person without disabilities; non-disabled person
- ☞ Person who stutters

ACCOMMODATIONS PROVIDED BY CMU

Examples of accommodations the university has provided to students with disabilities include:

- ☞ Information on obtaining taped textbooks from the Recordings for the Blind agency
- ☞ Taped textbooks that are not available through the Recordings for the Blind agency
- ☞ Notetakers
- ☞ Extended time for taking tests
- ☞ Alternative testing site
- ☞ Assistants for lab classes
- ☞ Library research assistance, especially for reading computer screens
- ☞ Adaptive software
- ☞ Enlarged-print tests
- ☞ Copies of overheads and power point presentations
- ☞ Test readers
- ☞ Scribes for tests
- ☞ Sign language interpreters
- ☞ On-campus transportation arranged with the Isabella County Transportation Commission (ICTC)
- ☞ Wheelchair-accommodating work stations

SOME RESOURCES AVAILABLE AT CMU

Student Disability Services

Park Library 120

Telephone: (989) 774-3018

www.cmich.edu/student-disability/

The Student Disability Services office is responsible for coordinating services for students with disabilities. It is located in Park Library 120 and is adjacent to the Adaptive Technologies Room in Park Library 119.

Once a student has registered and provided appropriate documentation, Student Disability Services will recommend suitable accommodations that will enable the student with a disability to participate in the services, programs, and activities at Central Michigan University.

The Student Disability Services office provides instructors with letters that outline the accommodations to be provided.

Counseling Center

Foust Hall 102

Telephone: (989) 774-3381

www.counsel.cmich.edu

The Counseling Center provides brief/time-limited confidential assistance at no charge to currently enrolled CMU students. Licensed mental health professionals from a variety of disciplines counsel individuals and groups for a variety of issues including, but not limited to:

- ✍ Personal problems (urgent or crisis situations, anxiety, depression, loneliness, identity, alcohol/drug abuse, eating concerns, stress management, relationship concerns, relapse prevention, sexual orientation, coping skills)
- ✍ Sexual and domestic violence, , stalking and harassment
- ✍ Career exploration
- ✍ Academic success

Counseling Center services also are available to students who wish to further their growth and development. Such services include various workshops and outreach programs.

The Center serves as a consultation and referral resource for students, faculty, staff, administration, and parents of students.

Park Library

Telephone: (989) 774-3470

www.lib.cmich.edu/

The Library is committed to making information, resources, and services available to all patrons regardless of abilities.

Accessing Library Services

The following departments can be accessed via Telecommunications Device for the Deaf (TDD):

✍ Reference Desk	(989) 774-3470
✍ Access Services	(989) 774-3114
✍ Media Services	(989) 774-3891

Parking

A limited number of handicapped parking spaces are available on Library Drive at the south end of the library. In addition, handicapped parking spaces are available in all other parking lots.

Getting In and Around the Libraries

Maps are available at the library entrance and at the Reference Desk located on the second floor.

Finding Information on a Topic

Students can call 989-774-3470 or visit the Reference Desk located on the second floor.

Many online resources, including an online catalog and an e-mail reference service, also are available. Some terminals are at wheelchair height. For magnified or spoken versions of resources, students can use the Adaptive Technology Room located in Park Library 119.

Retrieving Items

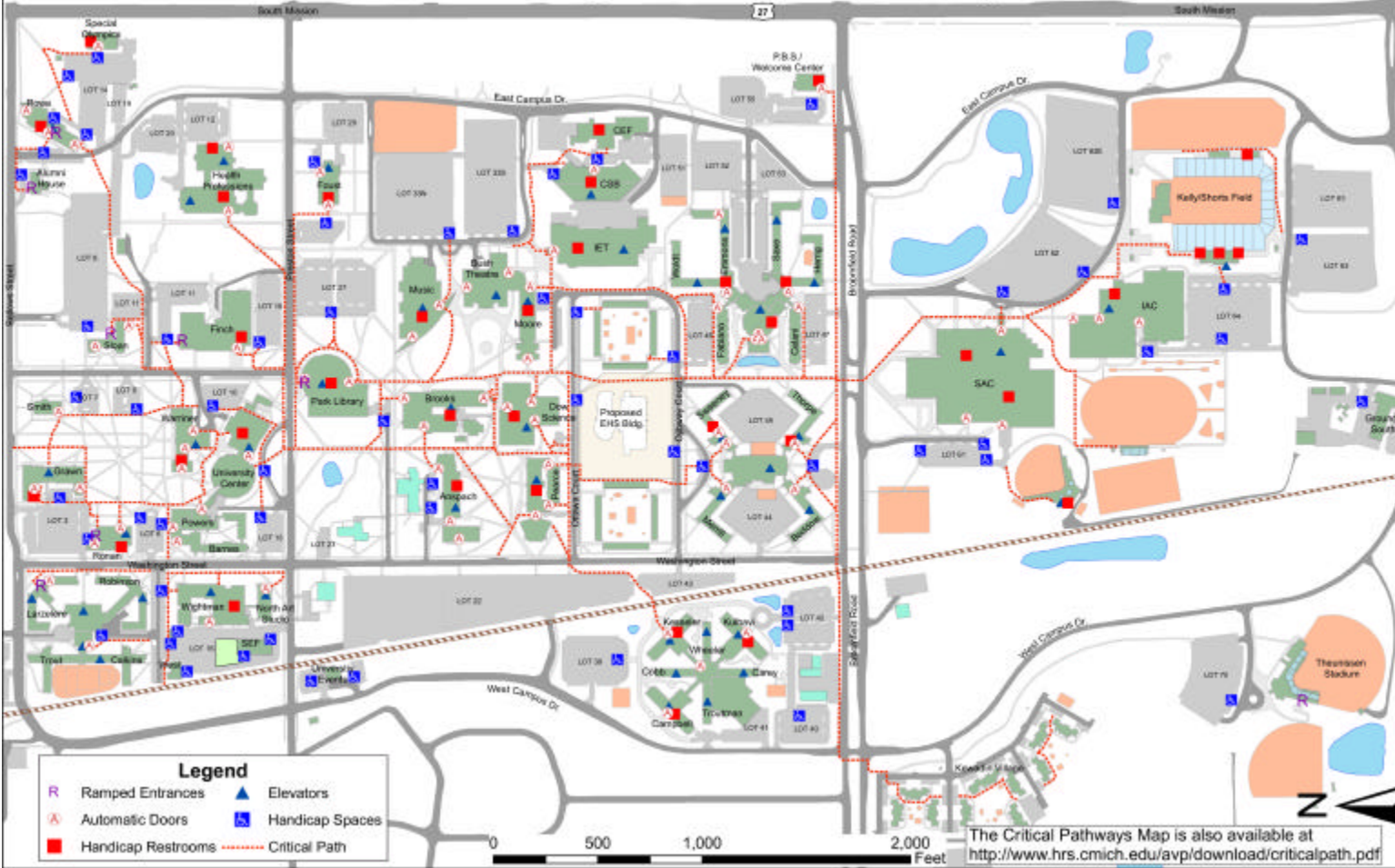
Students can contact the Book Check-out Desk for assistance in retrieving items from the collection. When possible, students should call in advance for an appointment.

Non-print items including video cassettes, films, and equipment are available through Media Services in Park Library 101 or by calling 989-774-3891.

Use of Clarke Historical Library materials generally is restricted to the Clarke reading room; however, special arrangements can be made for users with disabilities. Call 989-774-3352 for hours and assistance.

When encouraging students to use the library, the library staff can best help students who call in advance to arrange for reference or paging services. Students should call the appropriate department head if any problems arise with library services.

Central Michigan University Critical Pathways



CHRONIC CONDITIONS

The term “chronic conditions” refers to limited strength, vitality, or alertness due to chronic or acute health problems. Such health problems may include heart conditions, tuberculosis, lupus, asthma, sickle-cell anemia, arthritis, hemophilia, epilepsy, leukemia, cancer, diabetes, or AIDS.

INSTRUCTIONAL SUGGESTIONS

Upon receipt of the Notification to Instructor, reasonable accommodation for chronic conditions may mean that the instructor:

- ✍ Sets up an independent study plan for the student to help accommodate absences. In this way, the student has the opportunity to keep up with the class even if he/she has extended periods of time at home or in the hospital
- ✍ Creates an atmosphere of acceptance for the student
- ✍ Makes arrangements in conjunction with Student Disability Services if the student needs to take frequent breaks to rest
- ✍ Allows the student seating that best accommodates easy access to facilities he/she needs (bathroom, hallways, etc.)

MOBILITY DISABILITIES

A mobility impairment includes disabilities in which severe physical impairments may adversely affect the student’s educational performance. This includes students who use wheelchairs, assistive walking devices, and/or have limited mobility of the arms and/or hands.

Students with a Mobility Impairment

Motor impairment may result in partial or total loss of the function of some part of the body with such resultant problems as muscle weakness, lack of muscle control, or paralysis, spasticity, palsy or other motor function abnormalities, such as seizures. Additional problems include lack of coordination, extreme slowness of movement, and restrictions in range of motion due to stiffness, paralysis, amputation, or pain.

Motor impairment does not result in loss of mental capability.

INSTRUCTIONAL SUGGESTIONS

Upon receipt of the Notification to Instructor, reasonable accommodation for mobility impairments may mean that the instructor:

- ✍ Arranges the classroom differently to accommodate the student’s wheelchair or other mobility needs
- ✍ Integrates accessible student seating in the classroom that does not isolate the mobility-impaired student
- ✍ Arranges a lab partner for the student
- ✍ Allows students with upper limb impairments additional time to complete written assignments
- ✍ Allows the student with upper limb impairments to record the test answers on tape or give answers to a notetaker. Another option would be to make arrangements with Student Disability Services for the student to take the test in that office.

HEARING DISABILITIES

A person with a hearing impairment has either no hearing or limited hearing that, without appropriate accommodations, may affect the student's performance. The student's speech also may be affected if he/she is deaf or has a hearing impairment.

Students who are deaf

A student with a profound hearing loss may need to sit in the front of the classroom with the instructor's face and mouth in plain view. Since this student may read lips, he/she also may rely on facial expressions to understand what is said. If the student is not a lip reader, he/she may need an interpreter (signer) or real-time assistance (similar to a court reporter).

Students who are hearing impaired

As with a visual impairment, there are various degrees of hearing loss. A student may have a moderate or mild impairment that may not affect the student's ability to communicate effectively but will require that he/she sit in the front of the class in order to follow the lecture. A student with a severe hearing loss also may need to see the instructor's face in order to read her/his lips during the lecture.

INSTRUCTIONAL SUGGESTIONS

Upon receipt of the Notification to Instructor, reasonable accommodation for hearing disabilities may mean that the instructor:

- ✍ Utilizes films and videos that have been captioned, or provide a transcript when possible
- ✍ Encourages the student to sit in a front row seat, and reserves a seat if necessary
- ✍ Keeps her/his face and mouth in plain view of the student
- ✍ Has the student's attention before class begins
- ✍ Repeats questions and comments made by other students in the room
- ✍ Uses all forms of visual aids, including overheads, handouts, etc., to reinforce what is being said
- ✍ Provides a written backup for all spoken instruction
- ✍ Provides the student with long-term reading assignments to give her/him a chance to read ahead and become familiar with the materials to be discussed
- ✍ Speaks at a normal speed and volume. (It is not necessary to exaggerate or over-emphasize. Lip readers learn to read at a normal speech rate)
- ✍ Communicates in writing with the student if appropriate
- ✍ Makes sure the student has good lighting to facilitate lip reading. The instructor should not stand with her/his back to the window while talking
- ✍ Encourages the student to ask questions regarding what was unclear before leaving class for the day
- ✍ Wears a small transmittal device if necessary. Should students require amplification enhancement, non-intrusive equipment is available

LEARNING DISABILITIES AND HEAD INJURIES

Learning Disabilities

Learning disabilities are permanent disorders that affect the way in which students with average or above average intelligence take in, retain, and communicate information. As a consequence, their school achievement may not be a true measure of their real abilities.

Learning disabilities commonly result in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations. Learning disabilities also can have adverse effects on memory, organizational skills, time management, study skills, social skills, analyzing and synthesizing information, abstract reasoning, and attention span.

The term “learning disabilities” does not include students whose learning problems primarily are the result of visual, hearing, or motor handicaps/disabilities, mental retardation, emotional impairments, or the result of environmental, cultural, or economic disadvantages or differences.

Students with Closed Head Injuries

A student who has suffered a head injury as the result of an automobile accident, for example, may require special accommodation in the classroom. Needs for services will vary depending on which part of the brain is damaged or affected. Accommodations for head injuries are similar to those for learning disabilities.

INSTRUCTIONAL SUGGESTIONS

Upon receipt of the Notification to Instructor, reasonable accommodation for learning disabilities and closed head injuries may mean that the instructor:

- ✍ Allows the student to work at her/his own pace
- ✍ Allows the student to record classroom lectures
- ✍ Refers the student to the Academic Advising & Assistance Office in 215 UC (telephone: 989-774-3465). This office provides tutors and other academic assistance. If the instructor’s academic department provides tutoring services, assist the student in identifying a tutor

Test Accommodations

- ✍ Allow the student to take tests orally
- ✍ Provide the student extended time for examinations
- ✍ Tape-record the test, to which the student may listen and respond either on tape, orally, or in writing
- ✍ Make arrangements with Student Disability Services for the student to take the test in that office

SPEECH/LANGUAGE DISABILITIES

A communication disorder such as stuttering, impaired articulation, language impairment, or voice impairment may adversely affect an individual's educational performance. Students are classified as speech-impaired if their speech patterns are different from traditionally accepted speech patterns. These speech disorders are very common among people who are hearing-impaired, have cerebral palsy, have sustained severe head injuries, or have cleft palates.

Speech/language disabilities take many forms:

- ✍ The student's flow of speech is interrupted by "whole word" or "part word" repetition
- ✍ The student exhibits secondary/distracting characteristics while speaking, such as eye blinking, flaring of nostrils, jerky body movements, or limited eye contact
- ✍ The student has difficulty with topic initiation, maintenance, or closure
- ✍ The student has difficulty understanding non-literal forms of speech such as idioms, proverbs, or metaphors
- ✍ The student's speech patterns cause unfavorable listener reaction
- ✍ The student's voice quality causes unfavorable listener reaction
- ✍ The student's spoken language demonstrates noticeable grammatical errors

INSTRUCTIONAL SUGGESTIONS

Upon receipt of the Notification to Instructor, reasonable accommodation for speech/language disabilities may mean that the instructor:

- ✍ Listens patiently when the student is communicating. It may take more time to get her/his point across, but do not jump in to fill in the sentence or thought for the student
- ✍ Maintains good eye contact when the student is trying to communicate
- ✍ Gives the student a chance to speak in class, but does not force it
- ✍ Treats the student naturally. A speech impairment does not mean the student is not intelligent or cannot hear, so do not exaggerate communications with her/him
- ✍ Allows the student to give presentations one-on-one, if possible. If this is not possible, offers an appropriate alternative

VISUAL DISABILITIES

People with visual disabilities fall into two categories: partially sighted or blind. A person with a visual disability has a best-corrected visual acuity of 20/70 or less in her/his better eye. A person who is legally blind has a corrected vision of 20/200 or less in her/his better eye or a field of vision that is restricted to 5 degrees or less at 20 feet.

Students who are partially sighted

Persons with partial sight have limited ability to see print. Some of the specific problems these students may have are field-of-vision (seeing only a small part of the total picture), color blindness, and visual acuity (not seeing things sharply or clearly).

Students who are blind

Students with severe vision problems depend on their other senses – including hearing and touch – to take in information. Someone who has been blind since birth does not have the experience of sight from her/his past to assist in the recollection of data.

INSTRUCTIONAL SUGGESTIONS

Upon receipt of the Notification to Instructor, reasonable accommodation for visual disabilities may mean that the instructor:

- ✍ Provides diagrams to support written information
- ✍ Uses an overhead projector to enlarge materials as much as possible
- ✍ Orients the student to the classroom, and alerts the student to safety issues in the classroom or lab
- ✍ Reorients the student or, at the very least, lets the student know if materials or furniture are moved in the classroom
- ✍ Calls students by name
- ✍ Addresses objects, etc., by name so that the student can understand even if he/she cannot see clearly what or who is being addressed
- ✍ Reads words and figures aloud as they are written on the overhead or chalkboard
- ✍ Describes any visual material present in a verbally graphic manner as opposed to references to "this" or "that"
- ✍ Allows the student a hands-on examination of new materials, equipment, etc., during the introduction of a concept in the lab or classroom
- ✍ Enlarges written materials
- ✍ Allows students to tape-record lectures
- ✍ Allows students to use Braille and tape-recorded books

Testing Accommodations

- ✍ Allow the student to take tests orally
- ✍ Provide extended time for examinations
- ✍ Tape-record the test to which the student may listen and respond either on tape, orally, or in writing
- ✍ Make arrangements with Student Disability Services for the student to take the test in that office

HELPFUL TELEPHONE NUMBERS

Affirmative Action.....	(989) 774-3253
Clarke Historical Library.....	(989) 774-3352
CMU Information Line	
(weather-related class cancellations)	(989) 774-7500
CMU Police.....	(989) 774-3081
Counseling Center.....	(989) 774-3381
Emergency.....	911
Facilities Management Service Center	(989) 774-6547
Hearing Clinic.....	(989) 774-3904
Isabella County Transportation Commission (ICTC).....	(989) 772-9441
Listening Ear	(989) 772-2918
Michigan Commission for the Blind	(989) 758-1765
Michigan Division on Deaf and Hard of Hearing.....	(877) 499-6232
Michigan Rehabilitation Services.....	(800) 605-6722
Michigan Relay Center	(voice/TDD) (800) 649-3777
Park Library Reference Desk	(989) 774-3470
Psychology Training and Consultation Center	(989) 774-3904
Residence Life.....	(989) 774-3111
Speech & Hearing Clinic.....	(989) 774-3904
Student Disability Services.....	(989) 774-3018
.....	(TDD) (989) 774-2586



CMU, an AA/EO institution, strongly and actively strives to increase diversity within its community
(see <http://www.cmich.edu/aaeo/>).

Produced by Disabilities, Adaptive Technologies, and Accommodations Steering Committee (DATASC).
Available at www.fps.cmich.edu and www.hrs.cmich.edu.
2,500 (7/07)