

# Questions Frequently Asked of WPU Accessibility Services

- May I refuse to accommodate a student who presents an Accommodation Plan?
- May I accommodate a student not registered with Accessibility Services?
- How should I approach students with disabilities?
- May I ask the student to disclose their disability?
- Can I require a student to tell me their disability?
- Can I ask other faculty for advice about a student with a disability?
- What if I don't want students to audio-record in my class?
- Can I refuse to accommodate a student based on Undue Hardship?
- What if I do not agree with one of the recommended accommodations?
- What is a service animal and an emotional support animal?

# Abbreviations you may encounter in this handout

ADAA – Americans with Disabilities Act Amended 2008

ESA – Emotional Support Animal

WPU – Warner Pacific University



# Q. May I refuse to accommodate a student who presents an Accommodation Plan?

A. Generally, Accommodation Plans are emailed by the Assistant Director of Academic Success and Accessibility directly to the instructor in PDF format.

If you have concerns regarding the validity of an Accommodation Plan given to you by a student or sent to you via email, you are encouraged to contact Accessibility Services. The Assistant Director of Academic Success and Accessibility can confirm whether the plan you received has originated from our office and/or if the requested accommodations were approved. If discussions indicate that the plan did not originate from our office or was inappropriately altered, you are not obligated to accommodate the student at that time. A code of conduct referral may be made against the student. If there are other concerns about accommodations, contact the Assistant Director of Academic Success and Accessibility to discuss them.

# Q. May I choose to accommodate a student who is not registered with Accessibility Services?

A. Any exceptions that a professor chooses to make in the instructional and/or testing process are not considered to be accommodations of a disability. However, students may perceive them to be accommodations, which can cause problems for those students in the future. We all know that most professors choose to make exceptions for particular students from time to time (e.g., allowing a student to take a make-up test in the event of an illness).

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# Continued – Student not registered with Accessibility Services

Students with apparent disabilities who can be easily accommodated in the classroom, such as by allowing a student in a wheelchair access to a table instead of a desk, may not require official accommodation plans. However, occasional and inconsistent exceptions made based on a student's alleged but not observable disability without an official accommodation plan from the Accessibility might put the college at legal risk for perceived discrimination. In these types of situations, ask yourself: "Since academic accommodations are for medically documented disabilities as requested through Accessibility Services, would I have another reason for making an exception for this particular student?" "Would I grant this exception for any other student without a disability?"

# Q. How should I approach students with disabilities?

A. How do you approach people without disabilities? Everyone appreciates being approached in a "people-first" way. Since everyone is unique in their own way, let that be your approach.

College students with disabilities do not, generally, want to be treated differently.

Check out [University of Washington's Guide and Disability Sensitivity Video](#).

Q. I think my student might have a disability. May I ask the student to disclose if they have a disability?

A. We should not approach a student to ask if they might have a disability. When a student seems to have a disability, but has not disclosed to you that they have a disability, it would not be appropriate for the instructor to ask the student.

If the student is struggling academically or presenting with behavior issues that might be preventing the student from being successful in the classroom, you may contact the Assistant Director of Academic Success and Accessibility (in their capacity as a support for overall student success), or check in with the WPU Care Team, to discuss options to help the student.

# Q. Can I require a student to tell me their disability?

A. Legally, no. While some students have no qualms about discussing their disability, others are uncomfortable with the prospect of discussing the nature of their disability and have the right to keep it private. Additionally, it is not appropriate to point out to others that a student might have a disability. Joking with a student about their disability can put the college in legal jeopardy. Pointing out a student with a disability in the learning environment could be perceived as a form of discrimination or harassment.

If a student opens up to you about their disability, it is important that you respect their right to privacy regarding the nature of their disability. If a student is requesting accommodations based on disclosing their disability without an Accommodation Plan, please email Accessibility Services with the student cc'd so that a meeting can be made to help the student understand their academic accommodation rights.



# Q. Can I ask other faculty for advice about a student with a disability?

A. For confidentiality reasons, only talk about students with other faculty in a hypothetical way. Do not talk to others about the student in a way that would enable them to figure out who the student is.

You may speak directly with the Assistant Director of Academic Success and Accessibility about the student, the accommodations requested, and any concerns you may have.



## Q. I don't want students to audio-record in my class?

A. Recording in the classroom is an appropriate and reasonable accommodation for note-taking purposes and is supported in Section 504 of the Rehabilitation Act for full participation in educational settings for students with disabilities. If you are concerned with copyright of your lecture materials, we will request that the student sign an agreement on the accommodation plan that the student will use the recording solely for the purpose of personal class study. If you are concerned about confidentiality of other students' presentations or personal matters discussed in class, the student may be instructed to turn off the recorder during personal discussions. In any event, feel free to contact the Assistant Director of Academic Success and Accessibility to discuss any concerns you may have.

# Q. Can I refuse to accommodate a student based on Undue Hardship?

A. Educators, on occasion, can opt out of an accommodation that causes an undue hardship based on "an action that requires significant difficulty or expense" to the institution.

The intent of this clause is to protect the institution from being burdened with excessive or unnecessary accommodation requests. It sounds simple enough, but there are legal rulings that can override a hardship decision. Thus, the best way to handle this is to request a review of the accommodation requested by involving Accessibility Services, Student Success and Engagement, and any appropriate Academic Committees, to examine how the request may be creating an undue hardship to the instructor or the University along with potential options to minimize that burden. For their own legal protection, faculty should not make unilateral decisions regarding the "undue hardship" of an academic accommodation.

## Q. What if I do not agree with one of the recommended accommodations?

A. Contact the Assistant Director of Academic Success and Accessibility to discuss the concerns that you have with the accommodation. There may be an alternative accommodation that will fit better with your course and will equally meet the needs of the student with the disability. If an alternative option is not feasible, then we may need to re-evaluate the situation in a way that involves administrative support for resolution.

# Q. What is a service animal and an emotional support animal?

A. A service animal is a dog (or, rarely, a mini-horse) that is trained to work or perform active tasks for an individual with a disability. Under the ADAA, only dogs meet the definition of a service animal. If it is unclear whether the dog is a trained service animal, staff can ask the following questions: (1) "Is your dog a service animal required because of a disability?" and (2) "What task has the dog been trained to perform?" You may not ask the handler to have the animal perform the task. If you are unsure whether these questions have been answered satisfactorily, allow the person and animal to proceed, and contact Campus Safety to review the situation. To learn more about the WPU No-Pet Policy and service animals, there are additional resources on the Accessibility Services page.

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# Continued Emotional Support Animal Info

An emotional support animal (ESA) is generally any domesticated animal that would normally be considered as a pet, but its presence provides emotional (medically endorsed) comfort to an individual in the home setting pursuant to the Fair Housing Act, but not the ADA. ESAs are not trained to perform any specific task. ESAs are not permitted in classrooms or on campus beyond the residences. Please contact Campus Safety with the name of the student if you believe that a student is violating the campus No-Pet Policy.

# Accessibility Services

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