

# Texas Wesleyan University

## Disability Accommodation

### What does it do?

Disability accommodations are intended to provide “reasonable accommodation” in legal terms, or in common language, a “level playing field” for disabled students in order for them to compete academically with their peers. Providing accommodations for disabled students is required by federal statute; it is not an option. Failure to comply with these regulations has been the grounds for numerous suits brought against institutions of higher education; in some cases, specific Instructors have also been sued.

A “disability” has been defined as any impairment in function which limits normal performance and includes physical disabilities (such as being wheelchair-bound), learning disabilities (such as dyslexia or math disorder), or other mental health disorder (such as severe depression, anxiety disorder, etc.). All disability claims must evidence a diagnosis by a physician, psychologist, or other health-care professional. This diagnosis is based upon codified standards of practice (ICD-10, or DSM-IV-TR, for example).

The University does not provide health care professionals for disability assessment. Any fees associated with testing or diagnosis must be born by the student.

### What does it mean?

Accommodations *must* be provided to students who meet the criteria. Instructors who offer special treatment for students, however well intentioned, are, in fact, providing accommodations—and are liable for legal action. The University recognizes only two Disability Accommodation Officers: Dean Patti Gearhart-Turner at the Law School campus, and Dr. Michael Ellison at the Main Campus. A “Letter of Accommodation” issued by one of the above persons tells each Instructor the proper method(s) to provide accommodations for any student.

### Who is responsible to provide accommodations?

It is the responsibility of the *student* holding a Letter of Accommodation to present it to an Instructor, in order for any accommodations to be extended. Instructors should not attempt to provide accommodations to a student without a Letter of Accommodation from one of the Disability Accommodation Officers. Providing such *ad hoc* accommodations may place an Instructor legally at risk, and may contribute to a misunderstanding on the student’s part that all University Instructors should provide such *ad hoc* measures.

Once an Instructor has received the Letter of Accommodation, it is the responsibility of the *Instructor* to implement the accommodations listed in the Letter. For example, if an accommodation requires that exams be given “in as quiet and distraction-free a setting as is possible,” then it falls to the Instructor to provide this setting. Usually, a departmental office or other setting fulfills this requirement. Remember, “reasonable accommodation” means just that; “reasonable” does not have to be, nor can it be, perfect.

### Why must Instructors be sensitive to this issue?

Since it is a matter of federal law, all disabled persons must receive accommodation. Instructors who have failed to implement mandatory disability accommodations have been sued. In general, the University’s attorneys will represent the institution in any lawsuit. Instructors who have been named as defendants in lawsuits usually are advised to retain legal council, at their own expense, to protect their own personal interests—a financially challenging undertaking for most Instructors. In this arena, litigation avoidance is simply prudent thinking for Instructors.

### **How is a disability accommodation claimed?**

Persons with a disability contact either Dean Patti Gearhart-Turner (for Law School students only) or Dr. Michael Ellison (for Main Campus students only) and are told that they must provide documentation of a disability. In some cases, students are referred to one of several testing sites where, at their expense, a battery of tests is performed to establish a diagnosis. Only diagnosed disorders receive accommodation. Students who fail to supply data with a diagnosis are refused accommodation.

In other cases, students erroneously attempt to provide health or testing data to Instructors or staff directly, without receiving an official Letter of Accommodation. In no case should Instructors or staff allow students to proceed further without first securing an official Letter of Accommodation. All accommodation letters must originate from either Dean Patti Gearhart-Turner (for Law School students) or Dr. Michael Ellison (for Main Campus students)—this protects University personnel from providing accommodations without institutional sanction.

### **What disabilities are most common?**

Learning disabilities are the most common in all educational settings. Attention Deficit Hyperactivity Disorder (ADHD) affects as many as 10% of all adults, in some studies, and comprises about 50% of accommodations at Wesleyan, for both undergraduate and graduate students. Accommodations for ADHD typically include:

- Time and one-half (1.5X) for all in-class assignments, including exams.
- Exams to be conducted in as quiet and distraction-free a setting as is possible.

The remaining 50% of accommodations include those for Math Disorder, physical limitations such as impaired vision, etc.

### **What about course waivers or substitutions?**

In some cases, a course may be waived for a physically disabled student (e.g., wheelchair-bound), while in other cases a course substitution is authorized (Logic substituted for College Algebra). However, *if MTH 1302 is a prerequisite it cannot be substituted.*

### **What about Placement Tests?**

Since the purpose of placement tests is to accurately enroll students in the appropriate course, given their current level of performance, accommodations are not required. In this context, for example, providing time and one-half (1.5X) for the exam is inappropriate. However, once the student has been appropriately placed, accommodations such as extra time, if officially authorized, are then extended to allow the student to compete with peers.

### **What if I have other questions?**

For further assistance, please contact:

Dean Patti Gearhart-Turner (for Law School students only, at 817.212.4020), or  
Dr. Michael Ellison (for Main Campus students only, at 817.531.7565)