

CSU

The California State University

OFFICE OF THE CHANCELLOR

WELCOME!

2023 TITLE IX & DHR
ANNUAL CONFERENCE

DAY 2 - JULY 26, 2023





AGENDA

2023 TITLE IX & DHR ANNUAL CONFERENCE

DAY 2 - JULY 26, 2023

DAY 2: WEDNESDAY, JULY 26 | 7:45 A.M. TO 4:15 P.M. | DUMKE CONFERENCE CENTER (UNLESS NOTED)

7:30 a.m. BREAKFAST

8:30 a.m. WELCOME TO DAY TWO

Laura Anson, Sr. Systemwide Director for DHR/Whistleblower/Equal Opportunity Compliance Services
Sue McCarthy, Sr. Systemwide Title IX Compliance Officer & Sr. Director, SW Title IX Compliance Services

8:45 a.m. INTERSECTION OF ADA AND TITLE IX/DHR

Mary Lee Vance, Director, Services for Students w/Disabilities & Testing Center | Sacramento State

9:45 a.m. BREAK

SESSIONS	GROUP 1: FOUNDATIONAL	GROUP 2: ADVANCED Title IX Coordinators and DHR Administrators	GROUP 3: ADVANCED Experienced Investigators
10:00 a.m.	<p>PREPARING FOR AN INVESTIGATION <i>ANACAPA CONFERENCE ROOM</i></p> <p>Natasha Baker, Managing Attorney Novus Law Firm, Inc.</p>	<p>CONSOLIDATION & NOTICES OF INVESTIGATION <i>DUMKE CONFERENCE CENTER</i></p> <p>Ruth Jones, University Counsel - Civil Rights Laura Anson, Sr. Systemwide Director for DHR/Whistleblower/Equal Opportunity Compliance Services</p>	<p>EFFECTIVE COMMUNICATION WITH PARTIES AND WITNESSES <i>WALLACE CONFERENCE ROOM</i></p> <p>Kristen Entringer, Assistant Director and Investigator, Cal State Fullerton Dawnita Franklin, Asst VP, Office of Equity and Compliance Cal Poly Pomona Britnie Hopkins, Senior Investigator Sacramento State</p>
11:00 a.m.	<p>CONDUCTING EFFECTIVE INTERVIEWS <i>ANACAPA CONFERENCE ROOM</i></p> <p>Natasha Baker, Managing Attorney Novus Law Firm, Inc.</p>	<p>SUPERVISING INVESTIGATIONS PANEL <i>DUMKE CONFERENCE CENTER</i></p> <p>Maren Hufton, Associate VP, Civil Rights & Compliance Cal Poly San Luis Obispo Sarah Bauer, Title IX Coordinator Cal State Fullerton Skip Bishop, Executive Director for Equal Opportunity Sacramento State Larisa Hamada, AVP, Equity & Diversity/Title IX Coordinator Cal State Long Beach</p>	<p>CREDIBILITY ANALYSIS & FACTUAL FINDINGS <i>WALLACE CONFERENCE ROOM</i></p> <p>Sue Westover, Asst VC & Chief Counsel - Litigation</p>



AGENDA

CONT...

2023 TITLE IX & DHR ANNUAL CONFERENCE

DAY 2 - JULY 26, 2023

DAY 2: WEDNESDAY, JULY 26 | 7:45 A.M. TO 4:15 P.M. | DUMKE CONFERENCE CENTER (UNLESS NOTED)

12:00 p.m. LUNCH

SESSIONS

**GROUP 1:
FOUNDATIONAL**

**GROUP 2: ADVANCED
Title IX Coordinators and
DHR Administrators**

**GROUP 3: ADVANCED
Experienced Investigators**

1:00 p.m.

**EVIDENTIARY ANALYSIS
AND REPORT WRITING**
ANACAPA CONFERENCE ROOM

Natasha Baker, Managing
Attorney | Novus Law Firm, Inc.

**EMPOWERING
MANAGERS TO BOOST
STAFF MORALE**
DUMKE CONFERENCE CENTER

Cindy Sayani, Associate Marriage
and Family Therapist | LifeMatters

**WHAT ARE THE
ELEMENTS? APPLICATION
OF FACTUAL FINDINGS
TO POLICY**
WALLACE CONFERENCE ROOM

Elisabeth Walter, University
Counsel | Sonoma State

Sarah Clegg, Interim Systemwide
Title IX Assistant Director

2:00 p.m. BREAK

2:15 p.m. **PAY EQUITY AND DISCRIMINATION**
Marc Mootchnik, Assistant Vice Chancellor & Chief Counsel, Human Resources
Lety Hernandez, Sr. Director Systemwide General Employment Services and Policy Administration

3:15 p.m. **PREVENTION AND EDUCATION RESOURCE FAIR**
WALLACE CONFERENCE ROOM
Campuses are invited to bring your forward-thinking ideas (in a poster/brochure format) to share!

4:00 p.m. CLOSE FOR THE DAY

6:00 p.m. **RECEPTION**
You're invited for an evening social hour. Appetizers will be provided and a cash bar.
Hilton Hotel in Long Beach
701 West Ocean Boulevard, Long Beach 90831 | 562.983.3400



INTERSECTION OF ADA & TITLE IX/DHR

Mary Lee Vance

Director, Services for Students w/Disabilities & Testing Center | Sacramento State

8:45 a.m – 9:45 a.m.

Annual CSU System Title IX/DHR Conference
July 26, 2023

Intersection of Title IX and the ADA

Mary Lee Vance, Ph.D.
CSU Sacramento
Director, Disability Access Center
marylee.vance@csus.edu

Caveat

The presenter of this PowerPoint deck assumes no responsibility for reliance on the information set forth in this presentations.

This presentation is provided for informational purposes only and is not to be construed as legal advice. You should seek the advice of house or contract counsel in order to resolve any legal issues that you are responsible for addressing.

Given the purpose of this presentation, it may omit discussion of relevant information that may affect its utility in any legal or professional situation. Moreover, due to the rapidly changing nature of the law and agency guidance, information presented today may become quickly outdated.

Attendance at this presentation or discussion included in this presentation does not create an attorney-client relationship between the presenter and any audience member or other person. Further, this presentation has not been written to recommend any particular transaction, such as those between OCR and a complainant or a recipient.

Presentation Outline

- Intro
- Intersection of Federal Laws
- DHR/Title IX and ADA Cases
- Accommodations and Support Measures
- DS and Title IX/DHR Coordination
- Q/A

Intersection of
Title IX, ADA, 504

**And the Civil Rights Act:
Why Disability Rights are Civil Rights**

Intersection Example:
I am an Immigrant.
I am a Disabled Female
Korean American Adoptee.



2 Pictures:

- 1) Passport photo of young female Asian child with solemn expression
- 2) Picture of same child sitting in a hospital bed with full leg braces



Intersections Are Important: Especially to Me
(Disability/Race)

I have a disability (actually 2)
But they are not disabling
Unless I have been disabled
By poor planning

Mary Lee Vance, Ph.D.

Disability Rights are Civil Rights

- Photo of Rosa Parks sitting in the front of the bus
- Photo of wheelchair and scooter users chained to front of Greyhound bus



Civil Rights and Title IX

- **1964 Civil Rights Act**

- Outlawed discrimination based on race, color, religion, sex, and national origin.
- It prohibited unequal application of voter registration requirements, racial segregation in schools, public accommodations, and employment discrimination.

- **Title IX of the Education Amendments of 1972**

- Prohibits sex (including pregnancy, sexual orientation, and gender identity) discrimination in any education program or activity receiving federal financial assistance.
- Prohibits sex-based harassment, including sexual harassment, when such harassment is sufficiently serious as to limit the ability to participate in and benefit from a program or activity.

Section 504

- **Section 504, 34 C.F.R. § 104.43(a)**
 - Provides that a qualified person with a disability (**QID**) may not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any postsecondary aids, benefits, or services on the basis of disability.
 - Requires a post-secondary institution to **modify** its academic requirements as necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability against a qualified
- **1990 ADA**
 - Disability rights are civil rights.
 - Prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications and access to state and local government' programs and services.

Who is a QSD?

- The definition of a QSD found at 34 C.F.R. sec. 104.3(l)(3) [504]
 - A student with a disability
 - Who can meet the academic and technical standards of the college
- The definition of a QSD found at 28 C.F.R. sec. 35.104 [Title II], is more complete and accurate:
 - An individual/student with a disability who,
 - [W]ith or without reasonable modifications to rules, policies or practices
 - [Or] the removal of architectural, communication, or transportation barriers,
 - [O]r the provision of auxiliary aids and services,
 - [M]eets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity

Definition of a QID: 504 and ADA

- An individual with
 - A physical or mental impairment
 - That substantially limits
 - One or more major life activities
 - Or an individual with a record of such an impairment
 - Or an individual who is regarded as having such an impairment
 - <http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html>

Title II: Reasonable Modification Requirement

- 28 CFR section 35.130(b)(7)(i)
 - (7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Meaning of “Reasonable”

- **Academic adjustments** include things like extra time on exams or exams in a low distraction environment, lower distraction environment for exams etc.
- **Auxiliary aids** and services are primarily for persons with sensory impairments: Deaf/HH; Blind LV like captioning and sign language interpreting
- Though stated more generally, equivalent requirements exist under the ADA, for example:
 - Under Title II, a public university may not afford a qualified individual with a disability opportunities that are not equal to those afforded others
28 C.F.R. § 35.130(b)(1)(ii) and (iii)
 - Under Title II, a public university must make reasonable modifications in policies, practices or procedures when necessary to avoid discrimination on the basis of disability
28 C.F.R. § 35.130(b)(7)(i)

“Reasonable” in Academia

- In academia, “reasonable” does not mean reasonable in the eyes of the average faculty member or what seems fair to students
- Faculty may have legitimate insights into fundamental alteration and undue burden :
 - A fundamental alteration or lowering of academic standards;
 - An undue burden, particularly with regard to administrative burden rather than cost;
 - A “personal service” is being requested by the student; or,
 - The student represents a direct threat to the health and safety of others, including faculty

Title IX and the ADA

Title IX Regulations

- Discrimination and Exclusion.
 - Schools must not discriminate against any student or exclude any student from their education program or activity, including any class or extracurricular activity, based on a student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. 34 C.F.R. § 106.40(b)(1). A school also must not discriminate against or exclude from employment any employee or employment applicant on these bases. 34 C.F.R. § 106.57(b).
- Medical and other services.
 - Schools must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom the same as any other temporary disability with respect to any hospital or medical benefit, service, plan, or policy for students. 34 C.F.R. § 106.40(b)(4). For employees, schools must treat pregnancy and the same related conditions, including termination of pregnancy, as well as any temporary disability resulting therefrom, as any other **temporary disability** for all job-related purposes, including employment-based medical, hospital, and other benefits. 34 C.F.R. § 106.57(c).

Sexual Assault: ADA and Title IX Intersection

- Sexual violence can have psychological, emotional, and physical effects on a survivor. These effects aren't always easy to deal with, but with the right help and support they can be managed. Learning more can help you find the best form of care to begin the healing process.
- There are many emotional and psychological reactions that victims of rape and sexual assault can experience. One of the most common of these is depression
- During a flashback, memories of past traumas feel as if they are taking place in the current moment.
- It's normal for survivors of sexual violence to experience feelings of anxiety, stress, or fear. If these feelings become severe, last more than a few weeks, or interrupt your day-to-day life, it might be a condition known as post-traumatic stress disorder (PTSD).

Title IX and Disability

- When we see sexual violence and sexual assault through a disability lens, we understand that the victims of sexual assault tend to be disproportionately women and disproportionately women with disabilities.
- Students with disabilities are almost three times more likely to be sexually assaulted than their peers. **That's** a sobering statistic when you think about how often sexual violence occurs overall.
- For example, in college, one in three disabled women is sexually assaulted compared to one in five women without disabilities.

Shank v Carleton College

United States District Court, D. Minnesota. --- F.Supp.3d
2017 WL 80249 (January 9, 2017)

- Shank was twice the victim of rape: under-aged and intoxicated, by alcohol provided by an upperclassman
- Under Title IX, she sought to hold Carleton responsible being “deliberately indifferent to” wide-spread under-aged drinking, in effect, knowing of this wide-spread practice, condoning it or doing nothing to prevent it, or the foreseeable increase risk of sexual assault
- Shank alleged that as a result of being raped she is an individual with PTSD (QID), as evidenced by the fact that she went from being a stellar student to one who often had to drop classes

Shank's Claims

- Shank alleged that Carleton failed to “accommodate” her by:
 - Refusing to suspend or expel the students who assaulted her
 - Failing to remove notations from her academic record that she had dropped several classes
- Failure to provide academic accommodations, such as:
 - Permitting her to attend classes remotely
 - Allowing her to take only those classes held in sections of the campus where her assailants were unlikely to appear
- Failure to provide academic accommodations, such as:
 - Failing to honor her requests not to have to meet with her assailant in a one-to-one meeting if she wanted to know the College’s disposition of the matter
 - She complained the College was intentionally inflicting emotional distress and that its actions (or omissions), thus sought punitive damages

U.S. District Court - Title IX, ADA, Rehabilitation Act

- The U.S. District Court granted summary judgment to the university on claims that it mishandled sexual misconduct disciplinary process and was deliberately indifferent is affirmed.
- Under claim of violation of Title IX, the university's requirement to have Shank meet one-on-one with the abuser, failing to remove posters of the abuser on campus, and not promptly finding new accommodations did not amount to deliberate indifference that was so severe, pervasive and objectively offensive that it deprived her of the educational opportunities or benefits to which she was entitled.
- Under the ADA and Rehabilitation Act, Shanks failed to show the university failed to provide reasonable accommodation.

SLCC Pregnant Student: No. 08-22-2021

- Student enrolled in 4 classes, and then dropped one
- Classes were all in person with attendance policy with 3 tardies equal to one absence
- During the course of the semester, student:
 - Learned she was pregnant
 - Experienced morning sickness and was late or missed classes
 - Informed Professor and requested academic adjustments to allow for more absences, late assignments and live streaming
- Professor told her to take responsibility and advised her to drop
- Complainant went to DS but was told pregnancy fell under Title IX

Title IX

- Title IX Coordinator determined complainant requested academic accommodations constituted fundamental alteration of the program
- Title IX did not create an investigation file or obtain statements
- Title IX rejected accommodation requests - “fundamental alteration”
 - Did not respond to faculty allegation of discrimination
 - Did not consult with faculty/dept
 - Did not consider academic alternatives
- Title IX and DS did not communicate with each other

OCR Said ...

- College violated Section 504 when, after the Complainant reported the effects of her pregnancy to the DRC, and the College did not consider whether her pregnancy had caused a temporary disability or engage in the interactive process with her to determine whether she required academic adjustments pursuant to Section 504.
- The DRC, did not consider whether the Complainant suffered from a temporary disability, but rather only referred her to the Title IX Coordinator
- Title IX Coordinator did not provide student with academic adjustments to accommodate her conditions caused by her pregnancy.
- OCR concluded that the College violated the Section 504 regulation at 34 C.F.R. § 104.44(a), when it did not engage the Complainant in an interactive and informed process with respect to the provision of modifications to its Program.

Troy University OCR Complaint # 04-21-2060

- Troy University student filed a complaint with the Office for Civil Rights (OCR) after the institution failed to provide proper accommodations for her pregnancy.
- Complainant requested a table for her class from the Title IX Coordinator because, due to her pregnancy, she could not fit into the smaller desks in the classroom.
- She was penalized in a class for poor attendance and received a failing grade in another class because she was denied the ability to make up work
- During his interview with OCR, the Title IX Coordinator said he was unaware of any written University policy that prohibited discrimination against pregnant students or that outlined the process for addressing requests from pregnant students.
- (At no time was the DS office involved in this case)

Troy University OCR Findings

- OCR determined that the student notified the university of the accommodations needed—a classroom desk to fit her growing body and never received it
- The evidence to date suggested that the University did not engage in an interactive process with the Complainant or otherwise attempt to determine what adjustments would be appropriate for each of her courses based on the information she provided about her pregnancy.
- The absence of available information about how to obtain pregnancy-related adjustments contributed to the university's uncoordinated response left the student to make multiple requests through both the university's Title IX coordinator and individual professors.
- DS was not involved in providing temporary accommodations

Sample Syllabi Statement

Sacramento State is committed to ensuring an accessible learning environment where course or instructional content are usable by all students and faculty. If you believe that you require disability-related academic adjustments for this class ***(including pregnancy-related disabilities)***, please immediately contact Services for Students with Disabilities (SSWD) to discuss eligibility. A current accommodation letter from SSWD is required before any modifications, above and beyond what is otherwise available for all other students in this class will be provided. Please be advised that disability-related academic adjustments are not retroactive. SSWD is located on the first floor of Lassen Hall 1008. Phone is 916-278-6955 and e-mail is sswd@csus.edu. For a complete listing of services and current business hours visit <https://www.csus.edu/student-affairs/centers-programs/servicesstudents-disabilities/>

Discrimination, Harassment and Retaliation (DHR) and the ADA

OCR Case No. 09-22-2176

- Student
 - Transferred from community college to a 4-year, and requested as accommodation Power Point slides in advance of class, claiming she had been provided these at her previous institution
 - Submitted documentation from medical provider identifying moderate severity with ADD, anxiety and PTSD. However, diagnosis was from 14 years previous.
 - Was informed by DS to submit more current documentation and informed by DS that this accommodation may not be always available but was approved for the slides in advance “if available.” Also was approved for Extra time with tests/ quizzes, distraction reduced environments, seating next to doors in classes, slides provided prior to class for printing note taking needs, Audio note taker (Sonocent) technology, Kurzweil reading to me programs.
 - Student insisted on PP in advance of classes, complained she was being discriminated against based on disability, that faculty were not providing the slides etc - and was referred by the DS to the DHR

DHR: Disability Discrimination Complaint

- DHR met with the student and then contacted DS to learn more about what had been communicated
- DS assured DHR that they were continuing to work with the student with accommodations even though:
 - Documentation was dated
 - Insufficient information to demonstrate direct nexus between requested accommodation and documentation
 - Ability to guarantee PP in advance of classes was not possible
 - In addition, DS provided additionally free Adobe Creative Cloud and Adobe Acrobat software for converting slides into text for study purposes
- DHR determined there had been no discrimination
- Student complained to VP of SA and referred back to DS re: accommodations
- Student filed a complaint with OCR
- Meanwhile, DS continued the interactive process, open to reviewing any new documentation

OCR

- Acknowledged
 - DS agreed to slides in advance “if” available
 - Medical documentation did not support request for slides in advance
 - Student informed multiple times that slides in advance had not been approved
 - Student had been requested multiple times to bring in additional documentation to support necessity for accommodation
 - While accommodations were not the students’ preferred accommodations, evidence did not support that the University failed to adhere to a process consistent with Title II and Section 504
 - Responses from DS had been prompt and reasonable

“On Time” Graduation Plan Thwarted

- Pregnant student enrolled in grad courses Fall 2021 delivered baby in October
- Courses were online, so student just stopped going to classes after the delivery
- In January, student informed ADA Coordinator in HR of baby
- ADA Coordinator did not share info with DS until February, when student wanted accommodations for spring semester
- Student met with DS and was upset because she was being denied ability to complete her internship in Spring, and as a result, her graduation in May was in jeopardy. Wanted retroactive accommodations.
- DS contacted academic program, who then said student had not completed coursework in Fall that was prerequisite for Spring internship – discussed technical standards etc.
- Student complained claimed discrimination based on pregnancy
- DS referred student to Title IX/DHR re: allegation

Ghost Whisperer

- Student in her 40's first became known to DS due to wanting to live on campus but have single room with private kitchen and bathroom because she "can't live with anyone"
- Disabilities included ADHD, LD and undiagnosed psych conditions
- Student informed to provide more medical information to support required need for single room
- Refused to use laptop and cell, as they were "haunted" and had other departments contact DS for accommodations and requests – Helpdesk super frustrated with her and DS informed student to go through them and not go to Helpdesk
- Initially wanted to bring 3 ESA's – no documentation
- Filed complaint of disability discrimination through Maxient re: housing, academic program and counseling
- DS continued to work with Helpdesk, DHR and other departments as well as Student (interactive process kept alive from DS and DHR)
- Was dismissed but wanted to continue to use laptop and other services

Faculty with Incomplete WPAF

- Faculty on probation alleged discrimination based on disability (physical and mental health - anxiety and depression), and as a result was unable to complete the Working Personnel Action File (WPAF) on time and submitted an incomplete file, Requested an investigation.
- Dept chair had communicated to faculty retention, tenure and probation updates, including a soft deadline for probationary faculty to submit WPAF's for review
- Although not approved for FML medical leave by HR, HR sent multiple communications to faculty regarding necessary paperwork required and need for interactive process related to disability accommodations
- Despite no approval from HR, the Dean provided faculty member an extension
- Faculty member did not request probation period extension, and was not approved for workplace accommodations, yet certified that WPAF was satisfactorily completed and ready for review.
- Provost acknowledged WPAF described health challenges, but nothing indicated workplace accommodations had been approved
- DHR determined that the facts, taken as true, did not establish a violation of CSU interim DHR policy, and that the dept would not conduct an investigation

Accommodations and Support Measures

Examples: Accommodations/Supportive Measures

Accommodations

- Attendance Leniency
- Assignment Extensions
- Bathroom Breaks
- Extended Time (Exams/Quizzes)
- Furniture
- Note Taking/Audio Recording
- Program Extensions
- Remote/Online
- Technology

Supportive Measures

- Confidential Advocate
- Discipline
- Sanctions
- TRO/No Contact
- Transfer
- Lactation Stations

Accommodations

- Accommodate the process NOT excuse the behavior
- Using the term “accommodations” to describe supportive measures implemented elsewhere in the Title IX process may confuse parties.
- The term “accommodations” should be used for actions taken to address disability-related needs.
- Using the term “accommodation” to describe supportive measures implemented elsewhere in the Title IX process may confuse parties and their advisors. It should be rephrased.
(United Educators)

Possible Accommodations for Disabled Complainants and/or Respondents

- Consult w/DS – Send info on how to request accommodations w/DS
- Extra time to review and respond to documents
- Direct and detailed instructional e-mails into smaller bits (scaffold):
Step by Step, Visual diagrams
- Clear communication rules: contact, point, etc. – repeat as needed
- Auxiliary aids or assistive devices including an interpreter, note-taker, recording device, or copies of documents, Kurzweil/Freeware for Speech to Text and Text to Speech, Support person (distinguishing between that role and advisor, as allowed in your Title IX process).
- Precise language used during the Title IX process
- (In person) Comfortable furniture, adjustable lighting etc.)

Monk, Sheldon and Other “Autistics”

- May Think Differently: “strong interests” in things others may not understand or care about; attention to details; routines; when overwhelmed may lose control over body
- May Process Senses Differently: sensitive to bright lights; loud sounds; repetitive motions “stimming” to self-regulate
- May Communicate Differently: repeating; may need alternative communication (non-verbal); voice volume etc.
- May Socialize Differently: following rules; eye contact uncomfortable; unable to guess how people feel

Zoom, a Few UD Tips

- Mute all participants
- Turn on subtitles, use full text captioning, and spotlight speaker/ASL
- Designate someone to read aloud chat and Q/A comments and request it is used sparingly, as it distracts screen readers from hearing presentations
- Ensure speakers have cameras on and are well lit
- Ensure speakers use microphones and/or speak clearly
- Have each speaker identify themselves when talking
- If using breakouts, make sure ASL interpreter/captioner is with participant needing the service
- Longer or more frequent breaks during interviews and/or hearings

Most Important Message:
DS and Title IX Coordination
(It Takes a Campus)

Recommendations for DS and Title IX

- Helpful to build DS/Title IX relationship early on
 - Pregnant/New Parent Process
- Include DS with Title IX advisory
 - Such as the Cozen O'Connor systemwide Title IX and DHR
- Understand concretely what are the differences between DS reasonable accommodations and support measures under Title IX
- Discuss
 - How can DS be a resource for Title IX and add strength, be more inclusive, be more accessible etc.
 - What happens when during Title IX process, a students' mental health condition (previously unknown) is triggered?
 - Check website, processes etc for inclusivity/accessibility language

Title IX and DS: Must Develop Smooth Coordination

- Academic affairs/Faculty should be included in conversations that may pose fundamental alterations since faculty members will be responsible for implementing approved accommodations
- Colleges and universities must create a streamlined and uniform “pipeline” process for students requesting accommodations;
 - Pregnant and Parenting (Resources) SUCH as lactation rooms, gender neutral restrooms (**compliance v functionality**)
 - DS
 - CARES
 - Academic Advising
 - Counseling
 - Title IX
 - Veterans

Are We "There" Yet?



- Image of a person in a wheelchair about to be hit on the head by a police officer with a raised baton

Shameless Plug #1: DS Processes for Accommodations

Laws, Policies, and Processes: Tools for Postsecondary Student Accommodation

This book is a Swiss Army Knife for disability professionals, including disability rights history, basic to advanced legal principles, direct advice to disability professionals, an eloquent presentation of the student perspective by Haben Girma, and tips for building a more inclusive academic environment. After years of presenting their highly popular and well-attended disability law trainings, Jamie Axelrod and Paul Grossman have put their legal guidance into writing, thoroughly covering legal concepts such as who is a "qualified student with a disability," when a reasonable accommodation is "necessary," and determining whether a requested or proposed accommodation is "reasonable" on its face. This is followed by a discussion of the "affirmative defenses," including fundamental alteration, undue burden, and direct threat to health and safety, and when it is appropriate to assert these. This book is a must for college administrators, disability office professionals, ADA Coordinators, faculty, and anyone else who works with students with disabilities in higher education.

"This book is written in a comprehensive way, enabling a broad range of people with responsibility for ensuring that disabled people are able to successfully complete their higher education, and will empower disability resource staff, administrators, faculty, and others to think more clearly about what their responsibilities are while at the same time providing critical information to enable people to understand the intent of laws, policies, and the processes."
--Judith E. Heumann, *International Disability Rights Advocate*

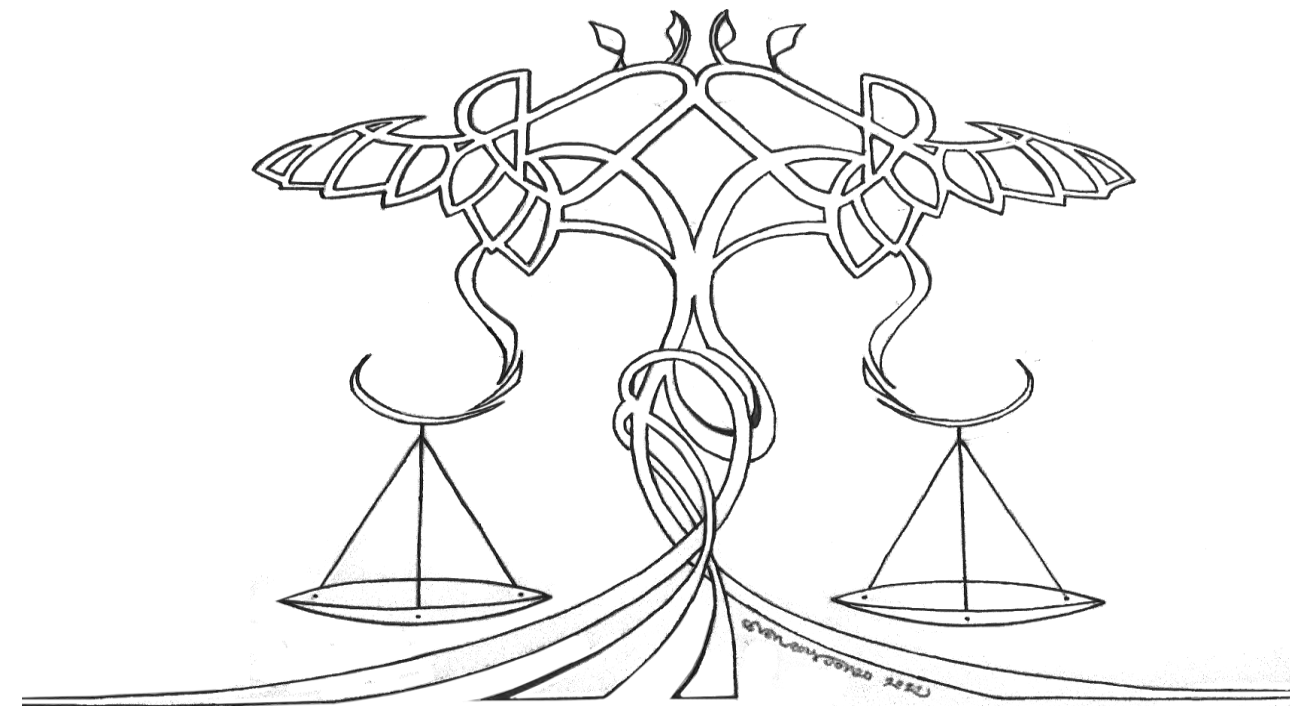
"Built on the principles of Universal Design, this book provides a pathway beyond racism and ableism where inclusion really means inclusion of all."
--Robert S. Nelsen, *President, California State University, Sacramento*

"As a university president, I have great appreciation for the high level of expertise of the authors, and perhaps most importantly, their ability to continually refine and update best practices in full alignment with recent findings in disability law, pedagogy, universal design, and student success."
--Richard Yao, *Ph.D., President, California State University, Channel Islands*

"Restoring the promise of higher education requires the critical historical assessment, policies, perspectives, and practices featured in this book."
--Dhanfu E. Elston, *Ph.D., Senior Vice President for Strategy & Chief of Staff, Complete College America*

Laws, Policies, and Processes: Tools for Postsecondary Student Accommodation

Laws, Policies, and Processes: Tools for Postsecondary Student Accommodation



Edited by Mary Lee Vance and Tom L. Thompson

AHEAD Association on
Higher Education
And Disability®

Shameless Plug #2: Disabled Employees (DHR)

DISABLED Faculty & Staff: Intersecting Identities in Higher Education

In this second volume of *DISABLED*, coeditors Mary Lee Vance, PhD and Elizabeth G. Harrison, PhD have curated a collection of writings by 28 contributing authors who have provided personal narratives of what it is like to “work while disabled” in higher education. The authors, who represent an array of disabilities, identities, and nationalities, shine a light on the current state of accessibility and support for disabled faculty and staff in postsecondary careers. They establish their positionality by identifying their disability and other identities, illustrate how they’ve experienced the intersectionality or entangling of these identities in the context of work and daily life in higher education, and offer constructive suggestions and recommendations for how to make everyday life at their institution more equitable, inclusive, and accessible. The authors’ experiences clearly show that institutions must learn not only to identify, but also to oppose, ableism. The book also provides recommendations for how to use the contributors’ experiences to initiate campus conversations and classroom discussions toward building an anti-ableist environment, leveraging universal design, and the recognition that there is no diversity without disability.

“This book elevates the power of the counternarrative, centering the lived experiences of persons with a spectrum of disabilities. It is instructive to those who are seeking disability justice to consider replicating the good and disrupting the bad and not-so-good experiences of persons with disabilities living, working, and being within an ableist society. A must-read book for all higher education institutions on a journey to creating inclusion as a foundation for equal access!”

Mia Settles-Tidwell, EdD, Vice President for Inclusive Excellence and University Diversity Officer, California State University–Sacramento

“The unique combination of lived experience, keen legal insights, and a career at the intersection of higher education and disability provides Mary Lee Vance an invaluable perspective. Through these firsthand accounts of those with similar experiences, she brings us closer to understanding ableism as it plays out on campuses throughout the country and offers us tools to help us overcome it.”

Stuart Seaborn, Managing Director of Litigation, Disability Rights Advocates

“Belonging and mattering start with who can participate. Disabled staff and faculty need access to participate for the opportunity to thrive, so disabled students can thrive. Intersectionality is important because no one has one identity, and the intersection of identities reveals how people are treated within the campus community. Campus leadership needs to diversify, and that includes disabled people.”

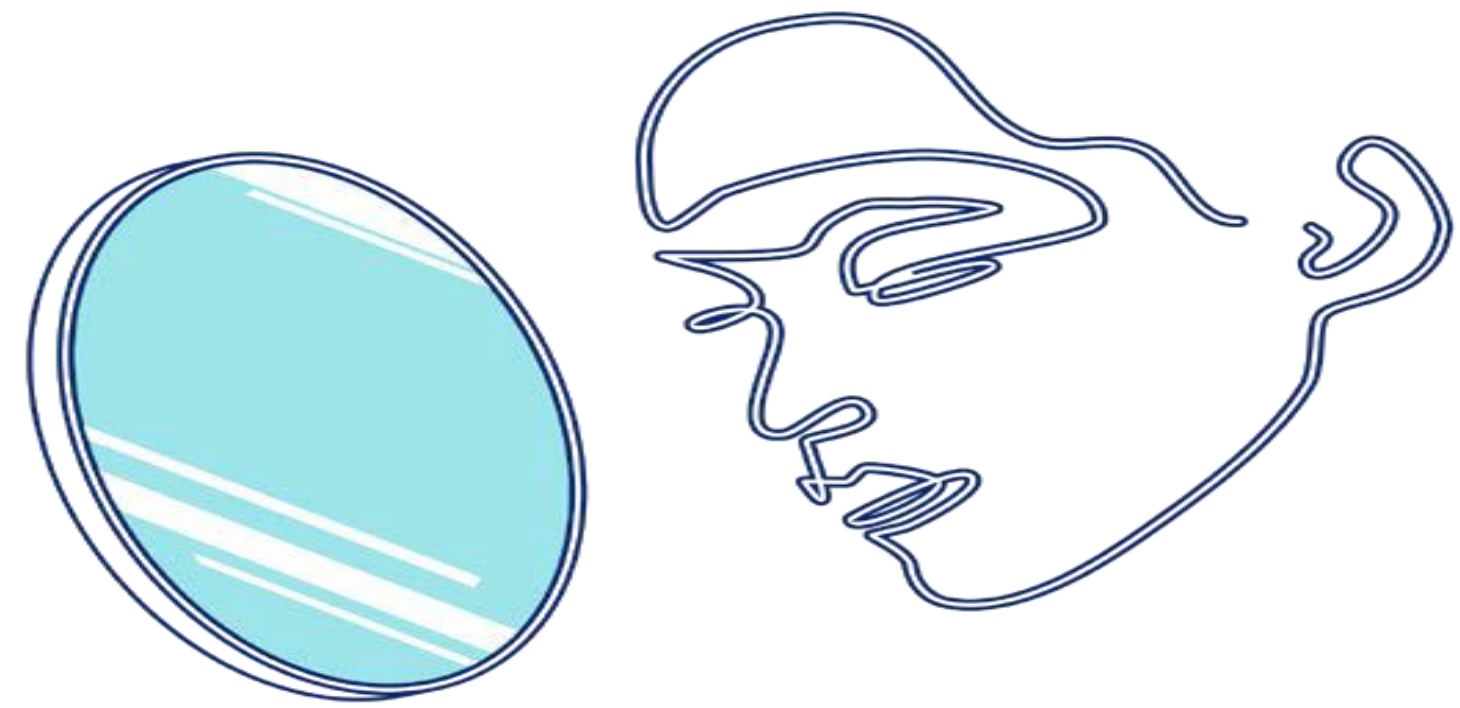
Zebadiah Hall, Vice President, Office of Diversity, Equity, and Inclusion, University of Wyoming

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Staff
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Faculty &
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DISABLED Faculty & Staff: Intersecting Identities in Higher Education (Volume 2)

*Edited by Mary Lee Vance, PhD & Elizabeth G. Harrison, PhD
Foreword by Haben Girma*



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AHEAD Association on
Higher Education
And Disability®

If you remember nothing else from today:

- Not all who claim to have disabilities are QID
- If they are QID, they have a responsibility to register with DS and/or HR
- Not all accommodation/adjustments/modifications are “reasonable”
- Do not use “accommodations” when referring to support measures or remedies
- Never say never – keep interactive door open
- Build strong relationships with your DS department - proactive v reactive
- With rare exceptions, accommodations are not retroactive
- Disability Rights are Civil Rights