

UNDERSTANDING OF DISABILITY LAW AT THE UNIVERSITY OF
WISCONSIN-STOUT: FACULTY, STAFF AND ADMINISTRATIONS
KNOWLEDGE OF THE REHABILITATION ACT OF
1973 AND THE AMERICANS WITH
DISABILITIES ACT
OF 1990

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ABSTRACT

Because of changing demographics and the increasing public awareness inspired by the enactment of the Americans with Disabilities Act, institutions are likely to face increased litigation if they do not review their focus and implement strategies on the issue of accessibility. Approximately 43 million Americans have disabilities, and over 4.3 million students enrolled in the public school system have been identified as being entitled to legal protection under the Americans with Disabilities Act. In addition, over 1.5 million (10.5%) American college students have at least one disability (Lissner, 92). Based on demographics, it can be expected that this number will continue to rise over the next several decades.

Arguably, it can be said that most institutions of higher learning are aware of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and they may have achieved many of the requirements of these Acts. However, is this the case among the faculty and administration within the institution that not only represents that institution but also fosters the learning environment? Faculty and administration are very visible when it comes to determining compliance and are oftentimes the genesis of a violation or litigation. Ignorance or lack of education regarding this or any law cannot be used as a defense in a court of law. Knowledge of the law's requirements must be based on the letter of the law and promulgated within the spirit of the law.

Subsequent to the passage of the Civil Rights Act of 1964, there have been and continue to be problems that often require harsh sanctions. Could it be that similar problems might exist even after the passage of the Rehabilitation Act and the Americans with Disabilities Act? In order to determine this, it is necessary to examine specific institutions of higher education to determine whether the spirit of this legislation is being adhered to. Simple observation of existing facilities reveals that much has been done to eliminate, or at least mitigate, physical barriers. Ramps have been installed to provide easier access to or within buildings, restrooms have been modified, and new buildings have been designed and built to be barrier free. Do these actions meet the requirements of the law? Yes, they do. However, the question still remains as to whether the intention of the law has been met by making simple cosmetic alterations.

Appearances, however, can be deceiving. It is imperative to look beneath the surface to determine the degree of understanding the faculty, staff, and administration have regarding not only the obvious parts of the law but also their legal and moral requirements to understand, implement, and uphold the requirements of the laws in an educationally friendly manner.

Therefore we can reasonably assume, that by determining and increasing the level of awareness regarding the Rehabilitation Act and the Americans with Disabilities Act, we are not only educating our faculty, staff, and administration but also are providing better services to our students while promoting the University of Wisconsin - Stout. This process will enhance all facets of the University's culture and learning environment.

TABLE OF CONTENTS

	<u>Page</u>
ABSTRACT	ii
LIST OF TABLES	vii
ACKNOWLEDGEMENTS	viii
Chapter 1 RESEARCH PROBLEM AND OBJECTIVES	
Introduction	1
Problem Statement	2
Objectives	2
Need Statement	3
Assumptions	5
Limitations	5
Definitions	5
Chapter 2 REVIEW OF LITERATURE	
Introduction	9
Disability Legislation	9
Impact on Education	12
Related Studies	16
Conclusion	18
Chapter 3 RESEARCH METHODS	
Introduction	20
Method	21

	Study Population	21
	Instrumentation	22
	Profile of Survey Instrument	22
	Table 1	23
	Demographics	24
	Procedure	25
	Conclusion	26
Chapter 4	ANALYSIS OF FINDINGS	
	Introduction	27
	Participant Response	27
	Results	
	Section 1	28
	Correct Responses	28
	Incorrect Responses	29
	Table 2	30
	Section 2	32
	Table 3	35
	Demographics	36
	Table 4	37
	Table 5	37
	Table 6	38
	Table 7	38

Chapter 5	CONCLUSIONS AND RECOMMENDATIONS	
	Statement of the Problem	41
	Sample Population	41
	Instrumentation	42
	Response Rate	42
	Conclusions	42
	Recommendations	44
	BIBLIOGRAPHY OF SOURCES	47
Appendix A	PERMISSION STATEMENT	49
Appendix B	SURVEY COVERLETTER	51
Appendix C	SURVEY INSTRUMENT	52

LIST OF TABLES

<u>Table</u>		<u>Page</u>
1.	Area of law survey questions are based upon	23
2.	Response to Statements in Section 1	30
3.	Response to Statements in Section 2	35
4.	Position held by respondents	37
5.	Years employed at UW-Stout	37
6.	Students with Disabilities in class during the last five years	38
7.	Disability Law Training Provided to Respondents	38

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As I am encountering another milestone in my life, and completing something I have dedicated so much of my life to achieving, I am proud. I am also thankful for the opportunities I have been given, the hard work I have invested, and friends that I have made along my journey. I look forward to, and feel confident that I can handle the adventures that lie ahead of me. Right now however, the only way I can express this moment as I feel it, is through a poem by Robert Frost, “Stopping by Woods on a Snowy Evening”.

Whose woods these are I think I know.

His house is in the village though;

He will not see me stopping here

To watch his woods fill up with snow.

My little horse must think it queer

To stop without a farmhouse near

Between the woods and frozen lake

The darkest evening of the year.

He gives his harness bells a shake

To ask if there is some mistake.

The only other sound's the sweep

Of easy wind and downy flake.

The woods are lovely, dark and deep.

But I have promises to keep,

And miles to go before I sleep,

And miles to go before I sleep.

- Robert Frost

Throughout my life, there have been people to whom I owe much gratitude and thanks for the special roles they played in my life. I have so much in my heart that I want to express to all of you, I simply can not justly express in words all of my feelings. All of you know who you are; I love you all and am very thankful for the role you have played in my life.

I love you Dad, Mom, Christopher, Joshua and Patches. All of you have influenced me, supported me, and loved me unconditionally. I hope you all know I love you too.

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To my brothers Joshua and Christopher: your challenges have given me inspiration, I dedicate my paper and my degree to you.

CHAPTER I

Research Problem and Objectives

Introduction

Over the past two decades, there have been several landmark pieces of legislation concerning the relationship among individuals with disabilities, educational institutions, and employers. The Rehabilitation Act of 1973 ensures that individuals with disabilities have access to higher education (P.L. 93-122). The Americans with Disabilities Act (ADA) of 1990 provides protection from discrimination for individuals on the basis of disability and extends civil rights protection for people with disabilities (P.L. 101-336).

For over 20 years, the Rehabilitation Act of 1973 has prohibited institutions of higher learning from discriminating against students with disabilities. However, very little litigation occurred in this area prior to the 1990s. This seems incredulous when you consider that the number of college students with disabilities has increased dramatically, due in no small part to the passage of the Americans with Disabilities Act in 1990. The act was touted as one of the most significant pieces of civil rights legislation since the Civil Rights Act of 1964. While the Americans with Disabilities Act did little to strengthen the Rehabilitation Act, upon and subsequent to its passage the visibility of this legislation brought the problems of disabled individuals to the forefront.

Problem Statement

The purpose of this study is to determine the level of understanding pertaining to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 among faculty, staff, and administration at the University of Wisconsin - Stout.

Objectives

This research will attain the following objectives:

1. To review the legislation, and federal and state regulations that pertain to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.
2. To identify how the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 apply to the University of Wisconsin - Stout.
3. To review policies that pertain to the Americans with Disabilities Act, disability requirements and their implementation at the University of Wisconsin - Stout.
4. To determine whether faculty, staff, and administration at the University of Wisconsin - Stout are informed about the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.
5. To identify the extent to which the University of Wisconsin - Stout's faculty, staff and administration understand their responsibilities as defined by the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.
6. To determine the general level of understanding of disability law among faculty, staff, and administration at the University of Wisconsin - Stout.

Need Statement

Because of changing demographics and the increasing public awareness inspired by the enactment of the Americans with Disabilities Act, institutions are likely to face increased litigation if they do not review their focus and implement strategies on the issue of accessibility. Approximately 43 million Americans have disabilities, and over 4.3 million students enrolled in the public school system have been identified as being entitled to legal protection under the Americans with Disabilities Act. In addition, over 1.5 million (10.5%) American college students have at least one disability (Lissner, 92). Based on demographics, it can be expected that this number will continue to rise over the next several decades.

Arguably, it can be said that most institutions of higher learning are aware of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and they may have achieved many of the requirements of these Acts. However, is this the case among the faculty and administration within the institution that not only represents that institution but also fosters the learning environment? Faculty and administration are very visible when it comes to determining compliance and are oftentimes the genesis of a violation or litigation. Ignorance or lack of education regarding this or any law cannot be used as a defense in a court of law. Knowledge of the law's requirements must be based on the letter of the law and promulgated within the spirit of the law.

Subsequent to the passage of the Civil Rights Act of 1964, there have been and continue to be problems that often require harsh sanctions. Could it be that similar

problems might exist even after the passage of the Rehabilitation Act and the Americans with Disabilities Act? In order to determine this, it is necessary to examine specific institutions of higher education to determine whether the spirit of this legislation is being adhered to. Simple observation of existing facilities reveals that much has been done to eliminate, or at least mitigate, physical barriers. Ramps have been installed to provide easier access to or within buildings, restrooms have been modified, and new buildings have been designed and built to be barrier free. Do these actions meet the requirements of the law? Yes, they do. However, the question still remains as to whether the intention of the law has been met by making simple cosmetic alterations.

Appearances, however, can be deceiving. It is imperative to look beneath the surface to determine the degree of understanding the faculty, staff, and administration have regarding not only the obvious parts of the law but also their legal and moral requirements to understand, implement, and uphold the requirements of the laws in an educationally friendly manner.

Therefore we can reasonably assume, that by determining and increasing the level of awareness regarding the Rehabilitation Act and the Americans with Disabilities Act, we are not only educating our faculty, staff, and administration but also are providing better services to our students while promoting the University of Wisconsin - Stout. This process will enhance all facets of the University's culture and learning environment.

Assumptions

The assumptions of this study are as follows:

1. Very little training that is specific to disability law is provided to new hires at the University of Wisconsin - Stout.
2. Little or no regular training regarding disability law is required or provided to faculty, staff, and administration at the University of Wisconsin - Stout throughout the course of their employment.
3. As a result of the lack of training regarding disability law; faculty, staff, and administration will have very little knowledge about the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

Limitations

A limitation of this study is that its results apply only to the University of Wisconsin-Stout

Definitions

Individual with a Disability

1. Has a physical or mental impairment that substantially limits a major life activity;
2. Has a record or history of such an impairment; or
3. Is regarded as having such an impairment. (Kincaid, p.5)

Physical impairment

A physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine (Jarrow p.2).

Mental impairment

Mental impairment is defined as “any psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities (Jarrow p. 2)”.

Substantially Limits

This term “means [that the individual is] unable to perform a major life activity, or is significantly restricted as to the condition, manner, or duration under which a major life activity can be performed, in comparison to the average person or to most people (Jarrow p.2)”.

Major Life Activity

Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. (Kincaid, p.5)

Qualified Individual with a Disability

This term refers to an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position that individual holds or desires and who, with or without reasonable accommodation, can perform the essential functions of such a position. (Learning Disabilities, p.56)

Otherwise Qualified

1. Students who meet the technical and academic qualifications for entry into the school or program;
2. Parents or members of the public who have a disability;
3. An employee with a disability who can, with or without reasonable accommodation, meet the essential requirements of the job;
4. Persons who are discriminated against because of their association with individuals with disabilities. (Kincaid, p.5)

Reasonable Accommodation

1. Modification or adjustment to a job application process that enables a qualified applicant with a disability to be considered for the position such that the qualified applicant desires; or
2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that

enables qualified individuals with disabilities to perform the essential function of that position; or

3. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities. (Learning Disabilities, p.56)

CHAPTER II

Review of Literature

Introduction

When John. F. Kennedy was assassinated in November of 1963; the United States of America was at a crossroads from a social standpoint. The civil rights movement had just begun, and blacks, particularly southern blacks, were demanding equality in basic areas such as job opportunity, education, voting, and access to public facilities.

Additionally, other groups of people demanded that the federal government, promote equality in a wide range of day-to-day activities. A conservative southern democrat, Lyndon B. Johnson, assumed the office of president. Most people did not realize at that sorrowful time that the nation was about to embark on a wave of social legislation and a social movement, the likes of which had never been seen before. In 1964, only months after JFK's assassination in Dallas, legislation was passed whose impact not only started the movement toward equality but also became a benchmark for all legislation that was to follow.

Disability Legislaton

Public Law 88-352, more commonly known as the Civil Rights Act of 1964, opened the floodgates toward social equality for all individuals who were different in color of skin, religion, and even ability. This first bill was not all encompassing; however, the Civil Rights Act did set the standard for that which was to follow.

Congress stated:

To enforce the constitutional right to vote, to confujurisdiction upon the district public accommodations, to authorize the attorney general to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission of Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment opportunity, and for other purposes. (P.L. 88-352, Title VII)

For the first time, the federal government had taken an active role in the enforcement and application of civil rights, no longer would it be the preview of the individual states to decide what would apply in that venue and to whom.

In 1973, The Rehabilitation Act was enacted. This act was a congressional mandate that established regulations and court decisions surrounding access to higher education for individuals with disabilities. It also outlined who may be considered legally handicapped and explained the available remedies are available against discrimination.

Section 504 of the Rehabilitation Act stated:

No otherwise qualified individual with a disability in the United States... shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (29 USC § 794)

It further states that “All of the operations of a local educational agency, vocational education program, or any other school system are included in the terms ‘program’ and

‘agency’ (P.L. 93-112, § 504)”. For the first time, individuals with legal disabilities could expect access to institutes of higher education. The nation’s educational system would begin a long struggle towards compliance.

In 1990, President George Bush signed P.L. 101-336 into law. At the time, this conservative president stated that the Act he was signing was the “...most significant piece of civil rights legislation since the Civil Rights Act of 1964 (Disability, p.1).” With that, the Americans with Disabilities Act of 1990 (ADA) became the law of the land.

The Preamble to the ADA stated that:

When President Bush signed into law the Americans with Disabilities Act – the world’s first comprehensive civil rights law for people with disabilities – in front of 3,000 people on the White House lawn on July 26, 1990, the event represented a historical benchmark and a milestone in America’s commitment to full and equal opportunity for all of its citizens. The President’s empathetic directive on that day: ‘Let the shameful walls of exclusion finally come tumbling down’ neatly encapsulated the simple yet long overdue message of the ADA; 50 million Americans with disabilities are full-fledged citizens and as such are entitled to legal protections that ensure them equal opportunity and access to the mainstream of American life. Enactment of the ADA reflects deeply held American ideals which treasure the contributions which individuals can make when free from arbitrary, unjust, or outmoded societal attitudes and practices that prevent the realization of their potential. The ADA reflects a recognition that the surest path

to America's continued vitality, strength and vibrancy is through the full realization of the contributions of all of its citizens. (P.L. 101-336 § 2)

The ADA is an all-encompassing piece of legislation, which is the offspring of all Civil Rights legislation that had been previously enacted. "The ADA of 1990 has been called the most important piece of federal civil rights legislation enacted in the past quarter century (Kohl, p.1)". The ADA states:

The Americans with Disabilities Act of 1990 (ADA) is the civil rights guarantee for persons with disabilities in the United States. It provides protection from discrimination for individuals on the basis of disability. The ADA extends civil rights protection for people with disabilities to employment in the public and private sectors, transportation, public accommodations, services provided by state and local government, and telecommunication relay services. (Americans p.1)

Impact on Education

Does the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 have an impact on institutions of higher education? "In recent years, significant federal legislation has been passed which impacts directly on the university's responsibility to make education accessible to students with disabilities. (Frank, p.26)"

The ADA upholds and extends the standards for compliance set forth in Section 504 of the Rehabilitation Act of 1973 to employment practices that impact on the treatment of students with disabilities. Because of the public attention given to the passage and implementation of the ADA, renewed attention is being focused on disability access to institutions of higher education. This focus includes the

whole scope of the institution's activities, including facilities, programs and employment. (Americans p.1)

Essentially, the Rehabilitation Act of 1973 states that if "...you receive operational funds from the federal government, you may not discriminate on the basis of disability (Jarrow p.2)". In addition, the Americans with Disabilities Act states that if "...you don't receive your operational funds from the federal government, you may not discriminate on the basis of disability (Jarrow p.2)". The impact and the importance of Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act are significant. "It is mandatory that postsecondary institutions make special accommodations and adjustments to insure that students do not experience discrimination which is based on disabling conditions (Frank, p.26)."

...the post-secondary community is unique; whether the school is a public entity (receiving its primary funding from state or local government sources) or a private entity (with its primary funding from non-governmental sources) almost all institutions of higher education have some federal monies involved in their programming and thus have been (and continue to be!) subject to the Rehabilitation Act in addition to their coverage under the ADA. (Jarrow p.2)

At the same time, it is imperative that the university's faculty, staff, and administration have clear knowledge of what is required of them, the institution, and the students as specified under Section 504 and the ADA.

Under the ADA, institutions of higher education are responsible for establishing a clear and accessible grievance procedure for persons with disabilities who feel that they

have been violated. In addition, each institution is responsible for conducting a self-evaluation of its preparedness as well as an ongoing review of possible barriers in the following areas:

- There may be no exclusion on the basis of disability.
- There may be no discrimination through contract.
- Participation should be in the most integrated setting possible.
- There may be no discrimination through eligibility criteria.
- Reasonable modifications in policies, practices, and procedures must be made as necessary to avoid discrimination on the basis of disability.
- Modifications must be made to allow the presence/use of service animals.
- There may be no discrimination through association with a person who has a disability.
- Surcharges to cover the costs of accommodations may not be imposed solely on persons with disabilities.
- Examinations and courses must be accessible.
- There may be no discrimination because of insurance constraints.
- There may be no harassment or retaliation against individuals who are accessing their rights under the law or against those who assist persons with disabilities in accessing their rights. (Americans p.2)

All of the above restrictions apply in all areas of contact, be it education or employment, and are intended to be the day-to-day routine as all citizens go about their business. In addition, of particular importance in making appropriate accommodations for students

with disabilities are the mandates for making modifications as needed in policies, practices, and procedures and for ensuring accessibility to examinations and courses. As required under Section 504, this includes all aspects of academic and non-academic activities including admissions and recruitment, admissions to programs, academic adjustments, housing, financial assistance, physical education and athletics, and counseling. (Americans p.2)

Prior to the Passage of the Americans with Disabilities Act, "...over 12.5 million students were enrolled in the Nation's postsecondary institutions. Over 1.3 million of these students (10.5%) reported having at least one disability (Disability Statistics, p.1)." Upon and subsequent to the passage of the ADA, postsecondary enrollment among students with disabilities has increased, and "...institutions of higher learning can very well anticipate a further increase in the number of students with disabilities (Benham, p. 2)." Therefore, the increase in enrollment among students with disabilities and the increase of complaints or violations creates a need "...for faculty awareness of disability laws and recent legal decisions (Thompson, p.167)". Frequently, faculty members and administrators are uncertain of the requirements of Section 504 and the ADA and their respective roles. It is the University's responsibility to ensure that its faculty and administration are "...aware of the key legal requirements in providing reasonable accommodations for students with disabilities and [are] able to make responsible decisions on a case-by-case basis (Thompson, p.167)".

A student may not only file [a complaint] with the Office of Civil Rights, but may also file litigation against the institution to contest the school's failure to provide

documented reasonable accommodations. Therefore, faculty and administrators need to be informed about recent legal decisions as well as the language of the law. Faculty also need to be aware of the students' responsibilities under the law before the university has an obligation to provide accommodations...faculty need a better understanding of their rights and the rights of the students they teach.

(Thompson, p 167)

As students with disabilities become aware of their rights, [and] the number of students with disabilities attending colleges and universities is increasing, institutions of higher education should be addressing this issue with their faculty and administration.

(Benham, p.4)

Related Studies

A review of the literature revealed very little information specifically related to faculty knowledge of disability law. The information available on faculty knowledge of disability law dealt primarily with faculty attitudes towards students with disabilities and not knowledge of the law specifically. According to a study that measured faculty knowledge of disability law (Anne Thompson et al.) the following statements were made:

- Faculty members are frequently uncertain about the requirements that Section 504 [and the ADA] places on them.
- Universities must ensure the availability of auxiliary aids, permit waiver of nonessential requirements, provide extended test time for assignments and testing, and develop a policy for accommodating the academic needs of students with disabilities.

- Faculty must be aware of the key legal requirements in providing reasonable accommodations for students with disabilities and be able to make responsible decisions on a case-by-case basis.
- Faculty and administrators need to be informed about recent legal decisions as well as the language of the law.
- Faculty also needs to be aware of the students' responsibilities under the law before the university has an obligation to provide accommodations.

(Thompson, p. 167)

Leyser (1989) conducted the only other study found in the review of literature that was designed to determine faculty familiarity with federal legislation. The 30-item questionnaire used in this study was designed to measure faculty familiarity with federal and state laws (Thompson, p.168). No other studies to measure faculty knowledge of disability law were found in the review of literature. Another study (Brenda L. Weitemann, 1996) measured the views of regular education teachers on their understanding of ADA and Section 504. According to Weitemann's study, "...regular education teachers...do not understand [or are able to distinguish] the differences between ADA, Section 504 and disabilities in general (Weitemann, p. IV)". She also explained that most of the teachers "...did not recall having received in-service training in the areas of ADA, Section 504 or disabilities (Weitemann, p. IV)". In addition, she stated that "Teachers' views and understanding of Section 504 (Rehabilitation Act) is of utmost importance since they are the deliverer of services (Weitemann, p. 4)." However, it was pointed out that there is a "...need for faculty training in understanding disability

laws and knowing what accommodations are necessary, as well as when an accommodation may be refused. Faculty members desire more information about serving students with disabilities (Thompson, p.169)". According to Thompson, "A) More students with disabilities are enrolled in higher education than ever before, B) court cases dealing with compliance issues are increasing, and C) surveys investigating faculty attitudes and willingness to provide accommodations have been conducted (Thompson, p.169)". In addition, surveys of "...faculty attitudes about providing accommodations indicated that faculty need information and training to keep abreast of current court decisions and to understand the language of the law (Thompson, p.169)".

As far as training is concerned, the "...ADA does not mandate that universities and colleges train faculty in knowledge of disability laws (Thompson, p.177)". It is also indicated that faculty "...did not know the requirements of the law [ADA and Rehabilitation Act]. This fact could place the university at a greater risk of encountering a noncompliance issue or lawsuit (Thompson, p. 177)". It seems imperative that training programs for faculty "...be implemented nationally...[and] training programs that are designed to reach the largest number of faculty need to be implemented (Thompson, p.177)".

Conclusion

This literature review was conducted to provide the reader with a better understanding of issues that impact students with disabilities and their receipt or non-receipt of services because of the faculty, staff, and administration's knowledge of

disability law or lack thereof at the University of Wisconsin-Stout. The results of this study may imply that these university employees need training in disability law.

However, the researcher hopes that faculty, staff, and administration will have a better understanding of the ADA and Section 504 of the Rehabilitation Act upon completion of this study. "Informed faculty members would be better equipped to provide reasonable accommodations for college students with disabilities while maintaining the quality of higher education (Thompson, p. 178)."

CHAPTER III

Research Methods

Introduction

This chapter describes the study population, instrumentation and instrumentation structure, data collection, response rate, and respondent profile. This study examined the level of knowledge that UW-Stout's faculty, staff, and administration have about disability law, specifically with regards to the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

A review of literature revealed that very little information or faculty knowledge of disability law existed. Several studies have measured attitudes of faculty and staff toward serving students with disabilities. Other studies emphasized the need for faculty training in understanding disability laws and knowing what accommodations were necessary as well as understanding when an accommodation may be refused. Schoen, Uysal, & McDonald (1987) used an attitudinal survey instrument to investigate faculty attitudes toward the treatment of college students with disabilities. Askamit et al. (1987) conducted a study of attitudes and knowledge of faculty and staff toward serving students with learning disabilities. The researcher found only two studies in which specific knowledge of faculty, staff, and administrative knowledge of disability laws were measured. A study conducted by Leyser (1989) was designed to determine faculty familiarity with federal legislation. Another study conducted by Anne R. Thompson et

al. (1997) contained the only instrument designed to measure faculty knowledge of disability law found in the review of literature. This study asked faculty members at a research and teaching university to respond to a survey that was designed to measure their knowledge of disability laws. No other studies that specifically measured faculty knowledge of disability law were found in the review of literature. The researcher incorporated the study conducted by Thompson (1997) into the instrument that was used to measure the knowledge of disability law at the University of Wisconsin-Stout. With permission (Appendix A), the researcher duplicated the instrument from Thompson's study at the University of Wisconsin-Stout, to measure all of UW-Stout's employees' knowledge of disability law. In addition to the previously mentioned study, the researcher added a section of Likert scale questions. These questions were taken from the original instrument's questions, and rephrased. This additional section of questions was intended to serve as a crosscheck in order to see what the cited population knows about disability law with what they think they know about disability law.

Method

Study Population

This study was conducted at the University of Wisconsin-Stout. The University of Wisconsin-Stout has an approximate enrollment of 7,400. All faculty, staff, and administration within the University, a total of 996 employees, were mailed a survey that was designed to measure their specific knowledge of disability laws. All UW-Stout employees were included in the survey, rather than conducting a random sample. This

all- inclusive method was chosen as the best method, to determine a baseline for faculty knowledge and to protect the anonymity of the respondents and maintain confidentiality.

Instrumentation

A survey instrument was used to collect the data that pertains to the research discussed in Chapter II. The review of literature indicated that only two studies, which would measure faculty knowledge about specific accommodations for students with disabilities that are mandated by law, actually existed. A study based on extensive research in disability laws that affect postsecondary education was developed and conducted by Thompson et al. (1997). The researcher received permission (Appendix A) to use this instrument, incorporated the instrument into the study, and produced a modified a prevalidated instrument that would measure faculty, staff, and administrative knowledge of disability law at the University of Wisconsin-Stout. The researcher made tailored the instrument to the population. Section 1 reflects the instrument as it was originally developed; however, the researcher added the statements in Section 2, along with the demographic questions to make the study more appropriate for the population.

Profile of Survey Instrument

The content of the survey instrument was derived from Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and recent court cases pertaining to these issues, all of which contain information relevant to faculty, staff, and administrative knowledge of disability law. (Thompson, p.168)

Section 1 of the study consists of 25 statements that require a "yes" or "no" responses and are intended to measure specific knowledge of disability law (Appendix C). Table 1 demonstrates the breakdown of the particular disability-law-related issues that survey questions 1 through 25 are based upon (Thompson, p.168):

Table 1: Area of law survey questions are based upon

Survey Item #	Area of law or issue survey questions are based upon
Item 1	Defines the student's responsibilities to ask for accommodation and to provide documentation.
Item 2	Provided the definition of a qualified person with a disability as stated in the Federal Register, Title 34.
Item 3	Is based on the nondiscrimination mandate and the definition of disability as stated in the Vocational Rehabilitation Act of 1973.
Item 4	Is based on the nondiscrimination mandate and the definition of disability as stated in the Vocational Rehabilitation Act of 1973.
Item 5	Use of tape recorders as an accommodation, pertains to reasonable accommodations that are named in the Vocational Rehabilitation act of 1973.
Item 6	Defines the student's responsibilities to ask for accommodation and to provide documentation.
Item 7	The university is required to assume responsibility for securing an accommodation.
Item 8	Accessibility to a classroom, which pertains to reasonable accommodations that are named in the Vocational Rehabilitation Act of 1973.
Item 9	Faculty is required to provide extended time as an accommodation.
Item 10	Deals with the modification of evaluation methods, which relates to accommodations for testing as noted in Section 504 of the Vocational Rehabilitation Act of 1973.
Item 11	Deals with alternate assignments, which relates to reasonable accommodations that are named in the Vocational Rehabilitation Act of 1973.
Item 12	Deals with exceptions to providing accommodations based on recent legal decisions.
Item 13	Deals with accommodations specifically recommended in the documentation, which is based on recent legal decisions.
Item 14	Refers to the accommodations in the preferred medium for students with visual impairments, and is based on case law.
Item 15	Refers to the accommodations in the preferred medium for students with visual impairments, and is based on case law.

Item 16	Deals with oral tests as an accommodation for testing as noted in Section 504 of the Vocational Rehabilitation Act of 1973.
Item 17	Deals with confidentiality issues surrounding documentation and students records.
Item 18	Deals with separately proctored settings, which is stated as an accommodation for testing as noted in Section 504 of the Vocational Rehabilitation Act of 1973.
Item 19	Deals with personal liability as based on recent legal decisions.
Item 20	Deals with academic freedoms as based on recent legal decisions.
Item 21	Addresses the fact that faculty does not have to restructure their course presentation in order to accommodate.
Item 22	Deals with the provision of note takers, which is stated as being a reasonable accommodation named in the Vocational Rehabilitation Act of 1973.
Item 23	Refers to the accommodations in the preferred medium for students with visual impairments and is based on case law.
Item 24	Deals with course waivers.
Item 25	Refers to the use of readers, scribes and adaptive equipment as accommodations for testing, which is noted in Section 504 of the Vocational Rehabilitation Act of 1973.

(Thompson, p.176)

Section 2 (Appendix C) consisted of 13 statements that asked the participants to respond on a scale of 1 to 5, with 5 being Strongly Agree, and 1 being Strongly Disagree. This section was designed to measure what the respondents' think might know about disability law.

Demographics

The sample population consisted of all 996 University of Wisconsin-Stout employees as reflected by a campus mailing list. This method for selection was chosen to protect the respondents' privacy, as was recommended by key administrators from the Affirmative Action Office at UW-Stout. This process ensured that the relatively small staff at UW-Stout would not be identified and increased the likelihood of honest and

accurate responses. The sample population included teaching faculty, instructional academic staff, administrators, academic staff and classified staff. Their anonymity was guaranteed, because none of the demographic questions singled out any particular person or group of people. Participants were also asked to state the number of years they were employed at UW-Stout, and whether they had received any training with regard to the Vocational Rehabilitation Act of 1973 or the Americans with Disability Act of 1990. They were also asked if they had a student with a disability in their class within the past 5 years and if they themselves had a documented disability.

Procedure

All participants were sent a cover letter (Appendix B), the survey instrument, and a self-addressed envelope along with instructions to return the completed survey via campus mail. The cover letter stated the purpose of the study and asked participants to complete the survey and return it in the enclosed envelope. The participants were ensured that their responses would remain anonymous and that no attempt would be made to identify the participants or groups. To ensure anonymity and encourage accurate and honest responses, no identifying marks were made on the instrument, and no second attempts were made to collect surveys that were not returned. It was determined however, that if a follow-up were necessary, department chairs would be contacted and asked to encourage staff at department meetings to complete the survey. This process would also protect the respondents' privacy. The survey was distributed via campus mail the second week of September 1999. Respondents were given 10 working days to return

the completed instrument. This method was chosen because it was cost effective and it targeted individuals early enough in the semester to avoid other conflicts.

Conclusion

The format of the survey was very direct yet brief enough to allow minimal effort and time to complete it. The distribution was efficient and seamless at both ends in that it was cost effective and reached the maximum number of the target population. The survey questions were based entirely on disability issues and the requirements of existing federal law. The ultimate goal of the process was to determine whether disability training was being delivered at the University of Wisconsin-Stout, and if it appeared that staff at all levels were aware of the requirements of this particular segment of the law pertaining to students.

CHAPTER IV

Analysis of Findings

Introduction

The purpose of this study was to determine the level of understanding pertaining to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 among faculty, staff and administration at the University of Wisconsin – Stout.

This study was conducted to:

1. Examine the general level of understanding among UW-Stout's staff in relation to disability laws that affect students access to higher education.
2. Determine whether training on disability law is needed at UW-Stout.
3. Discover whether disability law training is provided to new hires at the University of Wisconsin - Stout.
4. Determine whether regular training regarding disability law is required or provided to faculty, staff, and administration at the University of Wisconsin - Stout throughout the course of their employment.

Participant Response

Participants returned 332 of the 996 surveys by the due date, which reflects a response rate of 33%.

Results

Section I

In this section, respondents were asked to respond "Yes" or "No" to a series of statements, based on their knowledge of disability law. (Appendix C)

Correct Responses

In 11 of the 25 survey items, 80% or more of the respondents answered the questions correctly. The results indicated that 82% of the respondents understood the definition of a person with a disability, while 92% of the respondents understood the non-discrimination mandate and definition of a disability as stated in Section 504 of the Vocational Rehabilitation Act of 1973. Eighty percent of the respondents understood that faculty are required to provide extended time as a reasonable accommodation; 83% of the respondents also understood that alternate assignments are reasonable accommodations specifically named in the Vocational Rehabilitation Act of 1973. In addition, 86% of the respondents understood that an alternate environment in which to take an examination is an accommodation for testing as stated in Section 504 of the Vocational Rehabilitation Act of 1973. According to the study, 86% of the respondents understood that their academic freedom does not allow them to decide whether they should provide special aids and services for students in the classroom. A high percentage of respondents (81%) understood the requirements for essential course waivers. Eighty-nine percent of the respondents understood that the use of readers, scribes, and adaptive equipment are accommodations for testing, as noted in Section 504 of the Vocational Rehabilitation Act of 1973.

Incorrect Responses

In 14 of the 25 survey items, a significant number of the respondents answered the questions incorrectly, or they indicated that they had a great deal of uncertainty as to the correct answer. Results indicated that only 69% of the respondents understood that failing to provide an accommodation to a student with a documented disability could result in personal liability. Seventy-five percent of the respondents understood that documentation is required in order to grant an accommodation, while 27% of the respondents did not know that provisions, such as note takers, are reasonable accommodations as defined in the Vocational Rehabilitation Act of 1973. Of the respondents, 37% did not know who was responsible for requesting an accommodation, and that it needed to be accompanied by proper documentation. Only 51% of the respondents correctly understood that use of tape recorders as an accommodation for full participation in the classroom is a named accommodation as stated in the Vocational Rehabilitation Act of 1973. Thirty-seven percent of the respondents did not know that it is the student's responsibility to ask for an accommodation and to provide documentation pertaining to their disability. Only 49% of the respondents knew that it is not the student's responsibility to secure a necessary accommodation. In addition, just 65% of the respondents understood that a classroom location should be changed to provide accessibility, which is stated in the Vocational Rehabilitation Act of 1973. The results indicated that only 63% of the respondents correctly understood that allowing a student with a speech disorder an alternate assignment to an oral report is a reasonable accommodation as stated in the Vocational Rehabilitation Act of 1973. Additionally,

only 56% of the respondents understood that a fundamental alteration of their program does not have to be made in response to a student's accommodation. Sixty-six percent of the respondents understood what reasonable accommodations were for students with a visual disability. Of the respondents, only 57% of the population understood that providing an oral exam for a student who has a writing-related disability is an accommodation for testing as stated in Section 504 of the Vocational Rehabilitation Act of 1973. In addition, 55% of the respondents did not understand the confidentiality issues surrounding documentation of student records. While 66% understood that they do not have to restructure their course presentation to accommodate a student with a disability, only 45% of the respondents understood how to accommodate students with visual impairments.

Table 2 demonstrates the percent and frequency of the participants' responses to each of the 25 statements in Section 1 of the survey. The total number of responses in all cases was 332.

Table 2: Response to Statements in Section 1

Statement	YES	NO	D/K
1. Faculty, staff and administration in higher education are required to provide a student with a disability accommodation even if the student does not request it.	37% 123	* 58% 191	5% 18
2. A qualified person with a disability meets the academic and technical standards required for admissions or participation in a particular program or activity.	* 82% 271	9% 31	9% 30
3. A person is considered to be a person with a disability if they have the disability, or are regarded as having the disability.	* 68% 226	26% 87	6% 19

4. Section 504 of the Rehabilitation Act and the Americans with Disabilities Act prohibits discrimination on the basis of disability in any program or activity offered by and institution of higher education that receives federal financial assistance.	* 92% 307	3% 13	3% 12
5. Section 504 of the Rehabilitation Act specifically mentions tape recording lectures as a means of assuring full participation in the classroom for students with disabilities.	* 51% 170	29% 97	20% 65
6. A student with a disability may ask for and expect accommodations in a classroom even though the student has not provided documentation that the disability exists.	37% 122	* 58% 193	5% 17
7. Students are required to assume the responsibility for securing a necessary accommodation.	45% 150	* 49% 164	5% 16
8. A classroom's location should be changed to provide accessibility for a student with a mobility disability.	* 65% 215	28% 94	7% 23
9. An instructor who decides that a student with a documented learning disability does not need to extend time on a test may choose not to give this accommodation.	17% 45	* 80% 264	7% 23
10. The form of an exam must be altered if the testing procedure puts a student with a disability at a disadvantage based on the student's documented disability.	* 83% 227	11% 37	5% 18
11. A student with a speech disorder must be given an alternate assignment to presenting an oral report.	* 63% 208	27% 88	11% 36
12. Student's requests for accommodation must be provided, even when the accommodation would result in a fundamental alteration of the program.	34% 113	* 56% 185	10% 34
13. The university may refuse to grant a student's request for accommodation, which is not specifically recommended in the student's documentation.	* 75% 248	17% 57	8% 27
14. If a student with a visual disability is enrolled in a class, the instructor must provide all handouts in the alternate format requested by the student.	* 66% 219	27% 89	7% 24
15. The instructor must make course material on reserve in the library available in alternate formats for students with visual disabilities in the course.	* 61% 201	30% 99	9% 32
16. If a student with a disability has difficulty writing, the instructor is responsible for providing the student with an oral test.	* 57% 188	36% 119	7% 25

17. Faculty, staff and administration have the right to access diagnostic information regarding a student's disability.	36% 121	* 55% 183	8% 28
18. If a student's documentation specifically recommends a quiet testing area with no distractions, the instructor must allow the student to take an exam in a room different from the classroom with a proctor.	* 86% 286	11% 35	3% 11
19. An individual faculty member who fails to provide an accommodation to a student with a documented disability may be held personally responsible.	* 69% 228	22% 73	9% 31
20. The instructor's academic freedom permits the instructor to decide if they will provide special aids and services for students with disabilities in the classroom.	8% 28	* 86% 285	6% 19
21. Faculty must restructure the presentation of their courses and their course requirements if a student with a disability requests it.	24% 81	* 66% 218	9% 33
22. Asking to copy the notes of other class students is a reasonable accommodation for a student with a learning disability who finds note taking distracting from their ability to listen to the class lecture.	* 73% 242	20% 66	7% 24
23. The instructor must meet with a student with a visual impairment before class to make sure the student has resources to complete the course requirements.	42% 140	* 45% 151	12% 41
24. Nothing within the Americans with Disabilities Act, or Section 504 of the Rehabilitation Act requires a college to waive essential course requirements; however, a refusal to grant a waiver must be justified.	* 81% 268	7% 25	12% 39
25. Accommodations for testing, such as readers, scribes, or the use of adaptive equipment must be provided for a student with a documented disability.	* 89% 297	6% 21	4% 14

D/K = don't know * = correct response

Section 2

In this section, participants were asked to respond to 13 statements (Appendix C).

The responses were measured by the following Likert scale criteria:

- 5 = Strongly agree
- 4 = Agree
- 3 = Neutral
- 2 = Disagree
- 1 = Strongly Disagree

This particular series of statements was intended to measure what the respondents felt they knew about disability law. In addition, several of the same basic statements in Section 1 were included in Section 2, only rephrased slightly. The purpose for this rephrasing and repetition was to compare what the respondents knew in Section 1 to what they felt they knew in Section 2. Therefore, if any inconsistencies emerge from comparison of their responses, it could be concluded that there is a level of confusion or uncertainty exists as to which is really the correct response. The researcher felt that this would be useful in determining whether or not the respondent actually knew the correct response or simply guessed.

According to the survey results, the respondents agree that the academic institution is required to assume the responsibility for securing a necessary accommodation. However, that response is contradicted by the response to statement 7 in Section 1. There is a great deal of uncertainty among the respondents as to who is responsible for securing necessary accommodations for a student. As far as providing proper documentation with the request for an accommodation, the respondents were unclear as to how this should be handled. This lack of clarity is supported by the participants' responses to statement 6 in Section 1. It is clear that there is a lack of understanding among the respondents regarding the provision of proper documentation for an accommodation. The respondents understood that institutions receiving federal funding, however slight, must make every reasonable attempt to accommodate individuals with disabilities. It was unclear to the respondents as to what the instructor's responsibility was in dealing with accessibility problems. Their response to statement 4

reveals that the respondents agree that the institution must make adjustments to a facility to provide an accommodation. However, the respondents indicate in statement 8 of Section 1 that a classroom location should be changed to provide an accommodation, but the classroom itself need not be changed. The study indicates that the respondents agree that a disability law expert should be available from them to contact when an issue regarding accessibility or handling a student with a disability arises. The respondents were uncertain as to whether or not they should have alternate forms of course material available on reserve at the library to meet various students' needs. It was agreed upon by the respondents that it would be the instructor's responsibility to make accommodations suitable to a student's need upon the student's request. It was strongly agreed upon by the respondents that reasonable accommodations include, but are not limited to, altering test situations, or allowing other students to take their notes. The response to this statement (8) was supported by the response to statement 22 in Section 1. It is clearly understood by the respondents that such provisions are reasonable accommodations for a student with a disability. The respondents agreed that a refusal by an instructor to grant a request for an accommodation should be provided to the student in writing. In addition, statement 24 of Section 1 indicates that the respondents understand that a refusal to grant a course waiver must also be provided in writing. It was agreed upon, and understood by the respondents that the Vocational Rehabilitation Act allows for certain denial options if a request for an accommodation interferes with other students. This statement (10) is supported by the response to statement 21 of Section 1. The respondents do know that faculty do not need to restructure the presentation of their course and their course requirements if a student with a disability requests it. According to the respondents, it

was unclear as to whether or not it is a good idea to query the class at the start of each semester to determine whether students need a reasonable accommodation. It is inappropriate for an instructor to question the class in such a manner, because it violates both the privacy of the student with the disability and proper disclosure procedures. However, the respondents did know that it is inappropriate to announce to the class that a particular student has a disability and will need some extra help. The respondents agreed that an on-campus expert would be helpful to consult with in relation to issues regarding the Americans with Disabilities Act.

Table 3 lists the mean and standard deviation of the participants' responses to each of the 13 statements in Section 2 of the survey (5 = strongly agree, 1 = strongly disagree).

Table 3: Response to Statements in Section 2

Statement	S/D	Mean
1. The academic institution is required to assume the responsibility for securing a necessary accommodation.	.92	4.1
2. A person's request for accommodations may be ignored if proper documentation is not provided.	1.2	3.4
3. Institutions receiving federal funding, however slight, must make every reasonable attempt to accommodate individuals with disabilities.	.6	4.5
4. Instructors observing accessibility problems by disabled students are required to notify appropriate institutional authorities that will in turn make prompt adjustments to the facility.	1.12	3.8
5. Instructors, Administrators and other staff hearing complaints as to environmental and academic issues relative to the Vocational Rehabilitation Act, and the Americans with Disabilities Act are best served by passing the complaint to an expert.	.9	3.9
6. It would be the instructor's responsibility to have alternate forms of course materials available on reserve at the library to assist various students' needs.	1.0	3.4

7. It would be the instructor's responsibility to make accommodations suitable to a student's needs upon request.	1.0	3.7
8. Reasonable accommodations must include, but are not limited to altering test situations, or allowing other students to take notes.	.8	4.2
9. A refusal by an instructor to grant a request for an accommodation should be provided to the student in writing.	1.0	3.9
10. The Vocational Rehabilitation Act and the Americans with Disabilities Act allows certain denial options if the requests for accommodation interfere with other students.	.91	3.6
11. It is a good idea for the instructor to query the class at the start of each semester to determine if there are any students who may need a reasonable accommodation.	1.4	3.5
12. Upon request for an accommodation, it is a good idea for an instructor to notify the class as a whole that a specific student has a disability and will need a little extra help.	1.0	1.8
13. To resolve issues it would be helpful for faculty, administration, and staff to have a formal ADA expert on campus to consult with in relation to issues regarding the Americans with Disabilities Act.	1.0	3.8

S/D = Standard Deviation

Demographics

In order to make the results of this survey more effective, the respondents were asked to respond to several demographic questions (Appendix C).

The first question asked of the respondents was to determine what position they held, or their employment classification at the University of Wisconsin-Stout. The largest number of the participants in this study were identified as Classified Staff (36%), followed by Teaching Faculty (26%), Academic Staff (20%), Instructional Academic Staff (9%) and Administrators (4%).

Table 4: Position held by respondents

Position	# of Responses	% of Population
Classified Staff	119	36%
Teaching Faculty	87	26%
Academic Staff	68	20%
Instructional Academic Staff	31	9%
Administrators	15	4%

The second question asked the participants to indicate the number of years they had been employed at UW-Stout. The largest number of respondents had been employed at UW-Stout for 0-5 years (28%), followed by 11-15 years (18%), 6-10 years (16%), 25 or more years (13%), 16-20 years (12%), and 21-24 years (10%).

Table 5: Years employment at UW-Stout

Years of employment	# of Responses	% of Population
0 - 5 years	93	26%
6 - 10 years	54	16%
11 - 15 years	59	11%
16 - 20 years	41	12%
21 - 24 years	32	10%
25 + years	44	13%

In addition, respondents were asked if they had had a student with a disability in their class within the last five years. A total of 144 respondents indicated that they have had a student with a disability in their class within the last five years. Twenty-three respondents said that they had not had any students with a disability in their class within the last five years, 9 of the respondents did not know, and 144 of the respondents indicated that this did not apply to them.

Table 6: Students with Disabilities in Class during the last five years

Student with a disability in class	# of Responses	% of Population
Yes	142	43%
No	23	7%
Don't know	9	3%
Does not apply to respondent	144	43%

The respondents were also asked to indicate whether or not they had received any training regarding the Vocational Rehabilitation Act and the Americans with Disabilities Act within the last five years. Eighty-three percent of the respondents stated that they had not received any training in regards to the Vocational Rehabilitation Act of 1973 within the last five years. It was also indicated that within the last five years, 77% of the respondents had not received any training regarding the Americans with Disabilities Act.

Table 7: Disability Law Training Provided to Respondents

Vocational Rehabilitation Act	# of Responses	% of Population
Yes	42	14%
No	276	83%
No Response	14	4%
Americans with Disabilities Act	# of Responses	% of Population
Yes	66	20%
No	255	77%
No Response	11	3%

The respondents who indicated that they had received training in regards to the Vocational Rehabilitation Act, and the Americans with Disabilities Act, were also asked to indicate who provided the disability law training if they responded "yes" either part of question 3 (Appendix C). The respondents had an opportunity to write in who, or where they had received any disability law training within the last five years.

Following is a list of sources the respondents indicated for providing them with disability law training:

- Department of Vocational Rehabilitation
- Personal Consultants/Experts
- Reading Material/Newsletters
- Student Services
- In class, while going to college or graduate school
- Self-trained/Self-taught/own interest
- Affirmative Action Office
- Former Employers
- Chippewa Valley Technical College
- Professional development sessions
- On-the-job training
- Administrative code books
- Conferences outside of the university
- U.S. Department of Education
- Colleagues
- Limited Classroom Instruction
- Research on the internet
- A student with a disability the respondent had in class
- State of Wisconsin
- Dealing with own children who have a disability

Of the participants who responded to this question, 13 did not write anything in, or could not remember where they had received training. 17 of the respondents (only 5% of the population) stated that they had received training from one of several sources at the University of Wisconsin-Stout. The training methods ranged from word of mouth, to conversations with other students, to online training. Very little of the training was formal, and only a few respondents indicated that their knowledge of disability law was developed through the University. It may also be concluded that a degree of the knowledge exists because 11% of the respondents stated that they themselves have documented disabilities. This fact alone may increase that particular percent of the population's awareness and knowledge of disability law. The percentage of respondents with a documented disability (11%) is representative of the population as a whole (10%) (Disability Statistics, 1987).

Chapter V

Conclusions and Recommendations

Statement of the Problem

The purpose of this study was to determine the level of understanding of the Rehabilitation Act of 1973 and the Americans with Disability Act of 1990 among the faculty, staff, and administration at the University of Wisconsin-Stout.

The results of this study provided information on faculty, staff, and administration knowledge of disability law.

The study sought to answer the following research questions:

1. To what extent do faculty, staff, and administration understand disability law pertaining to students?
2. What level of training is currently provided to all faculty, staff and administration employed at the University of Wisconsin-Stout?

Sample Population

The sample population consisted of 996 employees at the University of Wisconsin-Stout. The study population was identified by a mailing list that named all UW-Stout employees. The survey was distributed via campus mail, and responses were returned to the researcher in the same manner.

Instrumentation

The review of literature located only one survey that included items about disability law and provisions of reasonable accommodation. The researcher, with permission (Appendix A), used and modified this survey to accommodate the needs of this specific study.

Response Rate

The data collection yielded 332 responses from participants who were identified as employees at the University of Wisconsin-Stout, for an overall return rate of 33%.

Conclusions

The results of the survey clearly indicate that a significant discrepancy exists in knowledge regarding disability law. While the results indicated that the respondents possessed a degree of knowledge regarding disability law, the percentage was not significant enough to state that UW-Stout's staff were informed. Although the Americans with Disabilities Act does not mandate that universities and colleges train faculty, staff, and administration in the knowledge of disability law, the findings of this study indicate that a large percentage of the respondents did not know the requirements of the law. This fact could place the university at a greater risk of encountering a noncompliance issue or lawsuit based on the philosophy of Agency Law. Agency Law is a concept that the courts have applied that simply states an employee of an organization is its agent; therefore the organization may be held responsible for their employees' actions. For example, a faculty member refuses to be compliant to a student with a disability who

makes a reasonable accommodation request. The university may then be held accountable for this faculty member's actions or inactions. It seems imperative that training programs for all UW-Stout staff be implemented, and staff be required to participate as part of professional development. This training course should be continually updated and presented to staff on a regular basis. Training programs should be designed to reach the largest number of staff and be tailored to the needs of the student population. It is obvious that there is a lack of understanding and knowledge among the target population. While no question was completely misunderstood, it was clear that much confusion existed as to what was the right way or the wrong way to handle a disability-related situation. Less than 20% of the respondents indicated that they had been trained on disability law and, according to the respondents, the University of Wisconsin-Stout had provided no training. It is obvious that little if no formal training provided to staff at UW-Stout. The University of Wisconsin-Stout as a whole, has provided only 5% of its' staff with formal training. UW-Stout has not taken the responsibility of training its staff as to their responsibilities under the Americans with Disabilities Act. While it is apparent that UW-Stout's staff has some knowledge, it may be that the understanding was gained through their own efforts.

An apparent need exists for ongoing pertinent training in the areas of disability law. The University of Wisconsin-Stout cannot assume that they do not have a responsibility to be compliant under the law. Preventive actions are much more effective than reactive actions. This could serve as a warning, but it should serve as a first step in recognizing the deficiencies and that this is not a matter that can be ignored. Compliance

is not a choice, but reacting in a manner that is proper will make the University of Wisconsin-Stout a better place to work and learn. As students with disabilities become aware of their rights, the number of students with disabilities attending institutions of higher learning will continue to increase. Institutions of higher learning should be addressing this issue with their faculty, staff, and administration. These students should not be feared or ignored; they should be given the same opportunities for education as non-disabled students. By having a better understanding of disability law and issues surrounding students with disabilities, UW-Stout staff is not lessening the quality of education. Instead, they are making education accessible.

Recommendations

1. That the University of Wisconsin-Stout should immediately undertake an aggressive, proactive training program that addresses the issues pertaining to its requirements and responsibilities as an institution that deals with the population at large. Training programs for all UW-Stout staff should be implemented, and staff should be required to participate as part of professional development. The training materials should be in a format that is continually updated and the course should be presented to staff on a regular basis. The purpose of this training should be to reduce the number of grievances filed. Training programs should be designed to reach the largest number of staff and be tailored to the needs of the student population. An institution of such fine standing should not be so deficient when it comes to training their staff on how to deal with the disabled population. Informed faculty members would be better equipped to provide reasonable

accommodations for college students with disabilities while maintaining the quality of higher education. Such training would also mitigate potential liability in a grievance proceeding.

2. UW-Stout should designate an "ADA Compliance Officer," or someone who can deal specifically with issues surrounding disability law. This person would assist UW-Stout staff in properly dealing with accessibility issues. This person would be easily accessible, and would serve as a consultant when issues arise. By appointing an ADA Compliance Officer, UW-Stout could reduce the amount of time and money spent training its staff because the staff could consult this person if they had an issue that required ADA expertise.
3. UW-Stout should take a proactive approach to the development of information as to the availability of resources, not only to faculty, but also to all students. Both well-informed students and staff are less likely to misunderstand the requirements of the laws. This would mitigate liability and put the university in a positive light.
4. UW-Stout should provide disability law training to its entire staff to increase their baseline competency. A well-monitored baseline compliance program would comply with legal requirements, and it would encourage students with disabilities to enroll. This profile would indicate not only compliance with the letter of the law but also the spirit of the law. The University of Wisconsin-Stout would

therefore be better equipped to provide access to higher education for students with disabilities, while at the same time enhancing its reputation.

Interpretations of the results of this study may be limited by the fact that faculty, staff, and administration at only one university were surveyed, rather than a random sample from universities in various locations. Because the surveys were distributed via campus mail, the respondents may have discussed the items with colleagues before returning the surveys. Also, some respondents may have guessed when they were asked to make a "yes" or "no" choice, whereas other respondents chose not to guess and instead indicated that they did not know the correct answer. Nevertheless, the results of this study indicate that a need for a disability law training program exists at the University of Wisconsin-Stout.

Appendix A

PERMISSION STATEMENTS

Appendix B

SURVEY COVERLETTER

9-20-99

Dear Collogue:

Hello, my name is Erin Graham. I am a graduate student in the Training and Development Masters program, and am asking you for help in completing my field problem. The purpose of my field problem is to determine the level of understanding pertaining to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 among faculty, staff and administration at the University of Wisconsin - Stout. This study is intended to make a determination of the level of knowledge or training here at UW-Stout on issues pertaining to the Americans with Disabilities Act and The Rehabilitation Act of 1973. To accomplish this goal, I am requesting you fill out the enclosed questionnaire.

Enclosed is a questionnaire and an addressed envelope for its return. The end the results of this questionnaire will be used to assist me in reaching an understanding of knowledge, and to determine if there is a need for training regarding the application of these two acts pertaining to accommodations of disabled individuals and students here at UW-Stout.

I would greatly appreciate it if you could please take a few minutes to answer the questions posed. All require a yes/no answer or a degree of agreement or disagreement. Upon completion, please put the questionnaire in the enclosed self-addressed envelope and **return it to me by campus mail no later than Friday, October 1st, 1999.**

Your response to this questionnaire is completely confidential. Please do not sign the instrument or identify yourself in anyway. **Completing this questionnaire is completely voluntary, and your responses are strictly confidential.** Completion and return of the survey is considered applied consent.

I thank you in advance, as your time and input is greatly appreciated. This is a very important subject that is near and dear to my heart. Upon completion, my paper will be available for review. If you have any questions please feel free to contact me at 715/235-9554.

Sincerely yours,

Erin M. Graham

Enclosures: Survey, addressed return envelope

Appendix C

SURVEY INSTRUMENT

**Faculty, Staff and Administration Survey of:
Knowledge of Disability Law**

Section 1

Directions: For the following statements, please mark "Yes" or "No" after each based on your knowledge. No response will count as undecided.

1) Faculty, staff and administration in higher education are required to provide a student with a disability accommodation even if the student does not request it.	YES ()	NO ()
2) A qualified person with a disability meets the academic and technical standards required for admissions or participation in a particular program or activity.	YES ()	NO ()
3) A person is considered to be a person with a disability if they have the disability, or are regarded as having the disability.	YES ()	NO ()
4) Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities act prohibits discrimination on the basis of disability in any program or activity offered by an institution of higher education that receives federal financial assistance.	YES ()	NO ()
5) Section 504 of the Rehabilitation Act specifically mentions tape recording lectures as a means of assuring full participation in the classroom for students with disabilities.	YES ()	NO ()
6) A student with a disability may ask for and expect accommodation in a classroom even though the student has not provided documentation that the disability exists.	YES ()	NO ()
7) Students are required to assume the responsibility for securing a necessary accommodation.	YES ()	NO ()
8) A classroom's location should be changed to provide accessibility for a student with a mobility disability.	YES ()	NO ()
9) An instructor who decides that a student with a documented learning disability does not need extended time on a test may choose not to give this accommodation.	YES ()	NO ()
10) The form of an exam must be altered if the testing procedure puts a student with a disability at a disadvantage based on the student's documented disability.	YES ()	NO ()
11) A student with a speech disorder must be given an alternate assignment to presenting an oral report.	YES ()	NO ()
12) Student's requests for accommodation must be provided, even when the accommodation would result in a fundamental alteration of the program.	YES ()	NO ()
13) The university may refuse to grant a student's request for accommodation, which is not specifically recommended in the student's documentation.	YES ()	NO ()
14) If a student with a visual disability is enrolled in a class, the instructor must provide all handouts in the alternate format requested by the student.	YES ()	NO ()
15) The instructor must make course material on reserve in the library available in alternate formats for students with visual disabilities in the course.	YES ()	NO ()

16) If a student with a disability has difficulty writing, the instructor is responsible for providing the student with an oral test.	YES () NO ()
17) Faculty, staff and administration have the right to access diagnostic information regarding a student's disability.	YES () NO ()
18) If a student's documentation specifically recommends a quiet testing area with no distractions, the instructor must allow the student to take an exam in a room different from the classroom with a proctor.	YES () NO ()
19) An individual faculty member who fails to provide an accommodation to a student with a documented disability may be held personally responsible.	YES () NO ()
20) The instructor's academic freedom permits the instructor to decide if they will provide special aids and services for students with disabilities in the classroom.	YES () NO ()
21) Faculty must restructure the presentation of their courses and their course requirements if a student with a disability requests it.	YES () NO ()
22) Asking to copy the notes of other class students is a reasonable accommodation for a student with a learning disability who finds note taking distracting from their ability to listen to the class lecture.	YES () NO ()
23) The instructor must meet with a student with a visual impairment before class to make sure the student has resources to complete the course requirements.	YES () NO ()
24) Nothing within the Americans with Disabilities Act, or section 504 of the Rehabilitation Act requires a college to waive essential course requirements; however, a refusal to grant a waiver must be justified.	YES () NO ()
25) Accommodations for testing, such as readers, scribes, or the use of adaptive equipment must be provided for a student with a documented disability.	YES () NO ()

Section 2

Directions: Please respond to the following statements based on the criteria listed below:

5 = Strongly Agree

4 = Agree

3 = Neutral

2 = Disagree

1 = Strongly Disagree

- 1) The academic institution is required to assume the responsibility for securing a necessary accommodation.
5 4 3 2 1
- 2) A person's request for accommodations may be ignored if proper documentation is not provided.
5 4 3 2 1
- 3) Institutions receiving federal funding, however slight, must make every reasonable attempt to accommodate individuals with disabilities.
5 4 3 2 1
- 4) Instructors observing accessibility problems by disabled students are required to notify appropriate institutional authorities who will in turn make prompt adjustments to the facility.
5 4 3 2 1
- 5) Instructors, Administrators and other staff hearing complaints as to environmental and academic issues relative to the Vocational Rehabilitation Act, and the Americans with Disabilities Act are best served by passing the complaint to an expert.
5 4 3 2 1
- 6) It would be the instructor's responsibility to have alternate forms of course materials available on reserve at the library to assist various students' needs.
5 4 3 2 1
- 7) It would be the instructor's responsibility to make accommodations suitable to a student's needs upon request.
5 4 3 2 1
- 8) Reasonable accommodations must include, but are not limited to altering test situations, or allowing other students to take notes.
5 4 3 2 1
- 9) A refusal by an instructor to grant a request for an accommodation should be provided to the student in writing.
5 4 3 2 1
- 10) The Vocational Rehabilitation Act and the Americans with Disabilities Act allows certain denial options if the requests for accommodation interfere with other students.
5 4 3 2 1
- 11) It is a good idea for the instructor to query the a class at the start of each semester to determine if there are any students who may need a reasonable accommodation.
5 4 3 2 1

- 12) Upon request for an accommodation, it is a good idea for an instructor to notify the class as a whole that a specific student has a disability and will need a little extra help.

5 4 3 2 1

- 13) To resolve issues it would be helpful for faculty, administration and staff, to have a formal ADA expert on campus to consult with in relation to issues regarding the Americans with Disabilities Act.

5 4 3 2 1

Demographics

Directions: In order to make this survey more effective, please respond to the following.
Your results are anonymous, these questions in no way will identify you.

- 1) Are you: ☐ Teaching Staff ☐ Academic Staff ☐ Support Staff

- 2) How many years have you been employed at UW-Stout?

☐ 0 - 5 ☐ 6 - 10 ☐ 11 - 15 ☐ 16 - 20 ☐ 20 - 25 ☐ 25 +

- 3) What department are employed in, or affiliated with? _____

- 4) In the last five (5) years have you received any training regarding:

The Vocational Rehabilitation Act? ☐ YES ☐ NO

The Americans with Disabilities Act? ☐ YES ☐ NO

If you replied YES to one or both of the above, who provided the training? _____

- 5) In the last five (5) years has a student with a disability been in your class? ☐ YES ☐ NO ☐ ?

- 6) Do you have a documented disability? ☐ YES ☐ NO

**Thank you very much for taking the time to complete this
questionnaire!**

