

When Faculty Are TOO Accommodating!

by Jane E. Jarrow, Ph.D.

Most faculty members in higher education today understand the legal and educational imperatives that mandate equal access to students with disabilities through academic accommodation. Sometimes, though, problems arise from faculty who are readily prepared to provide appropriate accommodation — it is their accommodating nature that can get them, the institution, and (sometimes) the student into trouble!

Most institutions have established a clearly articulated policy as to who holds the documentation of disability, what steps a student must take to declare their need for disability-related accommodations, and how that information is communicated to faculty. But what of the student who says, “I don’t want to go through the disability services office. I want to advocate for myself and work directly with faculty and negotiate my own accommodations.” Regardless of why students choose to go this independent route (and there are both good and bad reasons for taking such a stance), the faculty member who agrees to disregard institutional policy and honor accommodation requests directly from the student may not be doing anyone a favor!

Personal Jeopardy - Faculty members who work directly with students, discuss the disability, (possibly) look over the documentation, and agree to accommodation may be establishing themselves as the “gatekeepers” without meaning to do so. If the faculty member agrees to provide accommodation “x” and not accommodation “y” and later the student maintains that he/she was not appropriately accommodated, it is the faculty member’s decision that is subject to question and the faculty member who could conceivably be held responsible for violating this student’s civil rights. The faculty member who agrees to provide accommodations without institutional authorization for a student with one disability (for example, LD) but is less familiar and comfortable with another disability (for example, ADD) and sends that student back through channels for official documentation could be opening himself/herself up for charges of discrimination, intimidation, or harassment. Faculty members who conscientiously try to make life easier for the student by allowing the student to bring the documentation directly to them may gain access to confidential information to which they should not be privy. For all these reasons, it would be best for faculty not to be drawn into the collection of disability documentation or the decision-making regarding accommodation.

Institutional Jeopardy - The student who provides documentation to a single faculty member (who accepts and acts on that documentation) may be able to make a legitimate case for saying that he/she informed the institution of the disability and the need for accommodation. The faculty member should not be discussing the information that has been shared (because of issues of privacy and confidentiality), and yet the student may be expecting to receive similar consideration and accommodation from other faculty on the basis of having provided the documentation to someone in authority at the institution. If it is not made clear that the institution has not been “notified” until the documentation is provided and requests are made from such-and-such an office, the institution may not be in a position to defend itself from charges of discrimination by neglect for a student who does not receive accommodation by

others within the institution. Or consider this scenario — Professor A accepts the documentation and provides accommodation without going through channels, as do Professors B and C, and then Professor D says, “I will provide accommodations when I receive proper notification from the disability services office that this is appropriate.” Professor D looks like the villain for following the rules! More distressing, however, is the possibility that the institution may be facing some very real difficulties if the disability services office determines that some of the accommodations that Professors A, B, and C provided were not warranted by the documentation and does not prescribe those same accommodations for Professor D to provide.

Student Jeopardy - Students with disabilities will still have those disabilities after they leave the postsecondary environment. Whether they choose to go on to graduate or professional school or seek a place in the world of work, chances are that if they needed accommodations to successfully function in higher education, they may need accommodation in their future endeavors as well. More and more often, those settings beyond the postsecondary experience are ready and willing to provide accommodations on the basis of verification from the higher education institution that those same accommodations have been provided during the student's postsecondary career. If the student has no record of having been served by the institution — if the student was never on file in the disability services office and received all of his/her accommodations through individual discussion with faculty — that student will have no official history of being regarded or served as a person with a disability and may have a much more difficult time establishing the claim to accommodations in the future.

Bottom line: The policies and procedures were established for everyone's protection. Everyone needs to play by the rules!

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