PaperClip Communications

Welcome to Today's PaperClip Communications Webinar

Today's Moderator

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Accessibility & Your Online Course Curriculum:

Avoid ADA Violations to Ensure Compliance

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Today's Presenter

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Introduction to the ADA

Americans with Disabilities Act of 1990

Americans with Disabilities Act of 1990

- Applies to <u>public</u> entities

- Protects any individual with a disability who:

  1. Has a physical or mental impairment that substantially limits one or more life activities; or

  2. Has a record of such impairment; or

  3. Is regarded as having such an impairment.

Major Life Activities

- Caring for oneself
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning

- Working
- Eating
- Sleeping
- Standing
- Lifting
- Bending
- Reading
- Concentrating
- Thinking
- Communicating

- Functions of the immune system
- Normal cell growth
- Digestive
- Bowel Functions
- Bladder
- Brain
- Circulatory
- Endocrine
- Reproductive
- Neurological
- Respiratory

Accessibility & Your Online Course Curriculum

ADA Requirements

- Communications must be "as effective as" communications with non-disabled persons.

- Public entity must furnish "appropriate" auxiliary aids and services where necessary for equal opportunity. (Ex: stadiums & theatres)

- Public entity must give "primary consideration" to requests of person with disability but is **not required to honor preference if effective alternative available**.

OCR Complaints FY 2017

- During the 2017 Fiscal Year, OCR actually saw a drop in complaints based on race and sex.

- However, OCR saw an increase in disability-based complaints from 5936 to 6577 (increase of about 10.8%).

- Some of this increase is due to the increase in web/digital accessibility complaints (specifically issues with regard to online curriculum)

Online Course Accessibility

- Hot Button Issue for OCR and outside Advocacy Groups

- All schools need to have a complete review of their online course selection

- Ensure Website Accessibility Policy in Place (can be included in normal ADA Policy)

- Need to have a plan in place to address concerns with a particular class or curriculum requirement.

Biggest Offenders

- Upper level math courses
- Seminar Courses
- Non-Accessible Software, purchased by Departments or Individual Faculty Members
- **Not all vendors who claim to be WCAG 2.0 compliant met the standard)**

Common Compliance Concerns

- **No Checks or Systems in Place to Address Purchasing by Individual Departments/Faculty**
  - Need to have a process in place to ensure that **ALL** 3rd party purchased software is compliant.
  - One Rouge Department can do a lot of damage
- **Lack of IT Expertise on Campus**
  - Most IT folks are focused on functionality, project managemen,t and trouble shooting; Accessibility can often get overlooked.
  - Digital Accessibility Coordinator(s) are good to have on staff.

Common Compliance Concerns

- **Blanket Denial of Request for course substitution**
  - Often people cite material alteration or undue burden as a reason for not providing assistive technology
  - **Nothing is Inherently Exempt for the Duty to Accommodate**
- **Defective Policies**
  - Policy is not updated with ADA Amendments
  - Policies that are silent on Assistive Technology
  - All ADA Policies should be reviewed annually

- **REMEMBER** you must engage in the interactive process when there is a request is made for a course substitution

Reasonable Accommodation Requirement

- 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.

Interactive Process

- The school and student should engage in an interactive process to determine whether an academic adjustment is required and, if so, what academic adjustment is appropriate.

- No unilateral determinations allowed.

What If an Instructor Objects?

- Frequently, questions arise when a student uses a tape recorder. College teachers may believe recording lectures constitutes copyright violation.

- The instructor may NOT forbid a student's use of an aid if that prohibition limits the student's participation in the school program.

What If an Instructor Objects? *cntd.*

- Colleges may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of students with disabilities.

- In order to allow a student with a disability the use of an effective aid and, at the same time, protect the instructor, the institution may require the student to sign an agreement so as not to infringe on a potential copyright or to limit freedom of speech.

Don't Forget the Basics

- ## Syllabus
    - Statement about statement of support for students with disabilities?

    - Does the syllabus have a clear outline for course content and expectations?

    - Contact for technical assistance?

basic.

Images Without Text Equivalents

- Assistive technologies, such as screen readers and braille displays, cannot translate images into speech or Braille, even if words appear in the images.

- For example, these technologies cannot interpret a photograph of a stop sign, even if the word "stop" appears in the image.

Images Without Text Equivalents

- Adding a line of text for each image and graphic will enable a user with a vision disability to understand what it is.

- The words should provide a text equivalent of the image. Example: Picture of Professor Jane Doe

Post Documents in an Accessible Format

PDF

- PDF documents, or those in other image based formats, are often not accessible to blind people who use screen readers and people with low vision who use text enlargement programs or different color and font settings to read computer displays.

Post Documents in an Accessible Format

- Always provide documents in an alternative text-based format, such as HTML or RTF (Rich Text Format), in addition to PDF.

- Text-based formats are the most compatible with assistive technologies.

Include Video/Audio Descriptions and Captions

- Videos and other multimedia are becoming more common.

- These and other types of multimedia can present problems for people with disabilities.

Include Video/Audio Descriptions and Captions *cntd.*

- A deaf person or someone who is hard of hearing may not be able to hear the audio track of a video.

- Provide text captions synchronized with the video images to make videos and audio tracks accessible to people who are deaf or hard of hearing.

- If you cannot caption, provide a video transcript.

Now it's time for a short break.

Scenarios

Scenario 1

- Professor Erik Selvig is immensely excited that his proposal for a new course on the History of Asgard was approved. He will begin teaching it in Fall 2019. He has been collecting data on Asgard for almost a decade now, and has an extensive collection on his private website, www.SelvigLovesAsgard.com. He has incorporated the website into his curriculum via his syllabus. Any issues here?

Scenario 2

- Stark University wants to enlist the help of a local disability advocacy group to test some of its webpages. Pepper Potts, University President, announces they will start this practice during the 2019-20 school year in her annual State of the University address. Obadiah Stane, Associate Dean for University Operations, stands up during the speech and objects on the grounds that such a move would violate student and faculty privacy.

Scenario 3

- Professor Steve Rogers teaches a course titled *World War II: A Military & Social History*. Bucky Barnes is a student with a disability in the class. All assignments in Rogers's class are due on Mondays. However, Bucky has an approved accommodation from ODS to submit his assignments on Wednesdays. During the 2nd week of the course, Bucky has technical difficulties (related to his disability) with the course webpage, and alerts Rogers. Rogers tells Bucky he can submit the assignment on Friday instead.

Assistive Technology

- **<u>Resources</u>**
  - Guidebook for Students with Disabilities
    - https://www.accreditedschoolsonline.org/resources/best-accredited-colleges-schools-for-students-with-disabilities/
  - Hearing and Visual Impairments
    - http://www.affordablecollegesonline.org/colleges-helping-visually-impaired-students/
    - http://www.accreditedschoolsonline.org/resources/students-with-hearing-impairments/
  - Alternate Format Text Websites
    - http://www.cafescribe.com/home/faq.php
    - http://www.rfbd.org/
  - Free Downloadable Screen Readers
    - http://naturalreaders.com/download.html
    - http://www.dyslexia.com/

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If you have a question that you were unable to ask during the webinar, please feel free to email the presenter(s) directly or email info@paper-clip.com and reference today's webinar.

Today's Key Takeaways

1. Developing Online Curriculum is an ongoing process

2. Use Your Resources Wisely

3. Emphasize Your Interactive Process

4. Engage Engage Engage!!!

We Want Your Feedback!

If you would like to provide suggestions for improvement and/or ideas for future event topics, please email us at **info@paper-clip.com** and we will send you the link to our brief online survey.

Thank you for your participation,

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