

Unintentional Disclosure of a Student's Disability Identity

Hello Faculty and Staff,

Your assistance ensuring all of our students have a safe and inclusive experience at SU is greatly appreciated, and we are pleased to offer this guidance in response to a number of students with disabilities who have reported their disability identity being revealed without their permission.

As you know, it is the University's policy to respect and protect the personal information of all our students (Code of Ethical Conduct). Accordingly, when students provide formal or informal information about their disability or approved accommodations to us (either in person, through the Office of Disability Services [ODS] accommodation portal, or otherwise), it is essential that we keep this information confidential. This includes not sharing or discussing this information with anyone (except under circumstances of having explicit consent from the student), and securely storing student accommodation documentation.

However, faculty and staff may unintentionally disclose a student's disability identity in several different ways, and this often occurs in the classroom or in the company of other students. Let's review a few examples in order to respect and protect the personal information of all our students.

Examples

- I. Questioning a student's need for a reasonable accommodation.
 - Claudia explained that throughout the class the professor made it very clear that he did not agree with her accommodations, and because she did not look as though she had a disability the professor did not find her deserving of the special accommodations he was asked to give her.

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Student accommodations are approved and determined solely by ODS. Faculty / staff may contact ODS if they have questions about implementing an accommodation, however, they are obligated by law to provide the approved accommodation.

II. Prohibiting the use of laptop's or other technologies.

- Last week in my math course, my professor yelled at the class for having laptops out. Today she told the class sternly that everyone had to put their laptops away and then told the entire class that there was only one person permitted to use their laptop because they had an accommodation. Since I am now the only person with the laptop open in class, my entire class knows that I have a disability.

Auxiliary aids and services, such as an audio recorder, laptop computer, qualified interpreter, computer-aided transcription service, assistive listening device, open and closed captioning, and videotext display - are types of accommodations that a student may need to have equal access to learning and participation. Auxiliary aids and services that are approved as accommodations for a student by ODS must be permitted in the classroom.

Class rules that prohibit a device that a student may need as an accommodation will be waived. We recommend all instructors who have such rules to review whether they could be less restrictive, and to reach out to ODS or the ADA Coordinator for guidance.

III. Asking a student to depart the class for testing accommodations.

- When we had the final exam the instructor had me get up in front of everybody and leave the room when I had to go and type my answers. I had to get up from our assigned seating and march my little handicapped body out of the room.

When a student has testing accommodations that are to be provided by ODS, the student need not report to class if a test is scheduled to take all class and can simply report to ODS. If the class involves a test review or instruction prior to the test, we recommend the instructor provides all students with a sufficient break to leave the class (e.g., restroom break) before starting the test.

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IV. Requiring students with disability to be seated in a specific area of the class.

- Elena felt uncomfortable when instructors asked students with accommodations to sit in the front row.

Preferential seating may be a reasonable accommodation. Requiring all students who need preferential seating to sit together is a form of segregation and is not permissible.

V. Calling attention to a student as having a disability in other ways.

- Making reference to a student “suffering from” or “being confined/restricted to” ...
- Referring to a student’s “accommodations” specifically or generally.
- Discussing disability specifics (e.g., diagnosis, treatment, prognosis).
- Making such comments as, “We are so happy you accepted our offer of admission to the program. We had another handicapped student here and he was an exceptional student.”

VI. Micro-aggressions.

Micro-aggressions are indirect, subtle, or unintentional discriminatory communications towards or about members of a marginalized group. These may include, for instance,

- Indicating that accommodations are a burden or are unfair, such as “they are not going to get extra time in the ‘real world’”.
- Minimizing: “You have a disability? Which one? It must be mild!”
- Challenging: “You don’t have a disability. You’re too bright.”
- Otherwise “Outing” students to peers.
- “I’m amazed at what you’ve been able to accomplish despite your limitations.”
- At the end of my internship, my professor asked me if I had really needed extra time on my exams. After all, the professor reasoned, “all students want extra time and a quiet environment.” The professor also asked me if I have trouble passing exams. I

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really felt that these questions communicated judgment that essentially I was cheating in some way.”

Syracuse University Policy

Protecting and respecting a student's disability identity, which you have confidentially been informed of, and providing reasonable accommodations that have been approved by ODS, are core responsibilities of SU faculty and many staff members. These responsibilities are directly addressed in the:

- Faculty Manual, 4.1 (III) – “University Faculty Members implicitly and explicitly agree to contribute to, and not otherwise to impede, the healthy, safe, and productive environment for work, learning, and teaching to which the University is committed.”

And

- Non-Discrimination, Students with Disabilities Policy – Syracuse University provides reasonable accommodations to qualified students with disabilities to afford an opportunity for their full participation in the University's educational programs and activities. Although Syracuse University is not required by law to fundamentally alter the nature of its academic or other programs or services, the University will provide reasonable accommodations. All members of the University community are responsible for promoting compliance with this policy.

Faculty and staff also have these responsibilities with regard to their co-workers and accommodations approved by the Equal Opportunity Accommodation Specialist. Notably, the failure to respect co-worker disability identify and to interfere with an employee's approved accommodation, may constitute disability harassment under Section 504 of the Rehabilitation Act.¹

¹ Office for Civil Rights, U.S. Department of Education, [Prohibited Disability Harassment](https://www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html) (July 25, 2000), <https://www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html>

Contact

We welcome your questions on these issues:

- Interim Director & ADA/503/504 Coordinator; and Equal Opportunity Accommodation Specialist – ada@syr.edu or 315.443.4018.
- Office of Disability Services – disabilityservices@syr.edu or 315.443.4498.