

Webinar 7: Q&A  
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### **Slide 1**

## **American Association of Medical Colleges: Tomorrow's Doctors, Tomorrow's Cures**

**Webinar Title: Q&A about Disability**

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The Coalition wishes to thank the AAMC and for their generous support in developing this webinar series.

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#### **Question 1:**

“If a student tells a faculty member that they have a diagnosis (e.g. PTSD or ADHD), is that considered notification to the university? In that scenario, does DS need to make contact with the student directly, or does DS wait for the student to seek accommodation from the DS office?”

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#### **Cases: Disclosed to the “wrong” person**

Texas Woman's University (TX), Case No. 06-00-2038, 19 NDLR ¶ 129 (OCR Region VI 2000)

North v. Widener University, 869 F. Supp. 2d 630 (E.D. Penn. 2012).

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#### **The Takeaways**

Policy on disability disclosure?

Is it communicated effectively?

Faculty trainings on DS referrals?

Document, document, document.

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#### **Question 2:**

“What do we do if a clinical site is not allowing an accommodation even though we have approved it as a reasonable accommodation?

How do we massage the working relationship with the site while doing what we need to with the student?”

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### **Lessons Learned**

Milligan College, Case No. 04-10-2235 (OCR Region VI, 2011)  
Schools can't let the clinical site dictate accommodations  
Schools can't leave the student to negotiate accommodations directly with the site

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#### **Best Practice**

Determine clinical accommodations in consultation with the school – then use your allies!

Coach placement coordinators re: sharing information

Meet with the school and site to discuss concerns

Often based on fear, logistical concerns

Don't include the student until issue is ironed out (unless necessary)

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#### **Best Practice (contd.)**

Ultimately – you may have to find a new site, you are responsible

If trust has broken down, consider the student's experience

Consider your ongoing relationship with a site that denies accommodations: they are discriminating

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#### **Question 3:**

“Since we know we need to engage in an interactive process with our schools, do you recommend establishing a committee on campus that reviews all accommodation requests?”

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#### **Best Practice**

DS staff as the primary accommodation decision maker to avoid:

Sharing personal student info too widely

Violating student privacy

Complicating faculty/student relationships

Stunting the interactive process required by the ADA

Second-guessing / “armchair diagnosing” by committee

Long decision-making periods

Vulnerability to claims of discrimination

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#### **Role of Faculty**

Faculty input is needed when assessing whether:

An accommodation may fundamentally alter an educational requirement

Including in classroom, lab, and clinical environments

A proposed accommodation could be practically and effectively implemented

Collaboration on creating effective and meaningful accommodations

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#### **Best Practice**

Student medical information (Dx, Hx, Rx, etc.) is maintained only in the DS office  
DS staff decide whether a disability requiring accommodation is present  
DS staff consult with relevant faculty or other professionals regarding accommodations  
Information is shared on a need-to-know basis

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#### **Question 4:**

“Do you offer captioning for hard of hearing medical students?

Is it available to all students?

Given recent cases, we are looking at options to add captions to our lecture-capture system and there are some opinions on our campus that it is not needed and others who feel it should be offered to everyone. What are your thoughts on this?”

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#### **The Answers**

Yes.

Yes.

Everyone.

Being able to query a lecture is good.

ELL can benefit.

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#### **What are Captions?**

Open Captions

Closed Captions

Communication Access Realtime Translation (CART)

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#### **Equal Access to...**

Lecture

Class Recording

Clinical Environment

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#### **Captioning in the News**

EdX - Harvard & MIT Joint Venture (United States District Court of Massachusetts, Civil Action No. 3:15-cv-30023-MGM)

University of Montana, Case No. 10-12-2118 (OCR Region X 2012).

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#### **Question 5:**

“What do you recommend as positive strategies for working with students and NBME on accommodation requests for licensing exams?”

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### **Plan, plan, plan**

Familiarize yourself with the requirements and processes  
Discuss licensing exam process from your first meeting  
Put together file of historical documentation  
Review documentation with an eye to NBME requirements  
Determine an ideal timeline for putting together submitting requests, and share this with the student  
Recommend 10 months before exam date  
Send reminders to ALL students

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### **Be available to support**

Coach students through the process  
Review drafts of personal statements  
Seek advisement from your colleagues  
Write a strong letter of support  
Include **additive** information based on your observations  
Support students should a denial occur  
Seek clarification of rationale  
Write another letter of support – reference DOJ Technical Assistance  
See Chapter 5: “The Guide to Assisting Students With Disabilities”

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### **DOJ Technical Assistance**

[http://www.ada.gov/regs2014/testing\\_accommodations.html](http://www.ada.gov/regs2014/testing_accommodations.html)

Refers to process and decision making for “gateway exams”

Specifically outlines how testing agencies should address:

1<sup>st</sup> time accommodation requests

What constitutes a disability

Students with historical academic success

Need for deference to qualified professionals

Need for timely response

- For specific concerns: **ADA Information Line**
  - 800-514-0301 (Voice) and 800-514-0383 (TTY)

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### **Question 6:**

“What strategies can we use to document our work should we face litigation, or better yet, to help avoid litigation?”

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### **Good documentation practices for *faculty*:**

Follow oral student referrals to DS with a confirmation email

Letters of accommodation should be filed in a safe place and disposed of securely

If a student offers to provide you with medical documentation:

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refuse to read or accept it  
refer the student to the DS office

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#### **Good documentation practices for *DS Staff*: Within the office**

Carefully store electronic and paper records to maintain confidentiality  
Use consistent practices with all students' documentation—make it automatic!  
Templates for standard communications  
Describe accommodations uniformly in letters  
Maintain uniform filing systems  
Save substantive emails from students/faculty  
Keep good notes, including dates, regarding:  
contact/convos with students, including initial inquiries  
implementation of accommodations

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#### **Good documentation practices for *DS Staff*:**

If denying an accommodation request, put in writing and keep on file:  
Consultations with colleagues in the field and legal counsel  
Reasons for the decision  
Alternate accommodation ideas that were considered, and why they were rejected.

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#### **Question 7:**

"I work at a small health science focused college. This webinar series has brought to my attention a wide array of accommodations for health science students. Is there some resource available that is responsive for suggestions, past practice, and options for accommodations (including assistive technology) in health sciences? "

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#### **Resources you can use**

Coalition Listserv:  
More information: [sds.ucsf.edu/coalition](https://sds.ucsf.edu/coalition)  
To join: Leigh Culley at [lculley@pitt.edu](mailto:lculley@pitt.edu)  
Book: The Guide to Assisting Students With Disabilities: Equal Access in Health Science and Professional Education  
[www.springerpub.com](http://www.springerpub.com) - save 20% with promo code AF1504  
Coalition resources in development  
Coalition symposium: April 14-15, 2016 – San Francisco  
Opportunity for more webinars via AAMC  
Send ideas to Lisa Meeks at [lisa.meeks@ucsf.edu](mailto:lisa.meeks@ucsf.edu)

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A huge thank you to Jayme Bograd and the rest of the team at AAMC for her support and leadership with this webinar series!