

Senate Instruction, Curricula, and Advising Committee

Charge S-2106: Office of Disability Services: Consider the work of the Office of Disability Services and how it has been affected by the pandemic. Examine the patterns of responsibility and interaction between the office, undergraduate and graduate students, and faculty. Identify any perceived issues that might impact ODS's mission to provide and maintain equal opportunity and access across the University, and potential strategies to support their work.

Definitions and Acronyms:

ODS: Office of Disability Services

LOA: Letter of Accommodation

RADR: Rutgers Access and Disability Resources

RBHS: Rutgers Biomedical and Health Sciences

CDAC: Chancellor's Disability Advisory Counsel

ESA: Emotional Support Animal

FERPA: Family Educational Rights and Privacy Act

HIPAA: Health Insurance Portability and Accountability Act of 1996

ADA: The Americans with Disabilities Act of 1990

Introduction and Purpose

Rutgers University is comprised of a diverse population of faculty, staff, and students. Amongst its diversity is the population of individuals who identify with having a disability. This charge focuses on students with disabilities currently attending Rutgers University and the Offices of Disability Services who provide support to this population of students. Please note that the information contained in this report reflects the status of the campuses from the last academic year of 2021-2022. There have been changes to the numbers and members of the offices across the campuses, but this report still reflects an accurate depiction of the challenges the offices continue to face in the current 2022-2023 academic year.

The most recent Office of Disability Services (ODS) Student Survey for academic year 2020-21 reports that students who make up the population of students with disabilities on campus have

multiple primary disabilities with the most common being ADD/ADHD, learning disabilities, physical conditions, and psychological disorders. However, there are also students with medical conditions, visual and auditory challenges as well as those with mobility challenges, among others. Students' disabilities may be visible to those who teach and work with them on campus or they can be invisible. The most common disabilities reported by ODS are those that are less visible. Students have reported to ODS that they feel a particular stigma if their professors cannot see their disability, almost as if they are being questioned about the validity of requests for accommodations. This can lead to students feeling worried about reaching out for help and even utilizing the accommodations to which they are legally and pedagogically entitled.

All Institutions of Higher Education are required to meet the stipulations of the Americans with Disabilities Act (ADA) of 1990, the ADA Amendments Act of 2008 (PL 110-328), section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act of New Jersey. These federal and state laws afford individuals with disabilities civil rights protections and guarantee equal opportunities in educational settings and the workplace. By law, university staff and faculty are required to provide accommodations to support the successful academic and social integration of students with disabilities on and off campus. Academically, these accommodations include reasonable adjustments to the curriculum, pedagogy, and the classroom environment while socially students with disabilities need to be provided accommodations that enable them to participate fully in campus life (e.g. housing, transportation, etc.). The accommodations provided under these laws are required to be reasonable, but not create undue hardship on the institution and individuals who are responsible for providing them. Reasonableness is determined in consultation with many constituents, including ODS, faculty, staff, and the General Counsel of the institution. Accommodations are not meant to give an advantage, but to remove barriers to create opportunities for equal access.

To ensure that students are provided with the necessary accommodations, each campus of Rutgers University has a dedicated Office of Disability Services. The demand on these offices was challenged with the outbreak of COVID-19. The Instruction, Curricula and Advisory Committee was charged with considering the work of the Offices of Disability Services and how their work has been, and continues to be, impacted by the pandemic with the aim of identifying issues and potential supports that might ensure that the needs of students with disabilities on campus are met fully.

To collect information to meet this charge, members of the Instruction, Curricula and Advising Subcommittee met and developed an interview protocol which was used to guide conversations with the directors of each ODS on the Camden, Newark, New Brunswick, and RBHS campuses. Interviews were conducted in early Spring 2022.

In what follows, we describe the structure and work of the ODS, and the processes that students must follow to obtain services through ODS. This report then turns to a discussion of the challenges that have been experienced by ODS with the COVID-19 pandemic before concluding with specific recommendations for action.

ODS Structure and Responsibilities

Each of the main campuses (New Brunswick, Newark, Camden, RBHS) has its own ODS, varying in size and responsibility depending on the nuances of each campus (see Table 1).

Table 1 Staffing of each ODS.

| | Rutgers Newark | Rutgers New Brunswick | Rutgers Camden | RBHS |
|----------------|--|--|---|--|
| Total Staff | 4+ | 11+ | 3+ | 2+ |
| Roles of Staff | 1 Director 3 Coordinators Student workers (proctors and office assistants) | 1 Senior Director 1 Assistant Director 6 Coordinators 1 Department Administrator 1 Notetaking/Communications Administrator Student workers (proctors and office assistants) | 1 Senior Program Administrator 1 Coordinator 1 Accommodation Assistant Student workers (proctors and scribes/lab assistants) | 1 Director 1 Coordinator Each program has a direct contact person responsible for students with disabilities |

Despite being campus specific, each of the ODS also provides services to satellite programs and sites. New Brunswick ODS works with students from satellite campuses such as Western Monmouth (Brookdale) Community College, Mercer County Community College, and Princeton. Newark ODS works with students from the County College of Morris and Raritan Valley Community College. Camden ODS works with students from satellite campuses such as Burlington County Community College, Camden County Community College, Atlantic Cape Community College, and Joint Base McGuire Fort Dix. RBHS ODS works with nursing students from Camden County Community College.

Each office has a dotted line report to the Associate Vice President of Rutgers Access and Disability Services whose office is located under the Executive Vice President for Academic Affairs. The main responsibilities of each ODS are primarily the same, to provide “a positive and empowering experience” for students by: “working individually with each student to develop an effective and comprehensive plan for appropriate services and reasonable accommodations”. In addition, the ODS acts as a conduit between faculty and students, communicating with faculty members about accommodation requests and how best to support students with disabilities. Each ODS is involved in outreach to the Rutgers community to inform students, faculty, and staff about the services provided by ODS. ODS staff on each campus attend campus-wide events such as orientations, Rutgers Day, Late Night Breakfast, and many other student activities to promote the office and its services. ODS staff may also be involved in campus-wide initiatives to educate and elevate support for students with disabilities. For example, on the Camden campus, there is the CDAC composed of multiple subcommittees focusing on different areas of the campus community in respect to disability related matters. One of the subcommittees included is Training and Awareness, where opportunities are created for faculty and staff to gain education on best practices and ways to be more inclusive. New Brunswick ODS staff have been actively involved in the development of a Disabilities minor in the School of Arts and Sciences. All this

outreach is done in an attempt at normalizing the Office of Disability Services and creating an inclusive environment for all.

While all ODS locations share similar responsibilities, there is some variation in how they deliver these services because of the particularities of the campus in which they are located. For example, both the Newark and Camden campuses are responsible not only for assessing, identifying, and ensuring the provision of academic accommodations for students but they also interface with all other units like housing and dining services to ensure students are fully included on campus. A large part of the work of the ODS at RBHS is supporting students who need accommodations to be able to sit their Boards which can take upwards of 12 hours per student. Moreover, they do a lot of work addressing how to support the accommodations of students in nursing, dentistry, and physical therapy programs when they need to complete the clinical requirements of their coursework. Because it is located on the largest campus, the ODS serving the New Brunswick community is not responsible for facilitating housing accommodations, but they spend a great deal of time addressing transportation/parking because of the extensive bus system operating between 5 campuses. Despite these differences, the greatest proportion of the work of any ODS location is helping students navigate the process to obtain accommodations.

The Accommodation Process

Accommodations are meant to provide equal access and opportunity to enable students with disabilities to participate fully in university coursework. Accommodations also include alternatives to the university environment such as living and transportation arrangements so that students with disabilities can participate in all aspects of university life. By far the most requested and employed accommodations is for exams such as providing extra time, reduced distraction rooms, breaks during exams, etc. For example, in Newark in fall 2021, 88% of their caseload of students required some kind of exam accommodation. These exam accommodations require ODS staff to locate appropriate space for students to take their exams as well as staff (often student workers) who can proctor exams.

The process of receiving reasonable accommodations starts with students getting connected to ODS. This can happen in a multitude of ways including, but not limited to, referrals from faculty and staff from other offices, referrals from other students, and searching on the internet as well as information they may have received at an orientation or student event where ODS staff were present, or information was provided about their services.

It is important to note that it is the responsibility of the student to reach out to ODS first if they need services, as it is the student's right to disclose. ODS cannot talk to parents or guardians without the student's permission. For similar reasons, ODS also cannot disclose information to faculty or staff regarding a student's diagnosis information. This can be difficult for students to do as in the pre-K through twelfth grade system they are used to school staff taking the lead on finding them appropriate resources and support. Because they have not had to self-advocate for themselves before, when students with disabilities come to college, they frequently miss out on getting similar accommodations in place during their first few semesters.

Once a student has reached out to ODS, they are then connected to a coordinator for an intake meeting and are considered in progress. An intake is a conversation with the student about their diagnoses, experiences, and needs. Under the federal law of the ADA, documentation is a requirement for accommodations in higher education. Coordinators are not medical or psychiatric professionals with formal training and education in the diagnosis of disabilities, therefore documentation from treating providers is required to fill in that piece of the student's experience. The intake process typically takes an hour and is done over the phone, through virtual means, or in person. Coordinators spend this time with every student to piece out what the barriers are in the educational setting and what accommodations may be appropriate. The intake is also spent talking about documentation requirements.

Once accommodations are identified, they might be provisionally approved or fully approved. Provisionally approved status means that the accommodations granted are only for a particular period of time, which typically spans one semester or two. Accommodations are then no longer valid after the designated time frame. Provisional statuses are typically granted to students who are going through an evaluation process and further information will be coming regarding the student's diagnoses. They can also be given to students who have some information provided but greater details are needed to fully support the accommodations in the long term. Approved students are approved without condition and the accommodations are deemed valid from semester to semester.

No matter what kind of approval status, the ODS coordinators then meet with the students to review the approved accommodations and how to use them. This includes reviewing how to request their letters of accommodation (LOAs). The LOAs are integral to the accommodations process, as faculty must receive them from the students for the accommodations to be implemented. These letters do not disclose the nature of the disability, only the accommodations that the student needs. Similarly, students are not required to disclose the nature of their disability to faculty, when talking about their accommodations. Students are also connected to resources such as assistive technology and notetaking programs, which can be done with their coordinators or with designated staff members of Rutgers Access and Disability Resources (RADR). Students approved for testing accommodations review the testing process required on their respective campus. This information is presented to the students over the phone, virtually, in person, and written in emails for the students to refer to. All ODS frequently send out emails with important updates and reminders throughout the semester regarding exam accommodations, and other resources that they may need.

To ensure that student accommodations are tracked and being met, the ODS operates with a centralized database called Skip. This database was built by ODS and is only accessible by ODS staff due to the confidential nature of information about students. Registering with the office creates a profile within the database for ODS to use to keep track of student progress, accommodations, LOAs, exam requests, and other things of this nature. Under a FERPA waiver with the University, students give their designated parents/guardians access to records such as progress, deficiencies, and grades. ODS is not included in this waiver, due to the confidential nature of the information disclosed. ODS has their own information release form that students must sign if they give permissions for their parents/guardians to communicate with staff members of ODS, regardless of whether the FERPA waiver is on file with the Registrar's office.

The implementation of accommodations relies on the collaboration between ODS, student, faculty, and other relevant parties. Students have a responsibility to have conversations with faculty about their accommodations and how they look for each individual class.

Accommodations are not a blanket statement and should always involve conversation on a case-by-case basis. Faculty are encouraged to talk to ODS if there are questions about implementation or the meaning of accommodations. ODS will also engage in the interactive process when approving certain accommodations, to ensure fundamental alterations of course and program expectations are not occurring. Accommodations can also be utilized at any point, as disability diagnoses and symptoms can appear at any time. While students are encouraged to reach out as proactively as possible, they can disclose at any time in the semester and become eligible for accommodations. Not all students with a disability are required to be registered with the office if they are not seeking accommodations.

Impact of the Pandemic on the Work of ODS

The COVID-19 pandemic changed the dynamics of educational delivery and access given the need for social distancing, isolation, and numbers of persons who fell ill with potential long-term effects on memory, energy levels, and focus. Faculty, staff, and students had to learn to move to completely virtual instruction contributing to student isolation. Additionally, incoming students who did not experience in-person secondary school in their senior year entered the university potentially lacking important social, academic, and time-management skills (e.g., how to interact with faculty, navigating schedules, transportation to classes, test taking, etc.). Overlying this, several students felt anxiety due to potential infections and illness, loss of loved ones, loneliness, and less-than-ideal learning environments in some home settings.

COVID-19 has also changed how some accommodations are implemented both in the online and in person classrooms. Every ODS had to process accommodation requests that required in-person courses be accessible by remote for disability-related reasons. Test taking procedures needed to be updated to include online proctoring methods either through Webex or Zoom with virtual proctors. Programs that relied on online testing programs such as Examsoft had a difficult time managing the testing experience with both students with and without accommodations. Students with accommodations in the nursing program at the Camden campus had increased anxiety with electronic proctoring options such as Proctortrack, as it was not easy to manage accommodations with the software. Faculty in the nursing program also had a particularly difficult time managing accommodations while also ensuring academic integrity amidst a time where integrity was difficult to achieve at a distance. Physical proctoring spaces on the campuses needed to be spaced out for social distancing as well as implement an updated cleaning schedule. Captioning was needed for virtual class videos as well as clear face masks for students who were hearing impaired or deaf for in person classes.

While these challenges were encountered by all of those working on campus, the ODS on each campus encountered an enormous set of challenges that have shifted, but not abated, as the university has transitioned to face-to-face learning. These challenges include increased caseloads and lack of support from leaders in other units on campus. For example, there has been a lack of response from some deans on the campuses when being asked to disseminate ODS information

to their staff. In other instances, office structures are not congruent across the campuses in terms of leadership positions and reporting structures. Inconsistent office structures across the campuses create a hardship on the staff to provide the quality of services with a reasonable turnaround time.

Increased Caseloads

A caseload refers to students who are actively going through the accommodation process whether their status is in progress, provisionally approved, or approved. As can be seen in Table 2, nearly all the Rutgers ODS personnel interviewed reported an ongoing increase in caseloads of students because of the pandemic. The only ODS that remained steady in numbers of students served was RBHS.

Table 2. Caseloads of ODS

| | Rutgers Newark | Rutgers New Brunswick | Rutgers Camden | RBHS |
|------------------------------|----------------|-----------------------|----------------|------|
| Total Staff | 4+ | 11+ | 3+ | 2+ |
| Caseload of Students by Year | | | | |
| 2019-2020 | 378 | 2214 | 307 | 208 |
| 2020-2021 | 608 | 2745 | 638 | 265 |
| 2021-2022 | 646 | 3273 | 694 | 295 |

Not only does this increase place a burden on the ODS staff in terms of numbers of applications for accommodation to process, but the types of issues related to the pandemic were different and unexpected. The increased caseload came with an increased comorbidity of diagnoses. Some of these included impacts from COVID-19, both short and long term. For example, all ODS personnel reported a significant increase in the number of students requesting mental health and psychological accommodations. As one of the interviewees stated, “Our largest group of diagnoses is psychological, especially after the pandemic. Prior to the pandemic it was more learning and autism.” Another noted, “I would say a huge increase in mental health especially because of the pandemic. Certainly, related to COVID-19 but then also general life stress. Just being able to manage everything with the state of the world.”

At the same time as caseloads have been increasing, nearly all the ODS reported a turnover of staff members and a delay or denial in getting new staff to be able to continue to meet the demands of their high caseloads. Enrollment has decreased across the university, with the Camden campus sitting at 27% down from previous years. This adds to the challenges of getting resources both in staff and office budgets. Even though the enrollment has decreased at each campus, the caseload for each ODS has steadily increased, especially with Camden serving over 10% of the total campus population. Increased caseload with no additional support for the staff resulted in slower response times to the students, delays in accommodation processes, and

burnout. There are also significant inequities amongst staff between the campuses, regardless of being the same office and doing the same work.

Relationships with Faculty

The increased caseloads of students as well as the move to campus wide virtual learning meant that ODS staff spent much of their time during the pandemic supporting students and were unable to continue the outreach they normally did with faculty and various units on campus. When there was a return to in-person teaching, accommodation needs of students and the role of faculty in supporting students with disabilities changed yet again.

All ODS staff reported that the effectiveness of accommodations for students and ensuring Rutgers met legal requirements during the pandemic, often rested with faculty. While, in general, most faculty worked with them to accommodate the needs to students with disabilities in classes, there were also faculty who were not willing to support students with disabilities. For example, one ODS staff member reported that faculty members were against granting accommodations in their classes when they had to move to virtual instruction. In contrast, other staff reported that the shift back to face-to-face instruction for some faculty implied that they no longer had to provide accommodations. One staff member reported that a faculty member recommended that a student with disabilities choose another class so they did not have to address the accommodations.

Regardless of instructional format, the letter of accommodations (LOA) went straight to faculty so they were directly made aware of the supports they were supposed to provide students. Moreover, ODS staff follow up individually with faculty to ensure accommodations are being met. Yet, the relationship between faculty and ODS can sometimes be challenging in part because while ODS understand federal and state mandates, faculty do not. In the words of one ODS staff member, “The work that we do ensures the university is being compliant in term of the ADA, so the frustration comes from people just thinking ODS is being bossy, but we are working through the law.” Moreover, discussion between faculty, staff and alumni on the Instruction, Curricula and Advising subcommittee revealed that not all units even foreground ODS policies and information on syllabi. Covid exacerbated a lot of issues about faculty roles and responsibilities for students with disabilities on campus.

Students reported that faculty were less flexible with accommodations and did not find the same flexibility as they might have previously been given during the height of the pandemic. Faculty have found that students are not as prepared for the rigor of the college curriculum due to crucial experiences being forced online. This includes nursing students who had to experience clinicals in a virtual setting and education students who could not participate with student teaching. The impacts have been seen from incoming students whose last years of high school were online and, therefore, impacted their preparedness for the next step of higher education. Faculty also reported feeling burnout from managing online classes as well as implementing accommodations in the online format. There is a fear amongst some faculty that accommodations create an unrealistic expectation of life outside of higher education and create unfair visions of what the workplace could look like without the possibility of accommodations. This oftentimes leads to resistance of implementation of accommodations within the classroom.

Structure of the Big Ten Schools

Universities across the Big Ten have felt similar difficulties with the pandemic. Various ODS staff across the campuses take part in Big Ten groups such as the Law School Consortium, to discuss challenges, patterns, and best practices being shared at each institution. Best practices with disability-related policies and procedures are often looked at through the lens of what other institutions are doing. All ODS across the University follow the latest legal cases through the Office of Civil Rights to stay informed about rulings and outcomes from disability related matters. This has been particularly necessary during the age of COVID-19 and the related issues that come up with higher education, accommodations, and equal access. The New Brunswick ODS is most comparable to the other institutions in this conference because of its larger size. A common wish list item expressed from all Rutgers ODS included the need for more testing space and personnel.¹ Some ideal testing center models are those at Purdue University, Michigan State University, Ohio State University, and the University of Maryland. All of them have testing centers that are open to all undergraduates, graduates, and professional accreditation exams. Purdue University has staff that includes a director, senior assistant director, assistant director, administrative assistant, financial aid administrator, five access consultants, testing coordinator, a test proctor, an access facilitator, two alternate format coordinators. They all serve their caseload of over 3,000 students.

Michigan State's testing center is within the office of Associate Provost for Undergraduate Education. It proctors/administers over 20,000 exams per year and conducts standardized testing such as GRE, TOEFL, SAT, ACT, LSAT, as well as make-up exams, online exams, and proctoring for classrooms. Its staff includes a director, vocational rehabilitation counselor, leadership development specialist, documentation coordinator, budget/personnel assistant to the director, testing coordinator, two access specialists for learning disabilities, one access specialist for blindness/visual impairment/other disabilities, five access specialists for psychiatric disabilities, one access specialist for autism spectrum disorders/brain injury, two access specialists for chronic health conditions, one access specialist for deaf/hard of hearing/mobility/speech and language, one access specialist for student athlete-liaison, one access specialist for law school, two real-time captioners. This model could be beneficial to emulate, as having specialists for each type of disability could strengthen the understanding of the needs of the students.

Ohio State University has a testing center that administers standardized testing such as the GRE and Kryterion. They can also provide makeup exams and placement exams. They can offer these standardized tests for either free or at a significant discount compared to outside vendors. The disability services staff includes a director, assistant director, administrative associate, and an access assistant. There is an access specialist team of seven people as well as an exam services team of three people. There is also one assistive technology specialist. There is an accessible media team of an assistant director and a program assistant. The communication access team has

¹This need for more testing spaces at Rutgers, in general and for students with disabilities, was previously addressed in November 2015 through Charge S-1503: *Testing Facilities at Rutgers*. The Report and Senate recommendations can be found in: <https://senate.rutgers.edu/wp-content/uploads/2019/10/ICAC-Report-S-1503-November-2015.pdf>

14 people serving as intermittent interpreters, transcribers, and braillists. This team services over 4,400 students on their caseload.

Recommendations

Rutgers ODS combined caseloads totals of 4,948 students, which is significantly higher than Big Ten division schools. Yet, each of the offices have maintained their quick turnaround time of accommodation access for their students because of their dedication to the work. The COVID-19 pandemic placed even more burdens on the ODS on each campus. In their efforts to meet an increased caseload of students, many of the other important outreach efforts that educate the Rutgers community about the office's responsibilities to this population of students were sidelined. These challenges are still felt by each of the offices in the current time, with very little relief in the future.

The Rutgers University Senate recommends that:

1. In light of the recognized need for increased staff alignment to each of the campus ODS divisions to maintain parity of service, the Chancellor-led units are urged to consider a staffing and resource plan that ensures that the needs of every campus are being met.
2. The Executive Vice President for Academic Affairs in conjunction with each campus Chancellor work with ODS and other key stakeholders to develop, identify, and expand testing centers on each campus.
3. Human Resources in conjunction with ODS develop a training module for faculty on federal and state laws regarding students with disabilities. Completion of the module should be required annually for all course instructors, advisors, and appropriate program staff.
4. ODS develop brief reports with current updates and information that could be made available to departments and programs. Chairs and department heads may also periodically invite ODS to present at faculty and department meetings.
5. To ensure all students are aware of the resources provided by ODS, all faculty across all units and campuses should include a statement of accommodations and disability services on their syllabi for student reference. ODS has developed some sample statements: <https://ods.rutgers.edu/faculty-staff/syllabus-statement>
6. Deans should routinely remind faculty to point to the statement on accommodations and disability services when reviewing syllabus information or when the first exam is approaching so students can reach out to ODS if they need accommodations.
7. A Faculty Advisory Council on Disabilities Services be formed on each campus. Councils would work with the campus ODS to ensure that the needs of students with disabilities on that campus were being met and would provide advice to Chancellors regarding any challenges or concerns.