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Accessibility and the University Experience: Where does Bowling Green State University Stand?

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ACCESSIBILITY AND THE UNIVERSITY EXPERIENCE: WHERE DOES BOWLING
GREEN STATE UNIVERSITY STAND?

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HONORS PROJECT

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The collegiate experience has grown to be viewed as a rite of passage for certain young people in the United States. For many students, college represents freedom, independence, a chance to develop their own identities, but not all university experiences are created equal. The institution of higher education was not created with students who live with a disability in mind. I have lived with a chronic pain condition since I was a year and a half old. In high school I did not need any accommodations because I lived at home with my parents. However, once I got to college it became hard to navigate my needs with my usual support system two hours away from me. It took an accidental run in with a Residential Advisor at the end of my first year for me to learn there was an advocacy group for students with disabilities on campus. It also took until my senior year of college for me to learn that I could have received accommodations from Accessibility Services. How can it be that a student who has lived with a chronic condition their entire life knew nothing about the resources available to them at their university? The short answer is that, “students with disabilities in higher education are required to disclose their disability before they receive any special education accommodation” (Eckes, p. 9). However, the short answer does not capture the nuance of issues surrounding disability on college campuses. Therefore, the first question I will answer will be “What are universities legally mandated to provide on their campuses for students with disabilities?”.

It is important to understand what the legal minimum is for universities because it can then be used to assess Bowling Green State University (BGSU). Bowling Green offers resources to its students through Accessibility Services, but that does not necessarily mean that the resources offered are in line with the legal minimum. Furthermore, laws like the Americans with Disabilities Act (ADA) and Section 504 do not create a ceiling, but rather they create a floor. This means that universities, like Bowling Green State University, can be in compliance with the

legal minimum without providing comprehensive services to students with disabilities on their campuses. Therefore, it is fruitful to turn to the existing literature to see what policy recommendations are made to universities and how many Bowling Green is currently in line with. My expectation is that Bowling Green State University will meet the legal minimum for compliance, but the university will have areas in which it could improve its current practices to best suit the needs of its students who live with a disability. It is important to note before moving forward that accessibility is a broad term, but for the purposes of this paper it will exclusively be used in reference to students with disabilities.

I. Policy History Prior to the 1990 ADA

Before BGSU's compliance with the legal minimum can be assessed, an understanding of the policy history surrounding education and disability must be established. Most Americans are familiar with the Americans with Disabilities Act (ADA), but few would probably be aware of Section 504. Understanding the policy history is important because there is no singular piece of legislation protecting students in higher education. Instead, it is aspects of various bills and court cases that work together to create the legal minimum.

According to Evans, Broido, Brown, and Wilke, legislation regarding individuals with disabilities can be traced back in American history to colonization (p. 92, 2017). The authors state, "The vast majority of laws operated under a medical definition of disability and focused on employment concerns" (p. 92, 2017). The first major events in the fight for accessibility at universities started after World War II as a result of injured veterans and individuals who had contracted polio (p. 94, 2017). These individuals desired to attend college, but universities were not yet physically accessible to them (p. 94, 2017). However, veterans were incentivized to take "wage-based work" over attending college during this time period due to Public Law 16 (p. 93,

2017). The 1960s opened up new opportunities for individuals with disabilities in higher education as barriers to public K-12 education began to be removed by the courts which opened up the ability to remove barriers from higher education as well (p. 94-95, 2017).

The first major piece of legislation for students with disabilities was Section 504 of the Rehabilitation Act. The Act was created in 1973 and held no real controversy at the time of its creation (p. 96, 2017). However, “the law requires that no otherwise qualified person may, due to disability, be denied participation in any program or activity receiving federal financial assistance, be denied its benefits, or be subjected to discrimination” (Eckes, p. 10). This was a landmark piece of legislation for students living with disabilities because any higher education institution that accepted federal funding could now be held accountable for discriminating against students with disabilities (*Disability in...*, p. 97, 2017). It meant that universities had to “follow compliance standards within recruitment and admissions, academic modification, housing and employment assistance” (Eckes, p. 10).

Arlene Mayerson argues that the history of the ADA actually begins with the passage of Section 504. She states, “Section 504 was also historic because for the first-time people with disabilities were viewed as a class – a minority group” (Mayerson). Under President Reagan, Section 504 had faced the threat of de-regulation, but the community of people with disabilities rallied against any attempts to take the teeth out of the section (Mayerson). *Southeastern Community College v. Davis* did succeed in taking away some of the protections that had been afforded to students with disabilities in the time between Section 504 and the ADA (Mayerson). A woman with hearing loss had been denied access to a nursing program because of her condition and the Supreme Court choose to uphold that decision (Mayerson). The Supreme Court would unfortunately continue to limit Section 504’s reach during this period. However, it was

these attempts to limit Section 504, that encouraged activists for disability rights to seek another piece of legislation (Mayerson).

One of the next major acts to come from Congress was the Fair Housing Act. The Fair Housing Act (1988) “prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin” (U.S. Department of Justice). At face value, the Fair Housing Act does not necessarily seem like it would apply to educational institutions. However, it does provide protection for students who live on campus and need protection against discrimination when it comes to where they are housed and the conditions of their housing. There is also some emerging debate on its application to emotional support animals.

II. Policy History of the ADA

In 1990 The Americans with Disabilities Act (ADA) was passed by Congress (*Disability in...*, p. 97, 2017). The effort to get the ADA created and passed began in 1988 through a joint effort between activists and the National Council on Disability (Mayerson). The Americans with Disabilities Act served to expand the protections afforded the individuals with disabilities (*Disability in...*, p. 97, 2017). According to the U.S. Department of Justice the ADA defines disability as, “A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment”

Students at public universities are protected by Title II and students at private universities are protected by Title III (p. 97, 2017). While the ADA reaffirmed that individuals with disabilities were a protected group, students with disabilities have continued to face issues with protection in the court system. Evans, Broido, Brown, and Wilke write, “although students with disabilities may request accommodations, for an accommodation to be deemed reasonable, it

cannot decrease academic quality” (p. 98, 2017). Essentially this means that students have a right to ask for accommodations, but universities also have right to deny accommodations in some cases.

III. Policy History of the 2008 ADA Amendments

One of the biggest blows the ADA from the courts was what is now known as the *Sutton* trilogy. The *Sutton* trilogy was a series of cases that, “had the effect of reducing coverage for individuals with impairments that can be well-controlled or alleviated by medication or other measure” (“The ADA Amendments...”, pg. 193). *Sutton v. United Air Lines* was decided by the Supreme Court June 22nd, 1999 (*Sutton*). Justice O’Connor wrote the *Sutton* opinion for the court in which she stated,

An employer runs afoul of the ADA when it makes an employment decision based on a physical or mental impairment, real or imagined, that is regarded as substantially limiting a major life activity. Accordingly, an employer is free to decide that physical characteristics or medical conditions that do not rise to the level of an impairment -- such as one's height, build, or singing voice -- are preferable to others, just as it is free to decide that some limiting, but not *substantially* limiting, impairments make individuals less than ideally suited for a job.

The decision in *Sutton* gave employers the power to frame the ADA in ways that benefited them. However, the court’s most major affront on the ADA would come in the case *Williams v. Toyota* (“The ADA Amendments”, p. 193). The ADA and Section 504 both defined someone as having a disability when they, “(a) [have] a physical or mental impairment which substantially limits one or more of such person’s major life activities, (b) [have] a record of such impairment, and (c) is regarded as having such an impairment” (quoted in *Disability in...*, p. 96). *Williams* made it so

that “substantially limits” was defined as “prevents or severely restricts” (“The ADA Amendments..., p. 193). This new interpretation of “substantially limits” made it so that a very narrow category of individuals would actually fall under the protections afforded by the ADA. The reaction to *Williams* would serve as the first step towards trying to restore the ADA to its original intent.

In 2006, Republican Jim Sensenbrenner began the process of restoring the ADA (p. 197). The bill was introduced to the House in 2007 where it was defended to the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, then the Senate HELP Committee, and finally the House Education and Labor Committee (p. 198-199). The bill itself had been a joint effort between lawyers who represented disability advocacy groups and several representatives and senators (p. 198). The ADA Amendments Act (ADAAA) was officially passed in 2008 and went into effect on January 1st, 2009 (Race).

The definition of disability in the 2008 ADAAA was retained from the original ADA, but Congress took care to define specific wording within the definition. Congress included in the definition of major life activities and major bodily functions, “include, but are not limited to” in order to signify that the list in the ADAAA was not comprehensive and finite. This wording favors a broad interpretation of what is a disability. Congress defined a person as being regarded as impaired when the, “individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity” (ADA, Sec. 12102).

The 2008 ADAAA stated, “The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the

terms of this act” (quoted by Race). The amendments also specified that an impairment did not have to limit several major life activities to be considered a disability and that an individual could not be disqualified from accommodations even if they have aids for their condition (Race). These two provisions are important because they acknowledge that individuals may still face discrimination even if they receive treatment for their condition (“Toward...”, p. 262). Some disabilities can be mitigated with medication, but that does not mean that the person will never experience the effects of their disability again. There are good days and there are bad days for some people living with disability, and these provisions serve to protect them, even on the good days. It is also worth noting that chronic illnesses are included in the 2008 ADAAA as disabilities even if the person takes medication for the illness.

There are three requirements (prongs) to fit the definition of disability under Section 504 and the ADA. Kevin Barry describes how the third “prong” provides protection to anyone “discriminated against because of an impairment” due to the fact that they just have to be “regarded as” fitting the ADA’s requirements (p. 266). The “regarded as” prong is what opened up the path for retribution for individuals who have been discriminated against because they are perceived to have a disability when they do not have one (p. 266). Meanwhile, the first two prongs protect individuals who do have disabilities (p. 266).

IV. Implication of the 2008 Amendments Act for Universities

The ADA Amendments Act (ADAAA) has served to expand the limits placed on the original act by the court. The 2008 ADAAA does not specifically address higher education, but they do have implications for how universities conduct themselves. Many universities are guilty of approaching accessibility and accommodations from a highly medical perspective. The 2008 ADAAA expands beyond the medical implications of accommodations into the social realm. The

broad interpretation of the “regarded as” prong signals that, “whenever a person is treated adversely based on an impairment, that person is “disabled” and entitled to protection under the ADA, regardless of how severe the impairment is or is thought to be” (“Towards...”, p. 279). This standard reverses cases like *Sutton* which created a high standard for individuals seeking recompense against discrimination on the basis of ability. The 2008 ADA Amendments Act (ADAAA) requires (like its predecessors) that accommodations be “reasonable” and do not cause “undue hardship” (p. 282).

The main effect of the 2008 ADAAA on universities is that the definition of disability is broader, so now more students qualify for reasonable accommodations. Race and Dornier state that, “both private and public post-graduate institutions must provide accommodations for those with both [*sic*] physical, emotional, and learning disabilities” Evans, Broido, Brown, and Wilke discuss how the amendments also lowered the level of documentation that students need to receive an accommodation (p. 100). While decreasing the amount of documentation needed does not eliminate the process students must go through to receive accommodations, it does simplify the process. We will explore later whether universities have actually complied with this lower documentation threshold.

While more students can now seek accommodations under the ADA Amendments, it is important to note that there are still manners in which universities can deny or avoid accommodations. An “undue hardship” for a university may be anything that, “will fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations provided by that post-graduate institution” (Race). The biggest caveat to this exception for universities is accommodations, “that would create undue financial or administrative [burdens] on the program” (Race). Universities must first prove they have a right to use the cost defense before denying accommodations (Race). Universities can also defend

themselves against discrimination claims in classrooms under the “academic freedom” defense (Race). This involves universities claiming deference to professors’ teaching methods (Race). These exceptions to accommodations show that we have not yet created a piece of legislation that provides full protection for students who have disabilities. However, there has been an expansion of coverage that does allow more students to receive some form of protection.

V. Methodology

In the previous sections the policy history as well as the implications of the 2008 ADA Amendments were outlined to give an understanding of how these policies relate to universities. I will use court interpretations of the policies as well as relevant legal analysis to establish what the legal minimum requires from universities. As I establish what the legal minimum is, I will apply it to Bowling Green State University’s existing policies to explore whether the university is in compliance with Section 504, the ADA, and the ADAAA.

The second part of my analysis will involve examining what Bowling Green State University could be doing beyond the requirements set forth under Section 504, the ADA, and the 2008 Amendments. In order to accomplish this, I will be doing an applied analysis. I will use literature created by student affairs professionals on what students with disabilities need to feel welcome and succeed at their universities. I will then examine the policies and programs currently in place at Bowling Green State University to see if the university offers anything similar to the recommendations from the professionals.

Finally, I will combine my findings of BGSU’s compliance with the policy and what they could be doing beyond the legal minimum into a policy recommendation for the university. If I find that the university is in compliance with the current policies and is meeting all the

recommendations from the student affairs professionals, then I will recommend that the university continue on its current path of administration.

VI. An Analysis of the Legal Minimum and BGSU

Both Section 504 and the ADA require that universities provide accommodations to students when it is reasonable and does not cause a burden. Therefore, it follows that institutions of higher education do need to have some sort of entity that can assess requests for accommodations and then help bring to fruition the accommodations when granted. At Bowling Green State University, that entity is called Accessibility Services. Another major aspect of universities and accessibility that might come to mind is building accessibility. Web accessibility is also important, but that will be discussed later in the analysis. Nondiscrimination under Section 504 means ensuring that buildings have an accessible point of entry for all students (*Disability in...*, p. 96). Bowling Green State University's online map has a tab called "ADA Accessibility". The tab includes information on where buildings' accessible entrances are as well as accessible parking, accessible restrooms, and accessible elevators. It should be noted that the list of accessible restrooms and elevators does not include any of the residence halls on campus. BGSU does provide Housing Accommodations for students with disabilities through the Office of Residence Life. This would seem to indicate that there is some form of accessible housing on campus. A university's ability to provide accommodations and accessible structures is certainly a component of compliance with Section 504 and the ADA. The qualifications for accessible structures are relatively easy to identify as it mostly relates to whether an individual with a disability could gain entry to the building or parking lot. However, when it comes to accommodations, neither Section 504 nor the ADA explicitly state what accommodations must

look like. Therefore, to establish the legal minimum for accommodations, one must look at the popular interpretations of the statutes as well as the court decisions related to them.

Perhaps one of the most foundational cases for what accommodations universities must provide to students in the classroom is *Guckenberger v. Boston University*. *Guckenberger* came just five years after the unamended ADA was passed in 1990 (Blanck, p. 679). The provost of Boston University decided that learning disabilities did not count as impairments and therefore would not be accommodated by the university (p. 680). Furthermore, the provost began to require that his office handle accommodations despite having next to no experience or training in addressing students with learning disabilities (p. 680). With the provost adding new requirements to the accommodations process as well as seizing control of the process, it became incredibly hard for students with learning disabilities to receive the academic accommodations that they needed (p. 680). The changes made by the provost resulted in a student at Boston University suing the school (p. 681). The Supreme Court decided universities could ask for retesting by doctors for students with ADD and ADHD (but not for students with dyslexia), the individuals reviewing accommodations requests must be qualified and unbiased, there must be an appeals process for denied requests, students must be communicated with, and course substitution can occur depending on a student's degree program (p. 682). While *Guckenberger* did come before the 2008 ADA, it served to create some preliminary protections for students in higher ed.

Broido, Brown, Evans and Wilke discuss some other cases in which requirements for accommodations were established. *Wong v. Regents of University of California* established that, "All viable options for accommodations must be explored" (p. 105, 2007). A key factor to note about *Wong* is that the student lost the case because the court did not feel that the student had proved that they did in fact have a disability (Eckes, p. 12). *Duval v. County of Kitsap*

established that, “Accommodations must consider the specific needs of the individual” (*Disability in...*, p. 105, 2007). *Button v. Board of Regents of University and Community College Systems of Nevada* established a timeliness requirement and those individuals aiding a student with disabilities must be qualified and consistent (p. 105, 2007). All of these requirements can be summarized in that reasonable accommodations must fit the needs of the student and the university must make a good faith effort to deliver the accommodations to the student.

Bowling Green State University has two separate accommodation request processes. Student’s at BGSU can request either academic or housing accommodations or both. Students who want accommodations for university events can put in an accommodation request, but currently there is no formalized process to receive accommodations for co-curricular activities. Accessibility Services oversees both processes, but with housing accommodations the Office of Residence Life is also included in the process. It is important to note that the staff at Accessibility Services review all requests for accommodations because one of the major factors of *Guckenberger* is that qualified, unbiased professionals review accommodation requests. Therefore, the presence of Accessibility Services on BGSU’s campus does appear to fulfill this requirement. Students can actually find all the information they will need to receive an academic or housing accommodation on the Accessibility Services webpage.

Let us first turn to the academic accommodation process. To receive an academic accommodation, a student must submit a Request for Accommodation form, Disability Verification Form, and can choose to include an Individualized Education Plan (IEP), 504 Plan, or multi-factored evaluation (MFE) if they have one (“Accessibility Services”). The Request for Accommodation form involves the student listing all the accommodations they wish to receive as well as a release form that allows the university to gain access to their medical information

(“Accessibility Services”). This form would appear to be in line with the decision in *Duval* seeing as how BGSU is making an effort to tailor accommodations to the student’s stated needs. The Disability Verification Form outlines what qualifies an individual as “disabled” under the ADA which relates to *Wong* since the University wants to ensure students requesting accommodations qualify to receive them (“Accessibility Services”). The form also lists guidelines, two of which are that the evaluation must be conducted by a “qualified professional” and that a detailed explanation of the evaluation must be provided (“Accessibility Services”). These guidelines are explicitly related to *Guckenberger* as they aim to ensure that students receive a legitimate evaluation. The form also asked the professional conducting the assessment to list specific recommendations which relates *Duval* because BGSU is attempting to ensure student’s receive appropriate accommodations for their specific needs (“Accessibility Services”).

If a student with a disability would like a housing accommodation, they will work with both Accessibility Services and the Office of Residence Life. The U.S. Department of Education states, “if your postsecondary school provides housing to nondisabled students, it must provide comparable, convenient, and accessible housing to students with disabilities at the same cost” In order to request a housing accommodation, a student must complete a Student Request Form (including the accommodations they would like to receive), a personal statement, and documentation from their doctor (“Accessibility Services”). Like with academic accommodations, BGSU is using the documentation to identify the specific needs of the individual students and requires that the appropriate professional does the evaluation. The major difference between the two types of accommodations is that the housing accommodations do not outline who qualifies as “disabled” under the law.

There is one specific area of housing accommodations that should be given special attention: service animals and emotional support animals (ESA). According to Lee, the Department of Justice has established that service animals are a reasonable accommodation for a student to request. However, the definition of a service animal is, “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability” (Lee). This is not necessarily the most expansive definition seeing as how it limits students entirely to one type of animal with one set of skills. There are instances in which miniature horses can be substituted for service dogs, but that is of course a rare occurrence.

Regardless of the limits placed on service animals, the question is whether emotional support animals are also a reasonable accommodation. The Fair Housing Act is enforced by the Department of Housing and Urban Development and does allow for emotional support animals to be a protected accommodation (Lee). The landmark case for ESAs was *United States of America v. University of Nebraska at Kearney (UNK)* (Bauman, p. 149). The case began when a student at UNK was diagnosed with depression and anxiety and was prescribed a dog to help with their panic attacks (Bauman, p. 149). The school’s reasoning for denying the request was that the dog did not fall under the ADA’s definition of a service animal (Bauman, p. 150). The Department of Housing and Urban Development, which oversees the Fair Housing Act, filed a lawsuit on behalf of the student (Bauman, p. 149). The court upheld the discrimination claim and reaffirmed that the Fair Housing Act does indeed apply to universities (Lee). In the *United States v. Kent State University*, Kent State was found to be in violation of the Fair Housing Act when it denied a student living in a university apartment an ESA (Gregory, p. 51). The court found that “the FHA applies to all federally-funded residences unless otherwise states” (Gregory, p. 52). There are stipulations to a student having an ESA on campus. These stipulations mostly rest on

the idea that the ESA cannot create an undue burden on the university (such as needing extra room, putting other students at risk, etc.) which is the stipulation for most accommodations for students with disabilities (Gregory, p. 53).

The growing consensus seems to be that both service animals and ESAs are accommodations that universities must consider. BGSU does allow for both service animals and ESAs to be requested. Service dogs must qualify as service animals, but documentation to prove that the dog is a service animal is not required (*Service Animals*). In fact, accommodations for service dogs, “through Accessibility Services [are] not required” (*Service Animals*). Service animals are also allowed into campus areas like dining halls, classrooms, etc. (*Service Animals*). An ESA or any “assistance animal” must be requested through the accommodation process and can be denied based on being a threat, causing destruction to property, size, and its effect on other students living in the space (*Service Animals*). While BGSU does state the possibility that the request for an ESA may be denied, the university does not state that all ESAs will be denied. Therefore, under the current court interpretations, BGSU is in compliance with the Fair Housing Act.

In regard to requesting an accommodation, it is important to note what is an appropriate amount of documentation for a university to ask for. According to the guidelines put out by Association on Higher Education And Disability (AHEAD), it is appropriate for a university to ask for “evidence of the existing impairment, background information, relevant testing, a specific diagnosis, a rule-out of any other conditions, and an integrated summary” (CT AHEAD). A university can ask for additional documents, but only if the original documents do not give a full view of the student’s disability (CT AHEAD). Furthermore, the costs fall on the student for any initial documentation, but supplementary documentation becomes the cost of the university (CT

AHEAD). The only major area I see missing from the BGSU housing and academic accommodations forms is the “rule-out” of other conditions. However, the academic accommodation form may include this in the required diagnostic report (“Accessibility Services”). Both forms also include a section for the basis of the diagnosis, so a “rule-out” could potentially be listed there. The only additional information required to receive an academic accommodation is the request form, but that is where the student lists their requested accommodations and signs the necessary releases (“Accessibility Services”). To get a housing accommodation, a student must write a personal statement explaining why they are requesting the accommodation. This supplementary information is not necessary since the request process requires the medical professional to explain what accommodations the student would need. The only reason this may be necessary is if the student’s requested accommodations differed from the suggestions of the medical professional. Therefore, whether this additional personal statement violates the ADA is somewhat murky territory. Perhaps it would be better for BGSU to ask for the personal statement only if the student wants an accommodation not recommended by their healthcare professional.

The next major area of compliance is web accessibility. Barbara Lee specifically touches on web accessibility for students who are blind. She notes that The American Federation for the Blind has sued Penn State for using software that was not accessible to students who are blind as well as Northwestern and NYU for using Google software that does not convert text to speech (Lee). Other schools have been sued for requiring e-readers that are not accessible for students who are blind (Lee). The result of these suits has been universities being required to utilize accessible technology and software for students (Lee). BGSU currently has a policy that requires that all Web content be made accessible and that anyone altering the official website must be

trained in web accessibility before they may make alterations (*Web Accessibility*). The Accessibility Service's webpage describes web accessibility as, "alternative text, non-distinguishable links, subtitles, and more" ("Accessibility Services"). There is a noticeable effort from the university to provide accessible software and training to ensure that BGSU students can access the university web material.

The previous paragraphs have outlined the responsibilities of university employees and representatives, but we have yet to touch on independent contractors. Section 504 does require universities to ensure that independent contractors do not exclude or discriminate against students with disabilities (Charmatz). Charmatz specifically cites universities' use of adjunct professors, but Section 504 also holds the university accountable for ensuring any nonacademic services that are contracted out are made accessible to all students. BGSU currently contracts its dining services out to a company called Chartwells, but students with food related conditions can request dining accommodations ("Accessibility Services"). Students with disabilities can also contact Accessibility Services prior to any events held on campus to get event specific accommodations ("Accessibility"). Without access to a professor's contract, I cannot say with certainty that accessibility is included in their contracts. However, Accessibility Services does include on the website that students must notify their professors of their accommodations so that the professor can comply with them ("Accessibility Services"). There is also a fast facts sheet provided to faculty in which they are informed that they must provide accommodations to students who request it ("Accessibility Services"). It is not concrete, but there is at least an established expectation that professors comply with accommodations.

Overall, BGSU appears to be compliant with the legal minimum established by Section 504, the ADA, the 2008 ADA AAA, and the Fair Housing Act. The university has an

accommodations process set up in which students can get academic and housing accommodations. The university allows for both service animals and ESAs which puts it in compliance with the Fair Housing Act. As for services that are contracted out and web accessibility, BGSU has the resources available and accessible on its official website. It is harder to say whether these resources are actually put to use and the awareness around the resources, something I will discuss further in the recommendations portion of this paper.

VII. Going Beyond the Minimum

The previous section of this paper was titled “An Analysis of the Legal Minimum and BGSU” because Section 504, the ADA, and the 2008 ADAAA establish a minimum of what universities should be doing to accommodate students who have disabilities. AHEAD states in guidelines for documentation that, “The ADA establishes the “floor” not the “ceiling” of protection” (CT AHEAD). So, while it is a good thing that BGSU has an accommodation process and allows for service animals and ESAs, it is also the bare minimum of what the university can be doing. It is a good thing for universities to go beyond the legal minimum because it helps to create a generally more inclusive atmosphere on campus. When students with disabilities feel included by their college, they are more likely to persist throughout their degree program which helps with retention rates. Furthermore, going beyond the legal minimum can help students with disabilities develop skills like advocacy which they can then apply to other areas of their life around campus. Student affairs professionals have found a myriad of other benefits to both universities and students when institutions of higher education put in the work to go beyond the legal minimum.

This section of the paper will focus on what are recommendations for institutions of higher education from student affairs professionals and whether BGSU practices those

recommendations. These recommendations can be broken down into two categories: transitions from high school to higher education and student engagement and identity.

Transitions from High School to Higher Education

The ADA and Section 504 both dictate accessibility law in regard to universities, but high schools operate under a different piece of legislation. The Individuals with Disabilities Education Act (IDEA) serves to guide how K-12 educational institutions approach students with disabilities (Eckes, p. 8). The biggest difference between IDEA and the ADA and Section 504 is that K-12 institutions bear the responsibility of initiating the accommodations process (p. 9). This is starkly different from university law under which the responsibility of identification falls upon the student (p.9). Both Davis et al. and Eckes and Ochoa discuss the importance of students having strong transition support from high school to higher education. Eckes and Ochoa focus more on the high school side of the transition process, but they do stress the importance of students being made aware of the fact that they must initiate the accommodations process (p. 17). They also stress the importance that students develop advocacy skills before they go to college so that they do not struggle to disclose their disability status (p. 17).

Davis et al. conducted a study through which they surveyed first year college students in order to try to discern whether prepping students with disability for the transition from high school to college helped the students be more engaged on campus (p. 181). They had two main findings that are applicable to this paper. First, they found that, “around 20% of participants did not request and utilize accommodations in high school” (p. 183). The students expressed various reasons as to why, some of which were the stigma around disability as well as parent’s intervention (p. 184). While Eckes and Ochoa focused on high school students who were receiving accommodations, it is important for universities to take into consideration that not all

students who need accommodations have a support system that can help make them aware of their responsibilities and rights. Davis et al suggested, “advising/counseling, academic skills training, and faculty-staff interaction” as some potential programs that could help to inform students on the benefits of advocating for accommodations (pg. 184). The other applicable finding was that “one third of participants reported that they did not receive information or training in transition to college” (pg. 184). Because the responsibility to identify is on the student at the university level, it is incredibly important that students are made aware of the resources available for students with disabilities and how they access them. Davis et al. suggest that, “staff in postsecondary education [need] to provide assistance and training to students” specifically in areas like class management and socialization (p. 184). The main conclusion from both Davis et al. and Eckes and Ochoa is that a line of communication as well as a system of support needs to be established between university staff and incoming students so that they are aware of their rights as well as how they can use campus resources to succeed.

One of the earliest opportunities for students to socialize with their new peers as well as campus staff is orientation. Carter et al. surveyed students and orientation staff in order to assess, “inclusion and belonging of students with intellectual disability” (pg. 240) The student orientation leaders expressed a discomfort with talking about disability during the orientation meetings that they lead because they did not feel informed enough about the topic to properly facilitate the discussion (p. 246). The general consensus from the study was that student leaders need to be trained on how to “promote inclusive spaces” specifically by knowing how to address disability and help students who have disabilities (p. 249). Their paper also found that when orientation leaders facilitated a sense of belonging in the students with disabilities, the students were more likely to participate in the programming (p. 250). Carter et al. concluded by

suggesting a greater relationship between orientation staff and accessibility services because it helped them to create programming that actually fit the students with intellectual disabilities and gave them the necessary knowledge to guide students with questions about accessibility (p. 250). A caveat to note is that the article provides great insight into how important an educated orientation staff can be for inclusion, but it does focus on students with intellectual disabilities who are not enrolled in degree granting programs. My analysis of BGSU focuses on students with disabilities in degree programs. The paper can still be applicable on how BGSU orientation can generally be more inclusive to students with disabilities though.

While the responsibility of disclosure falls on the student in higher education, it certainly does not hurt for universities like BGSU to communicate resources and rights with students before they come to campus. Students applying to BGSU will need to start at the Office of Admissions. The only area in which Accessibility Services is linked is the side page “Student Diversity Hub”. While it is good that BGSU includes a link to Accessibility Service’s own webpage, there is no description of the office, so students may not know what Accessibility Services is or what it does. Furthermore, when one goes to the page with next steps for students who have been admitted, there is no mention of Accessibility Services or accommodations. The next steps include housing and scheduling for classes, both of which are areas in which students may need accommodations. Not every incoming student will need accommodations, but those students can choose to go past the information. Furthermore, students may need accommodations later in their academic careers, so it would be best practice to have a) a description of Accessibility Services and b) a more obvious link to Accessibility Services.

The webpage for Orientation lacks any information on Accessibility Services. The main page does include a list of “Helpful Resources”, but Accessibility Services is not one of those

resources. There is a side page labelled “Travel and Accommodations”, but the accommodations refer to a list of hotels that people can stay in when attending orientation. The only other mention of accommodations on the page is the last question of the FAQ sheet. The questions read “What if I need special accommodations?” (University Orientation). However, the answer to that question makes no mention of disability or accessibility.

As for training orientation leaders, I myself was a Fall Welcome Leader (FAWL) for the 2020-2021 school year. When I was a FAWL we received no training regarding accessibility or disability. We did receive some inclusivity training, but the training mostly focused on using inclusive language and was broadly applicable to many different topics. Furthermore, I cannot report receiving any sort of education about accessibility or accommodations during my time as a first-year student attending orientation. In fact, I did not learn that Accessibility Service existed until the second semester of my first year at BGSU. Of course, my experiences as an individual are not applicable to the entire student body at BGSU, a limitation of this type of research. Therefore, it may be fruitful to survey the student body to gauge their knowledge of Accessibility Services or at the very least survey first year students since they would have the most recent knowledge of the orientation process.

Student Engagement and Identity

It is important for universities to recognize the connection between a student’s identity as someone with a disability and the way that identity impacts their engagement and involvement on campus. Javitz et al. notes that, “higher education enrollment rates of students with disabilities climbed from 10.9% of all students in 2007-2008 to 19.5% in 2015-2016” However, the authors also note that despite the growing number of students with disabilities in higher education, “students with disabilities are less likely to persist in and successfully complete a

higher education program than their peers without disabilities” (Javitz). It is important that universities put in the work to ensure that students with disabilities can access university support systems and feel as though they belong on campus.

Barrio et al. looked at how many universities included diversity in their mission statements, and then how many included disabilities as a form of diversity. What they found was that only about half of the universities in the study included diversity in their mission statements (p. 53). Of those schools who included diversity, about 23% included disability within the diversity statement (p. 53). Barrio et al. ask universities to recognize that including disability as a component of diversity is necessary for comprehensive diversity initiatives (p. 55). The authors also recommend that university faculty and staff are given a space to reflect on what their own prejudices may be in regard to disability (p. 55). They also suggest moving disability services so that they are under universities’ diversity divisions, develop non-degree granting programs for students with “intellectual and developmental disabilities”, and putting disability in university promotion materials (p.56). They are essentially arguing that by including disability in universities’ core missions, students will feel more welcome to the campus environments.

Daly-Cano et al. interviewed students with disabilities twice about their sense of belonging: during the fall semester and during the spring semester (p. 680). What they found is that, “increased belonging helped [the students] self-advocate, master the student role, and develop more numerous and deeper relationships” (p.680). One student in the study specifically noted that a good relationship with the professor helped develop her ability to ask other professors for help when needed (p. 682). Daly-Cano et al.’s suggestion to professionals who work with students with disabilities was to work with other offices on campus, “to design programs, policies, and services that promote self-advocacy, mastery, and social relationships for

students with disabilities” (p.683). They also suggested that universities create, “optional student affinity organizations, support groups, or peer mentoring programs” because social connections help students with disabilities develop self-advocacy and academic skills (p.683). Their suggestions can be boiled down to collaboration with other offices and structured spaces to meet other students.

Somewhat in the vein of belonging, Kimball et al. explored students with disabilities’ sense of purpose in higher education. They found that the students had varying levels of purpose, and students’ disabilities could serve as a motivator or detractor for reaching one’s goals. Kimball et al. recognize that there is a stigma around disclosing one’s disability status at the university level which can hinder their ability to achieve their goals. Their recommendation to combat student’s feelings of discomfort is for universities to make sure students have full information on what accommodations they can receive, the process, and how accommodations can aid success (Kimball). They also suggest building a bridge between students with disabilities and faculty, so that the students feel comfortable working with faculty and faculty develop an understanding of what will best serve their students (Kimball). It’s important that faculty and staff see students with disabilities as more than their diagnosis.

Javitz et al. studied how many students with disabilities access university supports. They found that, “approximately 60% of 2-and 4-year college students with disabilities have accessed universally available and/or disability related supports” (Javitz). A little less than half of the students only sought out university supports that were available to everyone (Javitz). Regardless of which supports they sought out, students who used their school’s supports were more likely to persist than those that did not use supports (Javitz). The authors stress the importance of staff and administrators who run the supports open to all students being trained on how to create a space

that welcomes students with disabilities (Javitz). When staff and administrators are informed of their students' needs and experiences, they can rework their programs to be more accessible even if they are not specifically for students with disabilities. They also stress the importance of being proactive in reaching students, suggesting orientation, advising, and residence halls as good places to make initial contact with students to provide information on supports (Javitz).

Informing students of both accessibility-based and universally open programs allows them to access a full range of supports and ensures that they are well informed.

Both Cho et al. and McCarron explored the ability and willingness of faculty to provide accommodations to students in the classroom. Cho et al. surveyed faculty at rural four-year universities to gauge their opinions on working with students who have disabilities. What they found was that faculty want to be trained on how to work with students with disabilities, and that it may be helpful to offer resources that faculty can use on their own time, like readings (Cho, p. 27). They also found that it is vital that administrators also receive training as willingness to be trained may disseminate from the top down (Cho, P. 27). McCarron surveyed faculty from four different areas on their willingness to accommodate as well as frequency of accommodation. The results of the survey showed that only faculty from one of the four areas claimed that they accommodate and actually did accommodate. Faculty with that knowledge of disability and accommodations were also the individuals that also put in the most effort to provide accommodations (McCarron, p. 347). McCarron suggests that universities revamp disability training, incorporate disability into larger university diversity trainings, and generally work to spread more information about disability on campus (p. 348).

So far, the literature has focused mainly on the academic aspects with some mentions of campus living. Broido et al. did specifically interview students with disabilities about their

residential living experiences. The results of the survey were that no student's experience was exactly the same, and as a result residence life professionals need to be able to fit the accommodation to the student (*Access and*, p. 56). Some of the recommendations from Broido et al. were to allow for flexibility, proactive communication with students, staff training, and "staff responsiveness" (p. 56). These recommendations may look like reaching out to students when they are looking at housing options, making sure residential advisors are prepared to offer guidance to student with disabilities, allowing for easy changes when housing and dining options are not a good fit, and so much more. The summation of these recommendations is for residence life to serve as an ally to students with disabilities rather than a hinderance, which is the overarching theme of most of these other articles.

The recommendations from the six pieces of literature can be summarized as an informed student body, an informed university staff, supports outside of Accessibility Services, opportunities for socialization, and a broad range of accommodations. BGSU does state in its mission statement that it aims to create a, "welcoming, safe, and diverse environment" (*University Vision*). The mission statement itself does not identify what the university sees as diverse though. The home page of the Division of Diversity and Belonging also includes a statement on diversity and belonging, but that statement also does not name any specific identities when referring to diversity (*Division of*). However, if one goes to the "Comprehensive Strategy and Plan" section, then they will see that the university defines diversity as, "recognition of intersecting identities and social hierarchies, particularly related to race, ethnicity, gender, sexual orientation, age, disability, religion, and socio-economic status" (*Division of*). Therefore, the university does recognize disability as a form of diversity. However, the inclusion of disability in the definition of diversity does not necessarily lead to an informed

student body, faculty, staff, or administration especially when that definition is not in an obvious location. Furthermore, it was discussed in the transition section that disability and Accessibility Services are possibly not being discussed with incoming students, so while it's great that the university is expressing a commitment to diversity, the components of diversity could be more explicit.

As far as university staff and faculty are concerned, training on disability is offered but not mandatory. Staff and faculty can get trained through Accessibility Services on accommodations, etiquette, disability rights, etc., but they must be the ones to request that training. This means there may be staff and faculty members who work for areas of campus that offer supports to students with disabilities, but those staff and faculty members are not trained on how to make their services accessible. The Learning Commons houses the FLY program which is for students with "attention and learning differences" (*Fly Program*). The students are paired with a Learning Specialist with the goal of "promoting self-advocacy, taking accountability, and facilitating learning" (*Fly Program*). One key aspect of the FLY program is that the students are connected with tutors and academic coaches. The tutors can choose to attend a session where they will be trained by a Learning Specialist on how to best serve FLY students, but that training session is not mandatory. Tutors are all student employees which means they most likely do not have prior training or experience working with individuals who learn differently than they do. Leaving disability training as an optional measure potentially puts students with disabilities looking for support at a disadvantage.

While the optional disability training is perhaps not ideal, BGSU does offer supports for students outside of Accessibility Services. As previously mentioned, the FLY program helps provide students with learning differences with academic support and self-advocacy skills.

Students who utilize Accessibility Services are also eligible for the TRIO program which is housed under the Division of Diversity and Belonging. TRIO offers students help with areas ranging from academics to personal needs (*Division of*). There is also the Counseling Center for students who may need mental health supports. As for student groups, students with disabilities can look into the Disability Rights, Education, Awareness, and Mentoring (D.R.E.A.M) group or the National Alliance on Mental Illness (NAMI) (“Accessibility Services”). Both of these groups are also open to students who do not have a disability as well. These students’ groups offer students a chance to socialize while also learning about advocacy. Overall, there are opportunities for students to seek connections outside of Accessibility Services.

The last area to examine is the breadth of accommodations offered. I will not spend too much time commenting on BGSU’s ability to provide specific and flexible accommodations, mostly because I feel as though I covered this in the Legal Minimum section of this paper. In the Legal Minimum section, I discussed how the current forms to request accommodations allows for students to list the accommodations they would like to receive rather than the university deciding what accommodations the student will receive on their own. Students can also request dining accommodations through the Accessibility Services webpage, and students with dietary specific needs can be paired with a school nutritionist, if appropriate, when they request dining accommodations (“Accessibility Services”). Overall, BGSU does not outwardly put any limits on what students request; it’s more of a matter of what requests get approved. The Accessibility Office also works directly with the Office of Residence Life to provide Housing Accommodations. The level of training that residence life staff receive in regard to disability is not disclosed by the university, so it is unclear whether the staff is trained.

It has become abundantly clear that an educated administration, staff, faculty, and student

body is important to the success of students with disabilities in higher education. Students with disabilities need to feel connected to their campus, whether that is access to academic supports or a social network that encompasses trusted professors and peers. Furthermore, it is important that universities communicate their ability to support students so that students know what programs to utilize, or even what accommodations they may be eligible for. Disability should not be limited to Accessibility Services professionals.

VIII. Conclusion and Policy Recommendations

This paper had three main goals: identify the legal minimum for students with disabilities at universities, assess whether BGSU is in compliance with that legal minimum, and explore what BGSU can do beyond the legal minimum. At face value BGSU does appear to be in compliance with the legal minimum. It offers both housing and academic accommodations to students under the 2008 ADA's definition of disability. BGSU also has specific policies on matters like web accessibility and service animals and ESAs. The university offers several types of programs that allow staff and faculty to make resources accessible on top of requiring web accessibility training. The service animal and ESA policy also appears to be in compliance with the ADA and the Fair Housing Act. The only area that operated in more of a grey area is how the university handles services that it contracts out. Without access to those contracts, I cannot necessarily confirm if the university includes ADA compliance in the contracts. However, some of the evidence does seem to support a level of compliance in contracted out resources. At the very least, the university has the resources to be compliant with the legal minimum.

In terms of going beyond the legal minimum, there are things that BGSU does well and areas in which it could improve. Some things BGSU does well is offering supports outside of Accessibility Services. The TRIO program, the FLY program, and student organizations provide

students with the opportunity to socialize while also building skills like advocacy. One of the caveats of programs like TRIO is that it is only available to students who are registered with Accessibility Services. BGSU could explore trying to open up the TRIO program to students with disabilities who do not want to register with Accessibility Services. Students with disabilities may feel uncomfortable officially identifying themselves to the university, but a program like TRIO serve as a first step towards asking for accommodations. The FLY program is currently open to all students regardless of whether they identify themselves to the university, and as a result they can take time to inform students on the benefits of Accessibility Services.

While BGSU offers a nice amount of supports for academics, it may want to consider creating a support for students in the Office of Residence Life. Specifically, it may be helpful to create a support that helps students with disabilities meet other students living in the residence hall. This could maybe look like a peer mentor program where groups can meet with an older student to talk about managing life away from home, tips and tricks for living on campus, etc. It could also look like an optional check in program with a Hall Director or Residence Advisor to talk about how their living situation is working for them. This could perhaps ensure that if a problem arises, the students know who they can take the issue to for resolution.

Residence Life does not encompass all aspects of being a part of the campus community though. This paper mainly focused on academic and housing accommodations because those are the two formalized accommodations processes that BGSU offers. However, an area that this paper and BGSU misses is how to accommodate students who want to join campus clubs, volunteer, etc. There are student groups like D.R.E.A.M and NAMI for students with disabilities to get involved in, but students with disabilities should not be limited to student groups that center around disability. BGSU should explore creating a formalized accommodation process for

co-curricular activities to ensure that students with disabilities have full access to the campus social life.

The other two major areas in which the university could improve are proactive communication and disability training. While it is on students to self-identify if they want to receive accommodations, it would be helpful if the university did more to spread awareness about what students with disabilities' rights are. The University could include Accessibility Services on the "Helpful Resources". There could also be a mandatory session during orientation or Fall Opening Weekend about what Accessibility Services does and what qualifies a student for accommodations. It may also be helpful for the university to send an email to students at the start of each new semester with a summary of students with disabilities' rights and accommodations. This may help to inform students who transfer in, or it could serve as a reminder for students who did not want accommodations but have since changed their mind. It would be nice for accessibility to be emphasized at orientation, but some students develop their disability during college and did not get the necessary information in high school. A start of the semester email would be an easy way for the university to reach students without burdening the students or staff.

Finally, disability training is vital to ensuring that staff, faculty, administrators, and even other students are aware of how to approach disability on campus. Whether it is a tutor or a professor, professional development centered around disability can help them to not only serve students with disabilities better, but also their other students better. Bowling Green State University should mandate some sort of accessibility training. This does not necessarily have to look like the training lead by Accessibility Services. It could perhaps look like incorporating disability training into existing trainings. As a student worker and volunteer, I have been required

to do some sort of staff meeting or general training for every position I have held. The university could ask those leading these training sessions to spend 5-10 minutes going over the rights afforded to those with disabilities as well as campus resources and policies. This way staff, faculty, and administrators could at the very least spread the information if a student approaches them. Disability training could also look like providing instructional material that staff, faculty, and administrators could do on their own time if there is a time concern. This may not be a perfect solution, but it may be a way to start a conversation on campus about disability.

Overall, BGSU could be doing more to serve students with disabilities. It seems as though the world around us is changing every single day, so it is vital that BGSU stays up to date on the needs of its students. This means looking at what avenues will allow it to go above and beyond the legal minimum for students with disabilities.

IX. Limitations

Some limitations of this paper are that it does not address the student voice or faculty and staff voices. I tried to be careful in saying that BGSU is actually compliant with the legal minimum because I do not know what experiences students have had with having their accommodations approved or honored. A way to expand on this paper in the future would be to conduct a survey of the campus community. Students could be asked to assess their understanding of their rights under the legal minimum and their experience with Accessibility Services, campus supports, campus housing, and faculty. Faculty and staff could also be surveyed about any existing prejudices, whether they provide accommodations when a student asks for them, and their existing knowledge of university laws and policies in regards to disability. This will allow for a more concrete understanding of BGSU's standing in regards to compliance.

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