

Title: Resolution for the Revision of Documentation Requirements in the Disability Accommodations Requesting Process

Sponsored by: Grace Fredman (ASUW Senator) and Malikai Bass (GPSS Senator)

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Resolution Number: J-10.20-21

WHEREAS, the Americans with Disabilities Act (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”

WHEREAS, under Section 12132 of the ADA, “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any entity”

WHEREAS, under Section 504 of the 1973 Rehabilitation Act, “no otherwise qualified individual with a disability in the United States... shall solely by reason of her or his disability be excluded from the participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

WHEREAS, according to Section 504 of the Rehabilitation Act, public postsecondary educational institutions fall under the definition of a ‘program or activity’ (Section 2A)

WHEREAS, according to both the ADA and Section 504 of the Rehabilitation Act, higher education institutions are expected to provide reasonable accommodations to students with disabilities so they can fully participate in the programs offered by the institution.

WHEREAS, nowhere in the current legal framework does it mandate postsecondary education institutions to require medical documentation as a part of the reasonable accommodations process. While it is not legally mandated, institutions are allowed to request a reasonable amount of documentation that is relevant to the student’s accommodations.

WHEREAS, while it is not required by law, the University of Washington mandates that all students go through a formal approval process by the Disability Resources for Students (DRS) office in order for reasonable accommodations to be considered. According to the University of Washington Disability Accommodations web page, “A student must make a request for reasonable accommodation to the designated disability services office...Requests made directly to instructional personnel, even if implemented for a particular class, are not considered a reasonable accommodation under this policy. Instead, the designated disability office will conduct an individualized assessment of the request, determine whether accommodation is necessary, and what reasonable accommodations are available. “

WHEREAS, as outlined by the DRS website, the documentation submitted for reasonable accommodations at UW should include “a diagnosis of the disability/health concern; a description of the current impact/limitations of the disability/health condition with specific focus on barriers to the educational and/or housing environment; a discussion of whether the disability/health condition is permanent or temporary... and identification from a qualified healthcare provider containing: contact information, license number, signature or electronic signature.”

WHEREAS, in addition to the baseline requirements of documentation, documentation for learning disabilities, psychological disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Traumatic Brain Injuries, and other health conditions have additional requirements that must be fulfilled in order to receive permanent accommodations.

WHEREAS, according to the DRS website, if a student does not have documentation, they “are encouraged to schedule a meeting with a DRS Coordinator to learn more about relevant assessments, and where to obtain them.” If a student has existing documentation, but DRS requests more, “provisional accommodations may be established while additional documentation is being obtained.” These provisional documentation guidelines are only outlined for students with some level of documentation on the website, while students without any documentation are directed to go through the process of acquiring documentation before being considered for any reasonable accommodations.

WHEREAS, these documentation requirements can create barriers to students accessing the accommodations they need to participate fully in school.

WHEREAS, particularly for students with invisible disabilities, schools require extensive proof of disability through various tests that are to be done at the expense of the student.

WHEREAS, these tests can be time consuming and expensive, barring students without insurance or without the ample time in their schedule from accessing proper accommodations.

WHEREAS, according to a student who took part in a recent Town Hall for Neurodivergent/Autistic students on campus, after being diagnosed as a child and receiving accommodations based on self-report until attending the University of Washington, they had to pay “\$500-600 out of pocket” for a practitioner to tell them something they already knew about themselves in order to get access to reasonable accommodations.

WHEREAS, this process may also discourage some students from continuing with the disability services accommodations process because of how strenuous it is to acquire all of the necessary diagnoses and documents.

WHEREAS, Black and brown students, as well as students identifying as women may face further institutional barriers while attempting to obtain medical documentation. Black and brown individuals have a history of mistreatment and misdiagnosis within the medical sphere, leading

to distrust of practitioners and hesitancy toward diagnosis processes (Schwartz, 2014). In terms of gender disparities, women tend to be diagnosed at later stages of life with invisible disabilities like ADHD and Autism, which leaves many women without diagnoses. The University's overreliance on medical documentation, effectively excludes many Black and brown students and students identifying women from the reasonable accommodations process through DRS.

WHEREAS, in an external report done by Dr. Sue Kroeger on UW's disability resources, Kroeger highlighted the amount of time spent by students receiving documentation for their disability, which put the focus on whether a student was disabled enough for accommodations rather than focusing on universal accessibility of on campus operations for each disabled individual.

WHEREAS, Kroeger's report also noted the unreasonable amount of self-advocacy work necessary to obtain reasonable accommodations, with multiple students from both the Undergraduate and Graduate programs voicing that they felt it was necessary to "to minor in self-advocacy to obtain degrees." Similar notes were made by one student who participated in a 2021 DRS Testimonials Survey, where they explained that implementation of necessary accommodations "was often reliant on [their] own self advocacy capabilities and the predispositions of [their] professors." This continuity from the 2010 Kroeger report to the 2021 DRS Testimonial Survey responses demonstrates the lack of progress the university has made in terms of creating an inclusive and accessible accommodations process.

WHEREAS, the previously mentioned findings are further supported by student testimonials collected by the Student Disability Commission (SDC) in Spring 2021 where of the six students who disclosed a disability and that they had not registered with DRS, all mentioned the process was "too complicated" or did not seem to proportionally reward the effort provided based on their understanding of the process from the website and other students experiences. This widespread perception of a 'burdensome process' represents a significant barrier for many students.

WHEREAS, the issue with extensive documentation requirements and excessive self-advocacy was brought up in a February 2021 community forum for neurodivergent and Autistic students. At the forum, multiple students expressed dissatisfaction toward the documentation process, as it takes a lot of time, money, and energy from disabled students that is not required of nondisabled students. They named this experience the "disability tax."

WHEREAS, taking into account both student opinion and outside criticism of UW's accommodations process, it has been demonstrated that the University of Washington's extensive documentation requirements can be considered a 'burdensome process' for many students. Making access to accommodations overly difficult violates a 1997 amendment to the ADA that states "a university is prevented from employing unnecessarily burdensome proof-of-disability criteria that preclude or unnecessarily discourage individuals with disabilities from establishing that they are entitled to reasonable accommodations." ("Guckenberger v. Boston University" 1997).

WHEREAS, it has been proven by institutions like the University of Arizona that burdensome medical documentation requirements are not necessary in running an effective disability services office. At the University of Arizona, students with disabilities are encouraged to apply for accommodations regardless of their documentation status, whether it be out of date, nonexistent, or up to date and extensive. Students without documentation can set up a meeting with the Disability Resource Center to discuss their experience with their disability and determine if they will need more information to continue with the accommodations process. This structure demonstrates that extensive medical documentation is not necessary in every reasonable accommodations request process.

THEREFORE BE IT RESOLVED BY THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF WASHINGTON AND THE GRADUATE AND PROFESSIONAL STUDENT SENATE OF THE UNIVERSITY OF WASHINGTON:

THAT, the University uphold its promises of fostering diversity and inclusion by committing to a Universal Design model that will make self advocacy and formal accommodations requests less necessary through a more generally accessible school and physical environment

THAT, the university adopts the Association on Higher Education and Disability (AHEAD) guidelines on documentation requirements. These guidelines place a large emphasis on two types of documentation: the self-report and secondary observations from disability resources staff, and if these do not suffice, a third form of documentation like medical or educational records and reports from educators or psychologists. Importantly, this praxis attempts to minimize the use of external medical documentation in accommodations request processes, which diffuses the burden from being entirely on the student

THAT, in order to ensure disability resources staff are equipped to make accommodations recommendations, Disability Resource Services engage in a policy audit examining their current procedures, recommendations, office culture, staffing, and other decisions, along with any needed re-training, to fully implement the social model of disability as opposed to the current approach based in the medical model.

THAT, in order to establish a more inclusive DRS environment, the University implemented an advisory board consisting of Deaf and/or disabled identifying students for the Disability Resource Services office. This board would be responsible for adding the disabled student perspective to DRS by overseeing and reviewing DRS policies, decisions, and actions.

THAT, additional staff with psychiatric clinical training be hired to alleviate the financial and time stressors of acquiring an outside diagnosis by providing a mechanism for professional observational reports within Disability Resource Services

THAT, the University commit to providing financial and logistical support to students who may not have the means for expensive doctor's appointments and testing, particularly focusing on students without insurance and who need testing that is not covered by insurance

THAT, the University recognizes the limitations of existing disability research and conducts research to fill knowledge gaps and better inform policies and decisions. Specifically, that most of the available research about disability on college campuses is incomplete, as it excludes many BIPOC individuals and women with invisible disabilities, who have historically had more difficulty acquiring diagnoses and accommodations due to systemic barriers.

THAT, this resolution be forwarded to President Ana Mari Cauce, Provost Mark Richards, Vice Provost of Academic and Student Life Philip Reid, Chair of the Faculty Senate Robin Angotti, Vice Chair of the Faculty Senate Chris Laws, Representative of the Center for Teaching and Learning Katie Malcolm, Director of the Office of Educational Assessment Sean Gehrke, Chair of the Faculty Council on Student Affairs Ann Culligan, ASUW Seattle President Camille Hattwig, ASUW Seattle Director of University Affairs Clara Coyote, ASUW Tacoma President Vincent Da, ASUW Bothell President Djelli Berisha