

be made as necessary to avoid discrimination on the basis of disability.

- Modifications must be made to allow the presence/use of service animals.
- There may be no discrimination through association with a person with a disability.
- Surcharges to cover the costs of accommodations may not be imposed solely on persons with disabilities.
- Examinations and courses must be accessible.
- There may be no discrimination because of insurance constraints.
- There may be no harassment or retaliation against individuals who are accessing their rights under the law or against those who assist people with disabilities in accessing their rights.

Of particular importance in making appropriate accommodations for students with disabilities are the mandates for making modifications as needed in policies, practices, and procedures and for assuring accessibility of examinations and courses. As required under Section 504, this includes all aspects of academic and nonacademic activities including admissions and recruitment, admission to programs, academic adjustments, housing, financial assistance, physical education and athletics, and counseling.

**For further information:**

**HEATH Resource Center  
American Council on Education  
One Dupont Circle, Suite 800  
Washington, DC 20036-1193  
202-939-9320 or 800-544-3284  
(Both numbers are TTY and Voice.)**

**The American Council on Education (ACE) is the country's major nongovernmental voice for postsecondary education. The Council works to provide leadership on issues of broad consequence to postsecondary education, to represent the academy's interests and purposes before Congress and throughout the nation, and to coordinate action required to meet the higher education community's objectives.**

**AHEAD**

**Association on Higher  
Education and Disability  
P.O. Box 21192**

**Columbus, OH 43221-0192  
614-488-4972 (Voice/TT)**

**AHEAD is an international, multicultural organization of professionals committed to full participation in higher education for persons with disabilities. The Association is a vital resource, promoting excellence through education, communication, and training.**



**THE  
AMERICANS  
WITH  
DISABILITIES  
ACT**

**The Law and its  
Impact on  
Postsecondary  
Education**

# The ADA and Its Impact

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## What is the law?

The Americans with Disabilities Act of 1990 (ADA) is the civil rights guarantee for persons with disabilities in the United States. It provides protection from discrimination for individuals on the basis of disability. The ADA extends civil rights protections for people with disabilities to employment in the public and private sectors, transportation, public accommodations, services provided by state and local government, and telecommunication relay services.

## What is the ADA's definition of a "person with a disability"?

A "person with a disability" is anyone with a physical or mental impairment that substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. In addition to those people who have visible disabilities—persons who are blind, deaf, or use a wheelchair—the definition includes people with a whole range of invisible disabilities. These include psychological problems, learning disabilities, or some chronic health impairment such as epilepsy, diabetes, arthritis, cancer, cardiac problems, HIV/AIDS, and more. (Documentation of the disability may be required.) A person is considered to be a person with disability if he/she has a disability, has a record of a disability, or is regarded as having a disability.

## How does the ADA affect institutions of higher education?

The ADA upholds and extends the standards for compliance set forth in Section 504 of the Rehabilitation Act of 1973 to employment practices, communications, and all policies, procedures and practices that impact on the treatment of students with disabilities. Employment issues for all institutions are covered under Title I. For all activities, public institutions are covered under Title II; private institutions are covered under Title III.

Because of the public attention given to the passage and implementation of the ADA, renewed attention is being focused on disability access to institutions of higher education. This focus includes the whole scope of the institution's activities, including facilities, programs, and employment.

## Employment issues under the ADA

University and college personnel will be asked to make "reasonable accommodations" within the employment process to insure nondiscrimination on the basis of disability. Institutions should be prepared to accommodate persons with disabilities qualified to work in campus offices and departments in all aspects of employment including recruitment, application, hiring, benefits, promotion, evaluation, and termination.

This includes:

- active recruitment of qualified persons with disabilities for open positions
- changes in qualifying examinations and interviewing questions
- changes to training materials, and training policies
- provision of qualified readers or interpreters, as well as technology that will allow employees with disabilities to be fully functional within the employment setting.

## Areas of review for an ADA self-evaluation

Public institutions of higher education are responsible for having a clearly established grievance procedure for persons with disabilities who feel their rights have been violated under the ADA. Moreover, each institution is responsible for conducting a self-evaluation of its preparedness, as well as ongoing review of possible barriers in the following areas:

- There may be no exclusion on the basis of disability.
  - There may be no discrimination through contract.
  - Participation should be in the most integrated setting possible.
  - There may be no discrimination through eligibility criteria.
  - Reasonable modifications in policies, practices, and procedures must
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