

UNIVERSITY OF MISSOURI-ST. LOUIS

Disability Access Services (DAS)

The University of Missouri along with the Disability Access Services office are governed by federal laws that protect the rights of those individuals with disabilities as well as govern how institutions of higher learning should conduct themselves to meet the needs of those individuals.

The Disability Access Services office follows those guidelines present in the Rehabilitation Act of 1973 specifically Section 504, and the Americans with Disabilities Act of 1990.

Governing Laws/Regulations

The **Rehabilitation Act** prohibits discrimination based on disability in programs that are conducted by Federal agencies, in programs that receive Federal financial assistance, in Federal employment and in the employment practices of Federal contractors.

Section 504 of the Rehabilitation Act states that no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives Federal financial assistance or is conducted by any Executive agency, or the United States Postal Service.

Agencies that provide Federal financial assistance also have section 504 regulations covering entities that receive Federal aid. Requirements common to these regulations include reasonable accommodation for employees/students with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations.

Subpart E of the Section 504 regulation requires institutions of higher education to provide auxiliary aids to qualified students who have disabilities. It is therefore the institutions responsibility to provide these auxiliary aids and services to ensure effective participation by students with disabilities.

The **Americans with Disabilities Act (ADA)** prohibits discrimination based on disability in the area of employment, State, local, and US government, public accommodations, commercial facilities, transportation, and telecommunication (Title II).

To be protected by this law, one must have a disability. The individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities (caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning), a person who has a history or record of such impairment, or a person is regarded as having an impairment.

Title II of the Americans with Disabilities Act (ADA) is enforced in public colleges, universities, and graduate and professional schools. The requirements regarding the provision of auxiliary aids and services in higher education institutions described in the Section 504 regulations are generally incorporated in the general non-discrimination provisions of the Title II regulation. As colleges, universities, and vocational schools receive Federal financial assistance it is covered by the regulations set forth in Section 504 of the Rehabilitation Act requiring schools to make their programs accessible to qualified students with disabilities.

Equity Resolution Procedures

- Equal Opportunity is and shall be provided for all students and applicants for admission without unlawful discrimination on the basis of their race, color, national origin, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, disability, protected veteran status, or any other status protected by applicable state or federal law. This policy shall not be interpreted in such a manner as to violate the legal rights of religious organizations or the recruiting rights of military organizations associated with the Armed Forces of the Department of Homeland Security of the United States of America.
- The University's Nondiscrimination policies apply to any phase of its employment process, any phase of its admission or financial aid programs, other aspects of its educational programs or activities, and instances occurring in other settings, including off-campus, if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment.
- Any person having inquiries concerning this policy should contact UMSL's Equity Officer.
- https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.010_equal_employment_educational_opportunity_policy
- Students also have the right to file an ADA or Section 504 complaint with the Office of Civil Rights (OCR) of the U.S. Department of

Education. You may contact an OCR office to obtain a complaint form. The Missouri OCR office is located at:

Office of Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106

Telephone: 816-268-0550
FAX: 816-268-0599; TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov

or you may file an online discrimination form at:
<http://www2.ed.gov/about/offices/list/ocr/qa-complaints.html>

- The student has 180 days after the date of the discriminatory action to file a complaint.

The University of Missouri is also governed by the **Family Educational Rights and Privacy Act of 1974 (FERPA or the Buckley Amendment)**. FERPA gives parents access to their child's educational records, an opportunity to have the records amended, and some control over the disclosure of information from the records. FERPA requires schools to provide an administrative process for parents to challenge and request changes to information in their child's educational records that the parent/s believe may be misleading, inaccurate, or inappropriate. However, if a student is 18 years of age or older, schools must have a student's consent prior to the disclosure of education records to a parent.

New regulations under this act, effective January 3, 2012, allow for greater disclosures of personal and directory student identifying information and regulate student IDs and e-mail addresses.

This law also affords students 18 years or older, or students of any age if enrolled in postsecondary educational institution, the right to privacy regarding his/her grades, enrollment, and even billing information. The institution cannot disclose this information unless the school has specific permission from the student to share this information.

FERPA also permits a school to disclose personally identifiable information from education records of an "eligible student" to his or her parents if the student is a "dependent student" as that term is defined in Section 152 of the Internal Revenue Code.

The law also allows students who apply to an educational institution such as graduate school permission to view recommendations submitted by others as part of the application process.

Resources

<http://www.ada.gov/cguide.htm#anchor62335>

<http://corporate.findlaw.com/litigation-disputes/higher-education-s-obligations-under-section-504-and-the-american.html>

<http://www2.ed.gov/about/offices/list/ocr/index.html>

<http://learningdisabilities.about.com/od/B/g/Buckley-Amendment-What-Is-The-Buckley-Amendment.htm>

http://en.wikipedia.org/wiki/Family_Educational_Rights_and_Privacy_Act