

Recalcitrant Faculty Member Dooms College

A disabled student requested extra time for taking tests, among other things, as an accommodation of her disability. The college's student disability office approved her request and issued an "Academic Accommodation Authorization Form" to the student, who then provided the form to her mathematics instructor. The mathematics instructor refused to allow the student extra time to take a test, prompting the student to complain to the college.

The college's student disability office tried to intervene with the instructor, but the instructor continued to deny the student extra time to take the mathematics tests. The student then filed a formal complaint with the college, but withdrew from school before the matter could be finally resolved. After withdrawal from the college, the student filed a letter complaint with the Office of Civil Rights (OCR), alleging that the college had failed to comply with federal law in providing her with an accommodation for her disability.

The OCR determined that the student had followed the college's procedures in requesting the accommodations and should have been allowed additional time to take her tests. The college and OCR entered into a resolution agreement under the terms of which the college agreed to remove the student's "W" grade in the course and provide her with financial assistance to return to college; to provide training to staff regarding the college's obligations to accommodate disabled students; and to make some technical amendments to the college's discrimination policy. *Letter to Laney College*, No. 09022019 (OCR San Francisco May 16, 2002).

The lesson to be learned here is that a faculty member must abide by the obligations of federal law regarding disabled students. Claims of academic freedom or pedagogical concerns are not a means of avoiding the requirements of the law. In this case, the recalcitrant faculty member caused an adverse finding to be entered against the college. If this matter had developed into a court case, it is likely that the instructor would have been sued individually by the aggrieved student. Because the instructor refused to follow college policy, it is also likely that the college would not have provided a defense for the instructor and that any judgment against the instructor would become the instructor's personal obligation, *i.e.* it would not have been paid by the college's insurance carrier. Requests for accommodations are serious matters that must be resolved in accordance with the requirements of law, not the whim of the faculty member.