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PHILADELPHIA --- In a traditional classroom setting, a university or college's disability services office typically coordinates a disabled student's accommodation issues. But with the growth of online education, it is now largely the obligation of the instructors themselves to proactively design courses that are equally accessible to all students.

This was L. Scott Lissner's bottom line on Friday, as he talked to a room of lawyers about accessibility issues in distance education during the annual meeting of the National Association of College and University Attorneys.

"I used to say I didn't want individual faculty members making individual accommodations for their students. Now I need 5,000 content creators to be creating accessible content," said Lissner, who is president of the national Association on Higher Education and Disability and the American Disabilities Act coordinator at Ohio State University. "I don't expect a faculty member to convert a textbook, but it is not unreasonable of them to convert a 20-page article on a webpage into an accessible format."

The Americans with Disabilities Act prevents any college or university from excluding disabled students in activities, services and programs. The Department of Education and Department of Justice sent a [letter](#) [1] to college presidents three years ago, telling them that inaccessible education technology violates the Act. But the letter did not lay out any specific, national standards for what is and is not considered accessible. More recently, the National Federation of the Blind [drafted a bill](#) [2], which would require the federal Access Board to develop national standards for accessible higher education technology products.

In the absence of clear standards, the line between what is and isn't discriminatory is often blurred in an online setting, and colleges have faced a number of discrimination lawsuits in the past few years because of this.

Last May, a visually impaired student at the University of Montana filed a complaint ^[3] alleging that he was unable to do his homework because an online program was inaccessible to him, said Kimberly Shumate, the assistant vice president and associate general counsel at Ohio State, who also presented at the conference. Shumate pointed out that, before the complaint was filed, Montana had a disabilities service office on campus as well as an APA coordinator.

The university has a committee authorized by the president to study and recommend accessibility changes. It had received funding to have sign language interpreters on campus and had training available for faculty to learn how put videos into accessible formats, Shumate said. And despite all of this, the Education Department's Office for Civil Rights outlined seven discrimination allegations, including videos, assignments and chat functions all being inaccessible.

While Lissner stressed to the audience that there is a level of responsibility on faculty members to make sure their online classes and materials are accessible, one person in attendance expressed concerns about this process. She said in a traditional classroom setting, instructors could wait for a student to self-identify as being disabled and then accommodate him or her accordingly. But in an online setting, that practicality changes. By the time a student self-identifies, there is not time to redesign an entire online course.

The presenters agreed with those concerns and had a simple piece of advice: don't wait.

"The goal is not to wait until someone comes and self-identifies; the goal for equal access is to make it accessible from the beginning," even if the instructor is not aware that any student in the class has a disability, said Denise Wallace, vice president of legal affairs and general counsel at Dillard University.

Many instructors focus on making their online lessons “visually appealing,” but that has no use for a visually impaired learner, Wallace added.

“So let’s look at making that online course accessible, and then everything else can fall from that,” she said.

Lissner pointed out that many of the discrimination lawsuits against universities had nothing to do with the instructional aspect of a class. Rather, they resulted from students not being able to participate at all because they couldn’t even access a university website or fill out an application.

When asked whether they knew if their institutions’ general counsel websites were accessible, audience members murmured more than they nodded. **(Note: This has been updated from an earlier version to correct an error.)**

“The whole goal is that there are no barriers created for [disabled students],” Lissner said. “It’s causing some of us to think outside of the box.”

While the Office for Civil Rights has provided fairly long timelines for when universities have to comply with the regulations, the presenters said they suspect these time frames will be getting shorter and shorter.

“OCR is knocking on plenty of doors out there, and hopefully it won’t be one of mine,” Wallace said.

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Links

[1] <https://www.documentcloud.org/documents/713149-colleague-20100629.html>

[2] <https://www.documentcloud.org/documents/713147-teach-final.html>

[3] http://missoulian.com/news/local/disabled-um-students-file-complaint-over-inaccessible-online-courses/article_d02c27ac-0145-11e2-bc26-001a4bcf887a.html

[4] <https://www.insidehighered.com/news/focus/diversity>

[5] <https://www.insidehighered.com/news/news-sections/faculty>

[6] <https://www.insidehighered.com/news/news-sections/legal-cases>

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