

# Minutes from the April 2018 MTSU Faculty Senate Meeting

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9 April, 2018

Faculty Senate Chambers, 100 James Union Building

## Attendance

### Present

Alan Boehm, Alfred Lutz, Andrew Brower, Angela DeBoer, Brian Robertson, David Otts, Deana Raffo, Deborah Wagnon, Donald Snead, Jackie Eller, Jenna President Gray-Hildenbrand, Joey President Gray, John Pennington, Joshua Harms, Joshua Phillips, Justin Gardner, Kathryn Blankenship, Kristi Shamburger, Larry Burriss, Laura Cochrane, Marcus Knight, Mark Abolins, Martha Balachandran, Mary Ellen Sloane, Mary Martin, Michael Rice, Michelle Stevens, Murat Arik, Nat Smith, Pamela Morris, Patrick Richey, Paul Line, Pippa Holloway, Preston Macdougall, Shallum Harris, Sherri Stevens, Stephen Salter, Susan Myers-Shirk, Tim Greer, Tricia Farwell, Vishwas Bedekar, Yang Kim

### Absent

Hari Garbharran, Mamit Deme, Moses Tesi, Rick Cottle, Robert Kalwinsky, Shallum Harris, Terrance Quinn

### Excused

(TBA see above)

### Visitors

Lance Alexis, Director of ADA Compliance

Kevin States, Director of Disability Access Center

## Agenda

Faculty Senate President Joey President Gray called the meeting to order at 3:31 PM.

### Approval of the Minutes

Minutes from the 12 March 2018 and the 12 Feb. 2018 meetings have ben distributed, but await approval by the Senate.

## Officer and Committee Reports

### President's Report

President Joey President Gray reported on a number of activities from her office.

1. [President's Council](#)
  - o President Gray attended President McPhee's Council recently. She invited him to come to speak at the Senate's 30 April meeting. He will talk about bring faculty salaries to market levels. President Gray has informed the president about the salary resolution (see below).
2. [CLEP proposal approved](#)
  - o President Gray announced that the College Level Examination Program (CLEP) proposal has been approved. This will ease some former complications with students' obtaining advanced placement credit. See attachment 1 for details.
3. [Course Repeat Policy](#)
  - o President Gray announced that if a student enrolls in a course for a second time and receives a lower grade, the second grade is recorded. This is a TBR policy that cannot be avoided because TBR pays for the software that manages the credit transfer system. Students who are attempting to re-enroll in a course in which they previously have received a C or better must talk to their advisor so they are aware of this risk.
4. [Financial Aid is requiring that students declare a major before June 15](#)
5. [Workload Guidelines](#)
  - o President Gray noted that meetings with the Provost about the updated Workload form are going reasonably well. Neither the Senate nor the faculty has a vote on the final product, but the Provost welcomes informal input. The new Workload form is scheduled to be implemented in Fall 2018.
6. [Faculty Referendum](#)
  - o The Faculty ratification of amendments to the Senate Bylaws and the new, shortened Student Evaluation of Teaching on-line questionnaire passed by 89%. Course evaluations for this semester will be conducted electronically, using the old long-form questionnaire 16-23 April. The new questions will be piloted in the following week by volunteer faculty. President Gray asked Senators to solicit faculty volunteers in their departments to participate in the pilot. Volunteers should send their name and course CRN to her - the more data, the better. Some questions were asked about how the instrument will be validated. Will results be compared between short and long surveys? Will it be internal, with the first 9 questions matching the 10th? Validating the new instrument will be handled by Ying Jin of the Psychology department.
7. [University Committee Service](#)
  - o President Gray pointed out that University committees are not getting their work done because of poor attendance by faculty committee members. For example, the Student Disciplinary Committee has not been able to function effectively. A proposal was suggested to take attendance at committee meetings. Committees are staffed by

volunteers, but it was observed that in many cases, people who volunteer are not selected for a committee.

- o Martin noted that the Aramark contract for food service needs to be renegotiated, which will be a major committee activity next year. President Gray said that she would like every faculty member to serve on at least one University-level committee.

#### 8. Faculty Salary Increases

- o President Gray noted that there is no set plan on how to distribute the projected 2.5% salary increase for the coming year. Options include a straight 2.5% across the board, 1.5% across the board with the rest discretionary, or possibly other alternatives.
- o President Gray had a conversation with President McPhee about his \$52,000 raise granted to him by the Board of Trustees. She has told him that the faculty is unhappy about salary issues. She said that he is beginning to see that fixing faculty salary issues is a priority. As noted above, McPhee will come to the 30 April Senate meeting to discuss salary issues.
- o Alfred Lutz suggested that it is perceived to be cheaper and easier to give a few people ad hoc raises than to give across-the-board raises.
- o Past-President Mary Martin said that we should not be divided by ad hoc raise policies.
- o Vishwas Bedekar asked about the effects of low salaries on retention, and Stephen Salter spoke about market salaries offered for new hires in accounting.
- o There was some discussion of unionization, and it was noted that the TSEA represents state employees.
- o It was noted that Austin Peay fared better than MTSU in the current funding formula basically because they "improved" a lot in metrics such as retention (but MTSU was better than them to begin with in these areas, so we were basically penalized for already being successful).
- o The 2.5% proposed increase has not been designated as a cost of living increase, and could be distributed based on merit, but the Board has already committed not to do that.

#### 9. Other items

- o the reception for new Senators will be at 2:45, Monday 30 April, in the Miller Center on Bell St.

#### Treasurer's Report

Although not reported at the meeting, the account balances are as follows:

The Travel budget as of March 30<sup>th</sup> = \$605.73

The Operating Expenses budget as of March 30<sup>th</sup> = \$205.30

#### Tennessee University Faculty Senate (TUFS)

- o President-elect Pippa Holloway was elected President of TUFS for 2018-2019. President Gray said that a new parental leave policy may be coming as other University FS Presidents noted it had been implanted at their institutions (Memphis being the most recent). President McPhee has

said he will look into it for MTSU. Other institutions give a full semester for both parents, adoptions included.

- o Holloway also reported on the University of Tennessee's FOCUS act which includes post-tenure review. It is not clear whether this will be a simple process or an involved re-do of Promotion and Tenure. President Gray said that MTSU needs to plan for this, as it is undoubtedly coming here, as well. There was a suggestion for a committee to work on this over the summer.

#### Senate Committee Reports

- o There were no reports on Senate committee activities.

#### Senate Business - Old Business

- The Disabled Student Access memo was discussed at the end of the meeting (see below).

#### Senate Business - New Business

1. Policy amendment on appeals of negative performance evaluations that result in denial of salary increase (see attachment 2)

A proposed amendment presented by Alan Boehm was discussed and lightly amended. The number of steps in the appeal process was questioned, but it was agreed that each, and in particular the Faculty Appeals Committee, was important. President Gray said that appeals of this sort do not happen very often. After discussion, a motion to approve the amendment to the policy was passed by acclamation, with one abstention.

2. President Gray said that the University Teaching Award procedures will be revised to reflect more attributes of a faculty member's dossier than simply the most recent round of student teaching evaluation scores. She will present a format more like the Research Award and asked for volunteers to review.

3. Discussion of a proposal for a MTSU Honor Code was postponed until the next meeting.

4. Past-President Martin presented a letter to the president/board on market pay salary adjustments for faculty. See Attachment 3. Martin explained that the Board determined the amount of President McPhee's salary increase based on a comparison of peer and aspirational peer institutions they obtained from the Association of Governing Boards. Setting his salary at the 60th percentile among presidential salaries of the peer institutions indicated that his salary should be \$400,000. Martin and some other Steering Committee members assembled comparable faculty salary data from these same peer institutions to illustrate how low MTSU faculty salaries are relative to them (MTSAU is lowest in almost every rank).

There was a motion to approve sending the letter to the president/board. The motion passed unanimously, by acclamation.

## Dr. Lance Alexis, Director of ADA Compliance and Dr. Kevin States, Director of Disability Access Center

Drs. Alexis and States visited the Senate to provide an update on Disability Access Center policies.

See Attachment 4.

Apparently, there have been issues with faculty denying particular accommodations to students with disability waivers, and also faculty complaints about DAC intrusion. The general message is, if an accommodation for a disabled student seems unreasonable to a faculty member, please contact the DAC to sort it out, rather than telling the student no, ignoring it or trying to work out an ad hoc arrangement with the student. This is necessary for the university's legal protection.

### Senate Business - New Business, continued

5. Mary Ellen Sloan presented language for specific changes to the Workload form for Library faculty.

6. Further discussion of Workload Issues

The release time for graduate advising/teaching will not change from the current language on the form.

There was a suggestion to move the deadline for completing Addendum C to May 1 so that Chair evaluations can be completed.

Recent revisions to the proposed new form include specification on banking credit hours. They may be saved indefinitely. Faculty should keep track of them to make sure they do not disappear. Also, courses will not be pro-rated for under-enrollment.

The average load for research-active faculty is 9 hours, and expectations of effort have not changed from the current workload form. The "magic three" (nobody likes this terminology, yet it keeps getting used) hours above the 12 standard teaching hours can be designated for service, or whatever a faculty member negotiates with the Chair.

It was emphasized that the new document is intended to allow faculty to negotiate more flexibly for the release time that they need to do whatever useful things they want to do. It is not intended to stifle research.

Summer work on thesis or dissertations can be banked or paid. Summer teaching gets paid at a higher rate than during the academic year.

Pippa Holloway emphasized that the success of the new workload depends on the transparency of the banking system for unpaid overload credit hours.

7. Faculty Senate Elections

No statements of candidacy for President-elect were submitted. One statement of candidacy was submitted for Recording Secretary.

Nominations: Andrew Brower was nominated and accepted for Recording Secretary. Justin Gardner was nominated for President-elect and gave a short speech about his background and aims for his service, if elected.

Nominations were closed, and paper ballots were circulated, filled out and returned to President Gray and Holloway for counting.

Gardner was elected President-elect for the 2018-2019 academic year by a vote of 27-3 with one abstention.

Brower was elected Recording Secretary by a vote of 31-0.

The meeting was adjourned at 5:10.

Respectfully submitted,

Andy Brower

2018 Faculty Senate Recording Secretary

Attachment 1:

### CLEP (College Level Examination Program)

- **CURRENT:**
- Students may earn college credit for acceptable scores on the College Level Examination Program (CLEP), a computer-based program. Exam scores are available at the completion of the exam. All CLEP scores are submitted to the Admissions Office. The test results are evaluated and recorded on a student's transcript if credit is earned. These credits will not affect a student's academic GPA. Admissions will email the student's MTSU email account when credit has been evaluated. Students can view their earned credit in PipeLineMT. Required scores to earn credit can be found in the Undergraduate Catalog at <http://catalog.mtsu.edu/>.
- **Important:** Applicants must not have notation of the course on the official transcript for which credit is recommended. If a student has a "W" or "F" in a course or is currently enrolled and cannot drop without a grade, CLEP is not allowed. This includes both MTSU & transfer records.
- **Please note that you are required to wait three (3) months before retaking a test.**
- **PROPOSED:**
- Students may earn college credit for acceptable scores on the College Level Examination Program (CLEP), a computer-based program. Exam scores are available at the completion of the exam. All CLEP scores are submitted to the Admissions Office. The test results are evaluated and recorded on a student's transcript if credit is earned. These credits will not affect a student's academic GPA. Admissions will email the student's MTSU email account when credit has been evaluated. Students can view their earned credit in PipeLineMT. Required scores to earn credit can be found in the Undergraduate Catalog at <http://catalog.mtsu.edu/>.
- ~~**Important:** Applicants must not have notation of the course on the official transcript for which credit is recommended. If a student has a "W" or "F" in a course or is currently enrolled and cannot drop without a grade, CLEP is not allowed. This includes both MTSU & transfer records.~~
- **Please note that you are required to wait three (3) months before retaking a test.**

Attachment 2: Policy revision on appeal process for denial of faculty salary increase, as amended and passed at Faculty Senate meeting, 9 April 2018

The following policy draft proposes an addendum to Policy 206, Tenure and Promotion Appeals Process by assigning to the Faculty Appeals Committee the additional task of advising the President regarding faculty members who have received a negative annual evaluation and who, thus, have been denied an across-the-board salary adjustment. Adoption of this policy as an addendum will not affect the language and content of Policy 206 or Policy 32, University Committees, section IV.B.1, Charge and Description of Committees.

#### I. Purpose

This policy provides an appeals process for faculty members whose annual evaluation has been deemed unsatisfactory and who have thus been denied a salary adjustment under Policy 808, Compensation Reporting and Approvals. Policy 808 states, "The goal of Middle Tennessee State University (MTSU or University) is to provide all employees compensation consistent with market data and satisfactory job performance." That has been interpreted to deny across-the-board salary adjustments to faculty who are deemed "unsatisfactory" on their annual evaluations.

#### II. Scope

This policy only pertains to a faculty member who receives a negative annual evaluation that results in the denial of an across-the-board salary adjustment. It does not pertain to faculty members who wish to appeal a negative annual evaluation that does not have an impact on salary adjustments.

#### III. Definitions

- A. Appeal. A written request by a faculty member for consideration by the Dean, Provost, or investigation by the Faculty Appeals Committee of an alleged error or errors made during the annual evaluation process resulting in a negative recommendation and, consequently, resulting in the denial of an across-the-board salary adjustment.
- B. Faculty Appeals Committee. The committee established under Policy 32, University Committees.
- C. Faculty Member. Includes any individual who holds academic rank. See Policy 204, Tenure.
- D. Days. In this policy refers specifically to normal business days.

#### IV. Nature and Procedures for an Appeal

- A. A faculty member who has received a negative annual evaluation that results in the denial of an across-the-board salary adjustment may appeal on one or more of the following grounds:
1. The annual evaluation was a violation of the faculty member's right to academic freedom.
  2. The annual evaluation was made in violation of University policies or procedures.
  3. The annual evaluation was made in violation of the faculty member's right to equal employment opportunity. Appeals on this basis shall be referred to the Office of Institutional Equity and Compliance (IE&C) as claims of discriminatory acts, prohibited by law or by MTSU policy, are considered by IE&C. This office shall investigate the complaint and produce a report to include a determination as to whether discrimination adversely affected the annual evaluation. The Faculty Appeals Committee shall accept this determination as conclusive.
  4. The annual evaluation was not based on approved departmental or University criteria in the areas of research-scholarship-creative activity, teaching, or service.
  5. The annual evaluation assigned excessive or insufficient value to one or more of the approved departmental or University criteria in the areas of research-scholarship-creative activity, teaching, or service.
  6. The annual evaluation is factually incorrect or contains significant omissions in addressing the faculty member's record of activity and accomplishment.
- B. Within ten (10) days of receiving a written statement by the Chair denying an across-the-board salary adjustment, the faculty member may make a written appeal to the appropriate Dean putting forward the nature and grounds for appealing the annual evaluation. The faculty member will notify the Chair of the appeal. If the Dean agrees with the faculty member and finds that the unsatisfactory evaluation to have been unfounded, the Dean will notify the faculty member and notify the Chair that the annual evaluation is annulled. If the Dean agrees with the Chair to uphold the unsatisfactory evaluation, the Dean will notify the Chair and provide a written response and explanation of the recommendation to the faculty member.
- C. Within ten (10) days of receiving a written statement by the Dean upholding the Chair's recommendation, the faculty member may make written appeal to the Provost, putting forward the nature and grounds for appealing the annual evaluation. The faculty member will notify the Chair and Dean of the appeal. If the Provost agrees with the faculty member and finds that the unsatisfactory evaluation to have been unfounded, the Provost will notify the faculty member and notify the Dean and Chair that the annual evaluation is annulled. If the Provost agrees with the Dean and Chair to uphold the

unsatisfactory evaluation, the Provost will notify the Dean and Chair and provide a written response and explanation of the recommendation to the faculty member.

- D. Within ten (10) days of receiving the written response from the Provost upholding the Dean's recommendation, the faculty member may make a written appeal to the Faculty Appeals Committee, putting forward the nature and grounds for appealing the annual evaluation. The faculty member will notify the Chair, Dean, and Provost of the appeal. The faculty member will provide ten (10) copies of the appeal to the Committee.
- E. The Faculty Appeals Committee shall serve as an advisory body to the President on matters arising from the appeal filed by a faculty member.
- F. A faculty member may discuss the appeal informally with any member of the faculty or the administration, except a member of the Committee. A Committee member, who discusses Committee deliberations with the faculty member concerned shall automatically disqualify himself/herself or, failing to do so, be disqualified from any further proceedings in the case.
- G. In its initial review of the appeal, the Committee shall determine whether the appeal appears to qualify for further consideration based on one (1) or more of the alleged violations stated in Section IV.A. If found to have merit sufficient for further consideration by the Committee, an inquiry shall be scheduled on the appeal within fifteen (15) days of the appeal submission deadline to provide the faculty member an opportunity to present additional evidence in support of the appeal. The inquiry shall also provide an opportunity for the department Chair to submit written and/or oral statements to the Committee regarding the appeal. Such inquiry shall be investigatory rather than adjudicative in nature.
- H. A simple majority of members present constitutes a quorum for purposes of reaching a recommendation.
- I. The Committee shall, within ten (20) days from the start of the inquiry, report its findings and recommendations to the President, with copies of the report sent simultaneously to the faculty member and the appropriate Chair and Dean. The Committee's findings and recommendations shall be limited to the following:
  - 1. By the weight of the evidence, the Committee determines that the ground(s) of the appeal was/were valid, and the Committee believes that this adversely affected the annual evaluation;
  - 2. By the weight of the evidence, the Committee determines that the ground(s) of the appeal was/were valid, but the Committee believes that this did not adversely affect the annual evaluation; or
  - 3. No ground(s) was/were found to exist.

- J. If the decision of the Committee is not unanimous, the Committee may also submit to the President a minority report with the rationale for dissenting opinions.
- K. If the faculty member is not satisfied following the President's decision, the faculty member may appeal, if permitted by policy, to the Board of Trustees or its designated subcommittee for final disposition. The appeal shall be filed within twenty (20) days from the date that appears on the President's decision notification. The Board or its designated subcommittee will follow the criteria and process established in Policy 60 Appeals and Appearances before the Board.

V. Miscellaneous

- A. The number of days indicated in Section III shall be considered the maximum, but every effort shall be made to expedite the process. The stated time limits may be extended only by mutual consent.
- B. The appeal may be withdrawn without prejudice and may be re-filed subject to provisions related to timeliness and other relevant procedural requirements.
- C. All matters pertaining to the processing of the appeal shall be kept as confidential as may be appropriate.
- D. The faculty member and the Committee shall have access to all persons, places, and official records for information necessary to the determination and processing of the appeal.
- E. It shall be the general practice to process an appeal during the time which does not interfere with normal working duties.

Attachment 3: Senate resolution on faculty salaries

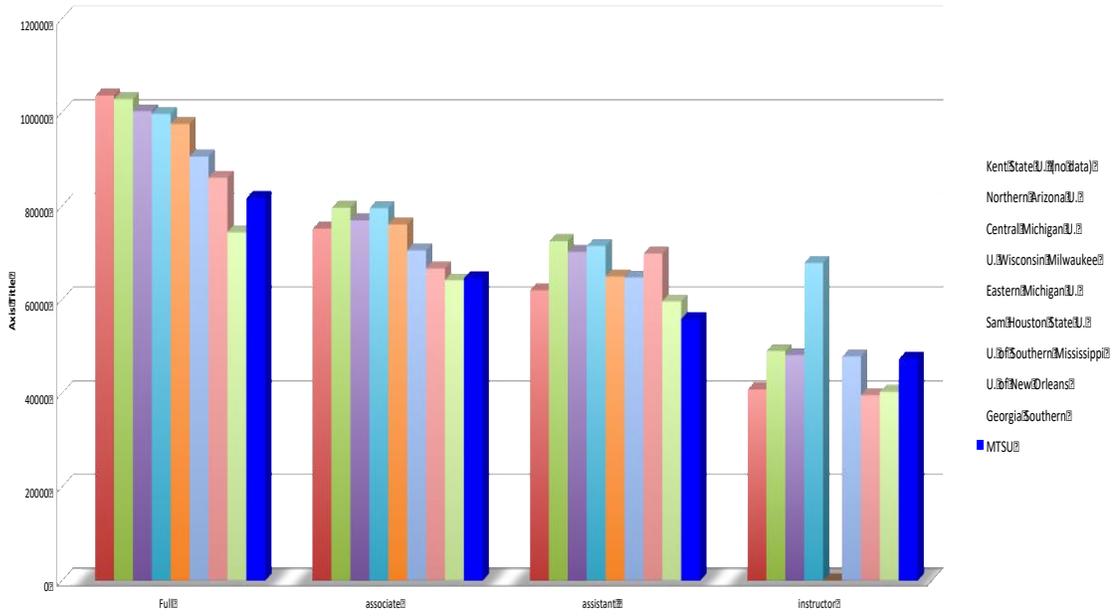
(This is not the correct version of this document!!)

The Board's decision to award President McPhee a \$52,000 raise in order to meet the 60<sup>th</sup> percentile of peer institutions recognizes the importance of compensation to recruiting and retaining top-quality employees. The Faculty Senate encourages the Board to extend this recognition and analysis to faculty salaries and implement a revised compensation plan that addresses the current crisis in faculty salaries. Appropriate compensation is essential to MTSU's mission to recruit exceptional faculty and develop resources to support excellence in instruction, research, creative activity, and public and professional service. Failing to resolve these compensation issues risks damaging our institution. An average of per group comparisons are presented below. It is important to note, however, that market rates vary per discipline.

**Average compensation by rank to meet 60<sup>th</sup> percentile of peer group**

	Full	Associate	Assistant	Instructor
Current MTSU salary averages	81,666	64,639	55,872	47,331
60 <sup>th</sup> percentile salaries	\$99,711	\$76,086	\$69,849	\$48,150
Average Adjustment to get to 60 <sup>th</sup> percentile of peers	22%	18%	25%	2%

Peer faculty salary data by rank



Attachment 4: DAC document

**MIDDLE TENNESSEE STATE UNIVERSITY**  
**Faculty Senate**  
Disability Access Accommodations and Services

**I. Issues/Concerns Presented**

**A great reference for those interested in doing additional reading can be found here: <http://www.higheredcompliance.org/resources/resources/Practical-Tips-Managing-Disability-Related-Issues1.pdf>**

1. Clarification regarding the legal definition of reasonable accommodation and MTSU DAC interpretation and application with regard to extended time.

Disability law requires three things: That the person is determined to be legally disabled. If the student is so determined, then there must be an interactive process to identify possible reasonable accommodations. Once reasonable accommodations are identified, they must be provided unless doing so imposes an undue burden on the institution or unless doing so lowers standards or fundamentally alters a program. Essential performance expectations need not be altered.

A person is considered legally disabled if s/he has a physical or mental impairment that substantially limits one or more major life activities of the individual, if s/he has a record of such an impairment, or is regarded as having such an impairment. An impairment substantially limiting one or more major life activities would include impact on caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Amendments to the ADA or other related laws specifically provide that concentrating, thinking, and communicating are major life activities. These amendments make it more likely that an individual with a learning disability or with certain mental impairments will fall under the definition of legally disabled.

It is essential that decisions regarding reasonable accommodations for an individual student are determined through an interactive process between the student and university officials. University officials are expected to come into the interactive process “with an open mind.” If a proposed accommodation is not reasonable, the university must be prepared to document why it is not reasonable.

For these reasons, reasonable accommodations may vary from student to student, even when they have similar disabilities.

**Commented [HJG1]:** Who is considered a university official in this case?

Commonly requested accommodations include:

- Admission standards
- Modification of exam procedures
- Modification of course requirements
- Modification of deadlines
- Modification of work schedule
- Modification of job duties (non-essential)
- Leave of absence (even beyond FMLA)

2. Negotiability of time provided on assignments and exams.

Accommodations are required to be arrived at through an interactive process. If the instructor reviews recommended accommodations provided by DAC staff and feels that the additional time provided for assignments and exams is not reasonable, the instructor should contact Kevin States, director of the Disability and Access Center, to discuss. Generally, the instructor should be prepared to explain how the proposed additional time lower standards for the class or fundamentally alters the course.

3. Guidance from DAC regarding how faculty can help students with disability needs and reasonable accommodations.

The Disability and Access Center maintains a comprehensive website with information for both students and faculty about accommodating students with disabilities. See <https://www.mtsu.edu/dac/index.php> Additional information and assistance regarding accessibility of course design and course materials may be sought through the Learning, Teaching and Innovative Technologies Center <http://www.mtsu.edu/ltanditc/>

There is a terrific list of do's and don'ts that is a part of the DART Toolkit II on the APA website: <http://www.apa.org/pi/disability/dart/legal/ada-basics.aspx>

4. DAC presence at non-DAC student and Faculty/Instructor meetings

Staff from the Disability and Access Center are available to assist students seeking accommodations with communicating with their faculty or instructors. However, recommendations for accommodations will generally be communicated to faculty through the Disability and Access Center Instructor Portal. DAC staff do not generally assist students on matters unrelated to their accommodations, access, or status as registered with the DAC. Once in a while, however, DAC staff may assist students who have revealed to DAC staff that they have a disability, but have not yet formally registered for services.

5. Ensuring legitimate documentation to DAC of a disability.

Students who register for services through the Disability and Access Center, including the request for accommodations, must generally provide formal documentation (typed, on letterhead, and signed by a medical professional) verifying a diagnosis. While this information is confidential, a record is maintained in the Disability and Access Center for each student. In addition, the student must complete a DAC registration form, and must complete an in-person meeting with a staff member of the DAC. Students living outside of an easy commute to campus may conduct their meeting with the staff person via phone or Skype. Students may not request that accommodations be applied retroactively—that is, if the student delays in registering with the DAC until midway through the term, any accommodations granted will have no impact on assignments or exams already completed.

6. Granting of accommodations by DAC without medical documentation.

The ADA law requires granting of accommodations for students who have a record of impairment of one or more major life activities of who are regarded as having an impairment. In the vast majority of cases, students registering for services with the DAC will provide documentation of their disability from a medical professional. However, occasionally students present for services through the DAC with an impairment that would fall under the category of “being regarded as having an impairment.” In those limited cases, there may be no medical documentation required. Examples would be of a student claiming a visual impairment who is using a cane or service animal to navigate; or a student claiming a mobility impairment who is obviously paralyzed in some limbs.

## II. Proposed Discussion and Solutions

### Discussion Items

- A. Scope of DAC authority (i.e. Does DAC’s authority extend to student appeals? Student complaints? Non-disability students? Faculty determination of homework assignments? Can DAC legally determine a disability and recommend/provide accommodations without medical documentation?).

The DAC assists students in matters related to inaccessibility or discrimination related to disability. Complaints regarding staff of the DAC may be directed to the Vice President for Student Affairs. The Office of Institutional Equity and Compliance may also be consulted for assistance in resolving issues related to accommodations, accessibility, and access.

The DAC is the administrative unit within the university charged with determining student eligibility for services and for leading the interactive process to determine recommended accommodations. Faculty who believe the recommended accommodations will

substantially alter the requirements of the course or will pose an undue hardship may discuss their concerns with the director of the DAC, Kevin States.

- B. Reasonable accommodations for testing and course-work (*i.e.*, What does the law allow? What is/should be the standard interpretation we should use for MTSU?).
  - a. Student rights
  - b. Faculty rights

Since the law requires that accommodations be determined through an interactive process, those accommodations will vary from student to student, even though students may share similar disabilities. There is no specific accommodation that is assigned based on a specific type of disability.

The law requires that tests are administered in such a way that test scores of individuals with disabilities accurately reflect the individual's aptitude, achievement level, or the skill that the exam purports to measure, rather than the individual's impairment (except where the impaired skill is one the exam purports to measure). For example: An individual may be entitled to the use of a basic calculator during exams as a testing accommodation. If the objective of the test is to measure one's ability to solve algebra equations, for example, and the ability to perform basic math computations (e.g., addition, subtraction, multiplication, and division), is secondary to the objective of the test, then a basic calculator may be an appropriate testing accommodation. If, however, the objective of the test is to measure the individual's understanding of, and ability to perform, math computations, then it likely would not be appropriate to permit a calculator as a testing accommodation ([https://www.ada.gov/regs2014/testing\\_accommodations.pdf](https://www.ada.gov/regs2014/testing_accommodations.pdf) )

- C. DAC's process for granting reasonable accommodations to students (*i.e.*, what is the process? How and where is it documented? What documentation can (by law), and does, DAC provide to the student to provide to Faculty?).

Staff of the DAC are charged with gathering, reviewing and maintaining the student's initial registration forms, documentation from the medical professional, and agreements regarding reasonable accommodations. Those documents are generally considered confidential and are not shared with faculty. Faculty will receive notification of approved/recommended accommodations via the DAC Faculty Portal.

Generally, circumstances that may be considered in determining accommodations for a specific student may include recommendations from a medical professional or previous accommodations received in the learning environment;

Proposed Solutions

- A. MTSU Standard Practice Policy describing reasonable accommodations in common circumstances (for items like: take-home exams, exam dates & assignment deadlines announced at the beginning of the semester, student request for delay/last day of exams, homework extension requests.)

Creating such a standard practice would be in violation of the current legal requirement that all accommodations be determined through an interactive process with the individual student, and that the university representative approach the process with an open mind. Furthermore, students are not required to register with the DAC and request accommodations according to any specific time frame; they may request accommodations beginning at any time throughout the semester. However, if a testing accommodation is recommended, and if the faculty requests DAC assistance in administering the test, there is information on the DAC website about how tests are administered, requirements for scheduling, etc. In addition, if, at any time, the student requests additional accommodations or changes in accommodations that were shared with the instructor through the DAC faculty portal, the instructor should verify that the request is legitimate by contacting the DAC director, Kevin States.

- B. Education for DAC staff, faculty, students, and staff regarding ADA regulations and MTSU standards of practice.

Training materials are available on the DAC website, and additional training is generally provided through the LT&ITC each year. We would also be happy to develop an FAQ section of the DAC website that contains information such as that being provided in this response. Lance Alexis in Institutional Equity and Compliance is also available to assist faculty, and DAC staff are willing to meet with faculty as needed.

- C. Education concerning the healthcare information that is, and that is not, allowable for release or disclosure to determine accommodations for coursework and testing. Disability anti-discrimination and stereotype education.

Healthcare information of students registered with the DAC is confidential and will not be released to faculty or others. However, if an instructor is approached by a student with a request for accommodation, and the instructor has not received confirmation of the need for accommodation from the DAC through the DAC Faculty Portal, the instructor should contact the director of the DAC, Kevin States, prior to providing the informally requested accommodation.

- D. Collaboration between Faculty Senate and DAC through regular meetings to discuss challenges and/or service solutions for students.

Staff from the Disability and Access Center, as well as from the office of Equity and Compliance, are always happy to be invited to Faculty Senate meetings for discussion.

### III. References

#### MTSU Policies

1. Policy 302, Student Rights and Freedoms, Section III – Freedom of Access to Higher Education.
2. Policy 25, Equal Opportunity, Affirmative Action, and Nondiscrimination, Section I
3. Policy 313, Student Grade Appeals

#### ADA Regulation and U.S. Dept. of Justice – Civil Rights Division, Disability Rights Section Information

1. United States Dept. of Justice, Civil Rights Division, “ADA Requirements, Testing Accommodations,” Disability Rights Section, *available at* [https://www.ada.gov/regs2014/testing\\_accommodations.html](https://www.ada.gov/regs2014/testing_accommodations.html).
2. American with Disabilities Act of 1990, Title II, as amended (Aug. 11, 2016) – applying to state and local government entities, *available at* [https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm). *See also,* [https://www.ada.gov/ada\\_title\\_II.htm](https://www.ada.gov/ada_title_II.htm).
3. American with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. § 12182(b)(2)(A); 42 U.S.C. § 12101, et seq.
4. Section 504, Rehabilitation Act of 1973, 29 U.S.C. § 701.