

## Testing and Disability Services (TDS) Disclosing Disability Information

Students completing a Disability Services Intake Form sign a statement acknowledging that they understand that provision of services may involve TDS staff disclosing disability and/or medical record information to appropriate university personnel participating in the accommodation process.

It is important for students to understand what their signature means and Disability Services' procedure on disclosing disability information. The following is an explanation of our ideology and practice pertaining to confidentiality and disclosure.

1. The University has an obligation to confirm that students receiving accommodations have verified disabilities. We request disability documentation and develop accommodation and service recommendations based on this information. Disability documentation is housed in a Disability Services student file and does not become part of the permanent educational record.
2. Students have a right to confidentiality. The University recognizes that student medical records, similar to educational records, are confidential and are to be treated as such. However, the students' right to privacy must still be balanced against the University's need to know the information in order to provide requested and recommended services and accommodations.
3. When students request accommodations, particularly instructional accommodations, the issue arises as to what and how much information the faculty needs and/or has the right to receive. By signing the statement on the Intake Form, students acknowledge an understanding that, in order for AU Disability Services staff to coordinate, advise or administer requested accommodations, disclosure of disability information to faculty may be necessary, and/or required.
4. What do we mean by "disclosure"? Disclosure exists on a continuum ranging from **minimum** to **full disclosure** of disability documentation. An example of minimum disclosure would be the case of a faculty member calling TDS regarding a student requesting alternative testing accommodations and the TDS staff confirms that the student is a client (i.e., has a disability) and the accommodations were indeed recommended based on the documentation in the TDS student file. Thus, we have disclosed the presence of a disability. Moving along the continuum, discussing with this same professor the specific nature of the disability (e.g., learning disability, low vision, epilepsy, etc.) and the rationale for the accommodation requested constitutes **more comprehensive disclosure**. In this case, the specific disability and its impact on a specific student are disclosed with the intent of assisting the faculty member in understanding the relationship between the disability and the accommodation. Often, the additional information assists faculty in accepting the fairness of the accommodations as they understand the disadvantage the student would have without the accommodation.

Finally, **full disclosure** would be sharing, either verbally or in writing, specific and detailed information regarding a student's disability. For example, providing a copy of a psycho-educational report or hospital or other medical records would constitute full disclosure of disability documentation.

**It is not customary for TDS to provide full disclosure or disability documentation to faculty.** In general, providing copies of file information requires a student to sign a separate release of information form. The exception to this policy would be in the case of TDS being convinced that it is appropriate and necessary for more extensive disclosure to occur in case of an emergency.

It's important for students to understand that whenever we acknowledge they are a person with a disability, we have essentially "disclosed" confidential information. If we know about the disability based upon medical records the student has provided, then we have essentially "disclosed medical record information". Because we talk with faculty and staff in order to implement accommodations, and because we routinely confirm that the student is registered with us and has a verified disability, we ask for a signature on the Disability Services Intake Form. The purpose of signing the Intake Form is to maintain a record that students understand our policy and protocol on disclosure of disability.

5. What if students don't sign the statement on the Intake Form? Signing the statement acknowledges that students understand our disclosure policy; it is not a request for permission. Students requesting that Disability Services not disclose disability, at any level, must submit in writing their request specifically describing what level, if any, of disclosure they are authorizing. Students are not required to sign the Intake Form. If a student asks that we do not discuss their situation with faculty or staff, then we would not respond to requests about the student. However, students need to understand that if they are requesting TDS and the University to provide accommodations, and if they prohibit the individuals responsible for implementing accommodations from discussing critical components of the situation (such as the relationship of the disability to the course and the requested accommodations), then it may be difficult for accommodations to be implemented.
6. To summarize: (i) the University has an obligation to confirm disability status and the right for appropriate staff to discuss students and their disabilities, (ii) students have a right to privacy and not to have confidential information freely disseminated throughout the campus, (iii) students sign the Intake Form acknowledging that some level of disclosure may be necessary to selected faculty and staff in order to implement requested accommodations, (iv) medical records, generally, are not shared directly with faculty, (v) if students do not want staff at Disability Services to disclose disability to anyone under any circumstances, they should not sign the statement on the Intake Form; however, students need to be aware that implementing accommodations may become untenable.