

Information for Faculty About Academic Accommodations Issued by the Office of Institutional Equity (OIE)

What does the CSU Office for Institutional Equity (OIE) do?

- Administers, enforces and provides training on the University's *Policy Against Discrimination, Harassment, Sexual Violence and Retaliation*.
- Oversees compliance with federal and state laws that prohibit discrimination based on race, sex, pregnancy, religion, color, age, national origin, veteran/military status, disability, sexual orientation, gender identity/expression and marital or parental status, among others.
- As the office of the Title IX Coordinators, investigates and resolves complaints of discrimination, harassment, sexual violence and retaliation.
- Issues academic and other accommodations to students to remedy the effects of discrimination, harassment and sexual violence.
- OIE provides resources (counseling, medical, advocacy and safety planning) to students.

Why does OIE issue academic accommodations?

- Title IX is a federal law that prohibits gender discrimination in education.
- Under Title IX, schools must ~~give~~ ensure that all students have equal access to education, regardless of gender, sexual orientation, transgender status, or gender identity or expression.
- Sexual harassment (based on gender, sexual orientation, transgender status, or gender identity or expression) and sexual violence (including assault, relationship violence and stalking) create barriers to students' academic success. Title IX requires CSU to eliminate those barriers. CSU does that by issuing academic accommodations.

Explain how academic accommodations tie in with Title IX's mandates.

- Imagine a student who is sexually assaulted on Saturday night. On Sunday, the student goes to the hospital for a "rape kit," a process that takes up to 6 hours. Then the student reports the incident to the police. This takes 4 hours. The student's family comes and takes the student home for two weeks. Now the student is far behind in classes.
- To eliminate the effects of the gender violence, Title IX requires CSU to restore the student to the same position as the student's peers who did not experience sexual assault.
- OIE does this by ensuring that the student's absences are excused, deadlines for papers and assignments are extended and the student can make up missed tests and quizzes.

Describe other situations in which OIE issues academic accommodations.

- A CSU student who was raped in high school sees the rapist on campus. Or the rapist's brother. The student has a panic attack which prevents the student from leaving the student's dorm. The student doesn't go to class for a week, missing deadlines and an exam.
- A transgendered student experienced tremendous discrimination in the student's small town, including being barred from the family's church, sodomized with a broom by a neighbor and bullied in school. The student suffers depression and anxiety as a result of these experiences.
- Title IX looks at the current impact on students of gender violence, and requires CSU to eliminate that negative impact so that student survivors of gender discrimination have as much opportunity to succeed academically as their peers.
- OIE provides academic and other supports to students here at CSU who continue to deal with the impact of past gender violence.

What kinds of accommodations does OIE issue?

OIE accommodations seek to place students experiencing gender discrimination, harassment or sexual violence in the same position as students not dealing with these things. Below are examples of accommodations and how they work:

- “No contact” directives bar contact with another student so a student can focus on academics.
- Changed class schedules so a stalker can’t find the victim, who can then safely return to class.
- Extended deadlines so a student who couldn’t focus or show up to class can compete with the student’s peers who weren’t prevented from attending class by prior gender violence.
- Excused absences (a student who returns home for a week after a sexual assault can return on the same basis as a student who did not need to return home).
- Late drop or withdrawal without negative impact on academic standing, alternate living arrangements, safety planning and protective measures, connections to resources.
- “Incomplete” grade, with faculty involvement in planning for student’s work completion.

Are there differences between OIE accommodations and ODS disability accommodations?

- ODS accommodations are defined by legal decisions, regulations and the language of the *Americans with Disabilities Act*. OIE accommodations come from Title IX. The different origins of the duty to accommodate means that OIE is able to be more flexible in terms of what is an acceptable accommodation than ODS can provide when accommodating a student’s disability.
- ODS accommodations are not retroactive. OIE accommodations may be retroactive.
- ODS accommodations require supporting medical documentation. OIE accommodations require OIE to investigate the student’s situation.
- Faculty are typically advised of ODS accommodations at the start of the semester. OIE accommodations may be issued at any time, although faculty will receive advance notice if possible.

Are there similarities between OIE accommodations and ODS disability accommodations?

- Accommodations may require faculty to make exceptions to class policies (including syllabus provisions, such as rules for make-up exams) that otherwise apply to all students.
- Accommodations may advantage the accommodated student over others in class. This may be necessary to put the student with a disability or who is impacted by gender violence/harassment/discrimination in the same position as the student’s peers.
- Accommodations may not interfere with academic freedom or require faculty to grade a student who hasn’t done the course work, or issue a particular grade to a student.
- Accommodations may not require modification of any “essential elements” of the course, which are fundamental and necessary for a student to pass the class. Faculty should identify essential course elements in syllabi or elsewhere and distribute to students.

What if faculty believe that OIE accommodations are not reasonable?

Faculty should contact OIE with their concerns to work out accommodations that address those concerns.

What is OIE’s contact information?

Office for Institutional Equity

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