

# Don't Reinvent the Wheel: Service Provision for Temporary Conditions

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We ask you to join us in creating a culture that reflects...

**Access and Inclusion**

and

**Civility and Respect**

...this week and in all aspects of our organization.

# Introduction

- What are temporary conditions?
- What does the law say?
- How your office and campus can assist in providing possible solutions and eliminate barriers to access.
- Outcomes of Presentation
  - Understanding of an appropriate process of determinations
  - Appropriate outcomes

# What are Temporary Conditions?

- Time-limited health conditions that may substantially impact numerous daily living activities
- Think about Prong I of the definition of disability that we are used to working with
  - A physical or mental impairment that substantially limits a major life activity.
- Now, lets look at Prong III

## Prong III, “regarded as” -preventative law?

- “An individual is not ‘regarded as having such an impairment’ if the public entity demonstrates that the impairment is, objectively, both ‘transitory’ AND “minor.””
- “the public entity must demonstrate that the impairment is (in the case of an actual impairment) or would be (in the case of a perceived impairment), objectively, both ‘transitory’ and ‘minor.’”
- “For purposes of this section, ‘transitory’ is defined as lasting or expected to last six months or less.”

# Temporary Conditions

- Under the letter of the law, it is hard to tell if coverage is “required”
- It certainly comes up in lots of Title I cases
- Why wouldn't we?

## Condition, Manner or Duration:

- A useful framework for thinking about “temporary” impairments

# Condition, Manner or Duration: Condition and Manner

- “An impairment may substantially limit the “condition” or “manner” under which a major life activity can be performed in a number of ways.”
  - “...the condition or manner under which a major life activity can be performed may refer to the **way** an individual performs a major life activity.”
  - “Condition or manner may also describe ***how performance of a major life activity affects the individual with an impairment.***”
  - “...condition or manner may refer to ***the extent to which a major life activity... can be performed.***”



# Condition, Manner or Duration: Duration

- “Duration” refers to the length of time an individual *can perform* a major life activity or the length of time *it takes* an individual to perform a major life activity...”

## Condition, Manner or Duration:

- “Condition, manner, or duration may also suggest *the amount of time or effort an individual has to expend when performing a major life activity* because of the effects of an impairment, even if the individual is able to achieve the same or similar result as someone without the impairment.”

# Service Provision Process

- Types of Temporary Conditions
  - Visible
  - Non-Visible
  - Transitional

# Service Provision Process

- The Conversation
  - Student is the expert
  - When documentation is necessary

# Access and Universally-Designed Solutions

Readily available solutions:

- Assistive Technology
- Academic Services
- Other Services

# Institution-Wide Support for Temporary Conditions

- Collaboration, Connection and Conversation:
  - Adjusted attendance policies
  - Late withdrawal permission
  - Incomplete class approval

# Universal Design Collaborations

- Who might you collaborate on your campus about:
  - physical design or physical access?
  - Digital environment?
- Empowerment
  - Do you feel empowered to be proactive?
  - If not, how can I start?

# Questions?



# Session Evaluation

- Your feedback helps shape future programming.
- Thank you for attending!