

Slide 1: The H.E.A.R.T. of Saying "No"...

Compassion, Compliance, & Effective Alternatives

Presenters:

- Dr. Stephen Peter Loynaz
- Florida International University
- Miami-Dade County Department of Transportation & Public Works
- Mrs. Stephanie Bello
- Broward College

Slide 2: Conference Civility Statement

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.

Slide 3: Agenda

- Welcome!
- ADA Grounding
- Counseling & Interviewing Skills
- The H.E.A.R.T. Process
- Delivering "No" with Care
- The Stadium Model: Redirecting Pathways
- Vignettes/Role Play
- Q&A

Slide 4: Welcome!

Let's meet someone new!

Slide 5: Dr. Stephen Loynaz

Stephen has been a professional in the disability services field for nearly 16 years and has worked in higher education for 19 years.

A person with a disability himself, he understands the needs of students with disabilities in the classroom. Having spent time in front of the classroom and as an online instructor, he is also familiar with the needs of faculty members and administrators.

Stephen holds a Bachelor of Arts in Psychology, a Master of Science in Mental Health Counseling, and a Ph.D. in Higher Education Administration from Florida International University.

He is also certified as an ADA Coordinator by the University of Missouri's Great Plains ADA Center.

Stephen is also a Second Degree Black Belt in Okinawan Goju-Ryu Karate.

Stephen is currently the ADA Coordinator for Miami-Dade County's Department of Transportation and Public Works.

He is also an Adjunct Professor in Florida International University's Department of Psychology.

Slide 6: Mrs. Stephanie Bello

Stephanie Bello serves as the Associate Director of Accessibility Resources at Broward College. She holds a bachelor's degree in English and a master's degree in Higher Education Administration, both from Florida International University.

In her role, Stephanie works directly with students to identify and address barriers that may impact their academic experience, ensuring equitable access to learning opportunities. She also serves as the Disability Resource Center's liaison with Housing and Residential Experience for Emotional Support Animal (ESA) accommodations.

Over her 15 years working with students with disabilities, she has contributed her expertise to several university committees, including the Career Readiness Council.

Slide 7: Learning Outcomes

Attendees will:

- Have the strategies needed to engage in difficult conversations involving the denial of an accommodation request or the realization that no reasonable or other accommodations can be made or developed in certain situations.
- Learn to use a strategy that can help develop effective alternatives for a person with a disability when no more reasonable accommodations can be developed for them.

Slide 8: ADA Foundation (In Brief)

Slide 9: First Things First...

- We have an obligation to provide access to reasonable accommodations.
- The person must meet the essential eligibility requirements for the activity, program, position, or other opportunity.
- The person must qualify as a person with a disability.
 - What is a disability, and how can we confirm it?
- The interactive (iterative) process
- Limitations
 - Undue burden
 - Fundamental alteration
 - Health and safety hazard

Reference: ADA (2018).

Slide 10: Counseling & Interviewing Skills

Slide 11: Counseling & Interviewing Skills

- Open-ended and probing questions
- Paraphrasing, summarizing, and reflecting
- Body language
- Remember O.A.R.S.
- Linking desired goals with reality

References: Hill (2004); Miller & Rollnick (2002); Rubin & Rubin (2011).

Slide 12: So, When Will This Tool Most Likely Be Used?

The slide presents a timeline illustrating when the H.E.A.R.T. process is most likely to be used.

Timeline

1. Accommodations have been requested.
2. Disability-related needs have been verified.
3. Accommodations have been approved and communicated to the appropriate personnel.
4. Work, course, or activity has commenced.
5. **A speedbump is encountered.**

The H.E.A.R.T. process is intended for situations in which barriers arise **after** accommodations have been implemented and participation has begun.

Slide 13: The H.E.A.R.T. Process

The acronym **H.E.A.R.T.** stands for:

- **H** – Hearing
- **E** – Empathy
- **A** – Assess
- **R** – Rationale
- **T** – Transition

Slide 14: Hearing

- Identify why this major or goal is so important.
- Answer the "So What?" question.
- Identify what some of the insurmountable barriers are.
 - Usually, this conversation follows several failed attempts.
- Start identifying goals that the person was hoping to achieve.
- Remember: this is not always a linear process. It often ebbs and flows through each part one or more times.

References: Hill (2004); Baile et al. (2000).

Slide 15: Empathy

Purpose

- Build trust through active listening.
- Validate the student's experience without judgment.
- Recognize the emotional and identity-related impact of disability barriers.

Key Practices

- Listen to understand, not to respond.
- Acknowledge the student's goals, concerns, and frustrations.
- Validate the impact of barriers on the educational experience.
- Demonstrate respect for the student's expertise regarding their own experience.

Examples

- "Thank you for sharing that with me."
- "I can understand why this situation has been frustrating."
- "It sounds like this barrier is making it difficult to achieve your goals."

Slide 16: Assess

Purpose

- Evaluate the relationship between the student's goals, the disability-related limitations, and the essential requirements of the program or course.
- Determine where barriers exist and how they affect access.

Key Practices

- Assess both sides of the situation:
 - The student's needs, goals, and disability-related limitations.
 - The program's essential requirements, standards, and objectives.
- Identify how the disability creates a disconnect between the student's goals and the program's expectations.
- Maintain empathy while gathering and evaluating information.
- Consider documentation, legal standards, safety, feasibility, and academic integrity.

Slide 17: Delivering "No" With Care

Slide 18: Rationale/Reasoning

- Effectively communicate where the impasses are.
- Determine whether the issue involves:
 - A fundamental alteration
 - An undue burden
 - A health or safety concern
- Be able to explain these concepts in plain English.

Validating Standards

- Have references available for:
 - Accrediting standards
 - Licensing and certification standards
- Confirm that you have all necessary information from the student or employee.

Documentation

- Clearly document the process.
- Show the work that has been done.
- Before delivering a "No," be absolutely certain that all relevant facts have been considered.

References: Hill (2004); Baile et al. (2000); ADA (2018).

Slide 19: Transition

- Motivational Interviewing in Action
- If the work has been done correctly, trust has been built and we can move to change talk.
- Focus on strengths, not weaknesses.
 - What can we do with what we have?
- Expand the goals from micro to macro concepts.
- Expanding the goal...
- Tips for developing your competency in this area:
 - Get to know your institution and its programs.
- This sets the conversation up for **The Stadium Talk**.

References: Hill (2004); Baile et al. (2000); Miller & Rollnick (2002).

Slide 20: The Stadium Model: Redirecting Pathways

Title slide introducing the Stadium Model.

Slide 21: The Stadium Model

- There are other winners on the team...not just the players!
- There is more than one way to contribute to your area of expertise.
- "From one thing, know ten thousand things."
 - *Miyamoto Musashi, The Book of Five Rings*
- Let's look at all the behind-the-scenes work done at your favorite game:
 - Lawyers
 - Office managers
 - Physical therapists
 - Marketing
 - Engineering
 - Concessions
 - ...and many others
- Now let's hone in on your passion and strengths.

References: Brooks-Cole & Kerr (2007); Stokowski et al. (2019).

Slide 22: How to Develop Your Stadium Skill Set

- Talk to people throughout your organization.
 - Get to know different majors, programs, departments, accreditations, certifications, policies, procedures, and the areas they oversee.
- Learn how they do their work.
 - Explain that accommodations are not always clear-cut and that understanding the organization helps you provide more effective support.
- Learn as much as you can about transferable skills and shared learning objectives.
 - Although different, many majors share more similarities than you might think.
- Start collecting success stories.
 - The more examples you know, the easier it becomes to help students and employees identify alternative pathways.
- Look beyond disability.
 - Sometimes other factors are affecting the situation that the individual has not disclosed.
 - Learn about funding sources and other institutional or community resources.
 - Sometimes the problem can be addressed from a different perspective.

Slide 23: Vignettes / Role Play

1. *I'm a Psychology major, but I've had math waivers and substitutions since I was in third grade. I can't complete the Statistics and Research Methods sequence...*
2. *I'm an Occupational Therapy major. Because of my brain injury, I need the accommodation of "Use of Notes on Exams."*
3. *Due to my disability, I have X, Y, and Z medical needs. What can we do about my work schedule, the tools I use, my work environment, and similar concerns?*
4. *Due to my disabilities, including Autism Spectrum Disorder, I need a private paratransit option. Can I be provided a private car rather than a shared ride option?*

Slide 24: References

1. Americans with Disabilities Act of 1990 (as amended), 42 U.S.C. § 12101 et seq.; 47 U.S.C. § 225 (2018).
2. Baile, W. F., Buckman, R., Lenzi, R., Glober, G., Beale, E. A., & Kudelka, A. P. (2000). *SPIKES: A six-step protocol for delivering bad news: Application to the patient with cancer*. *The Oncologist*, 5(4), 302–311.
3. Hill, C. E. (2004). *Helping Skills: Facilitating Exploration, Insight, and Action* (2nd ed.). American Psychological Association.
4. Kanel, K. (2007). *A Guide to Crisis Intervention* (3rd ed.).
5. Brooks-Cole, Lally, P., & Kerr, G. (2007). *Identity and athletic retirement: A prospective study*. *Psychology of Sport & Exercise*.
6. Miller, W. R., & Rollnick, S. (2002). *Motivational Interviewing: Preparing People for Change* (2nd ed.). Guilford Press.
7. Stokowski, S., Paule-Koba, A. L., & Kaunert, C. (2019). "Former College Athletes' Perceptions of Adapting to Transition." *Journal of Issues in Intercollegiate Athletics*, 12.
8. Rubin, H. J., & Rubin, I. S. (2011). *Qualitative Interviewing: The Art of Hearing Data* (3rd ed.). SAGE.

Slide 25: Questions?

Slide 26: Thank You!

Stephen Peter Loynaz

- ADA Coordinator
- Miami-Dade County Department of Transportation & Public Works
- Adjunct Professor, Florida International University

Stephanie Bello

- Associate Director, Accessibility Resources
- Broward College

The slide provides the presenters' contact information for follow-up questions.

Slide 27: Session Evaluation

Thank you for attending!

Please complete the conference session evaluation.

Your feedback helps improve future conference programming and assists AHEAD in planning future educational offerings.