

Legal Issues

Legal Issues & Disability

Since Congress first passed the Rehabilitation Act of 1973, the education of individuals with disabilities has been regarded as a legal issue. Both Section 504 of the Rehabilitation Act and the more recent federal legislation, the Americans with Disabilities Act (ADA) of 1990, state that no otherwise qualified person with a disability shall, solely by reason of disability be excluded from participation in, or be denied the benefits of, or be subjected to discrimination by any institution which is subject to these laws. Both laws are anti-discrimination laws and were patterned after the Civil Rights Act of 1964. In New York, the Human Rights Law also provides individuals with disabilities anti-discrimination protection.

Students with disabilities attending the Niagara University [Ontario Education Program](#) can find additional information on accessing accommodations, adjustments and auxiliary aides and services at [this website](#) or by contacting Disability Services at 716.286.8541, 716.286.8063 (fax), or kadams@niagara.edu.

Who is covered under the law?

By federal law, a qualified person with a disability is any person who has a physical or mental impairment, has a record of such impairment, or is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, standing, eating, seeing, hearing, speaking, breathing, sleeping, performing manual tasks, lifting, bending, learning, reading, concentrating, thinking, communicating, working, and some bodily functions. Examples include, but are not limited to, learning disabilities, visual impairments, hearing loss, psychological disorders, mobility impairments, AIDS, seizure disorders and other chronic illnesses.

The law does not consider the following to qualify as disabilities:

- Homosexuality or bisexuality
- Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders
- Compulsive gambling, kleptomania, or pyromania
- Psychoactive substance use disorders resulting from current illegal use of drugs*

*Chemical dependency is considered a disabling condition when it is documented that a person has received treatment for a drug or alcohol addiction and is not currently using. Chemical dependency can cause permanent cognitive impairments.

Substantially limits means that the individual's manner, rate or duration of performing a life function is significantly different than that of most people. For example, most individuals who have asthma have

acute asthma, which means that they periodically have periods of impaired respiratory function, but most of the time their breathing is within normal range. Chronic asthma becomes a disability when, even with medication and treatment, the individual's breathing severely limits the ability to routinely perform everyday functions that other individuals can perform with no respiratory distress.

A qualified student with a disability is defined as one who meets the academic and technical standards requisite to admission or participation in the education, program, or activity. In postsecondary education, a qualified student with a disability is one who can meet the admission requirements for both the university and the specific program of study which s/he wishes to pursue.

In addition, a qualified student with a disability must voluntarily self-identify his/her needs to the Disability Services Office and provide adequate documentation of disability that supports the individual's request for accommodation such as adjustments, modifications, auxiliary aides or services needed to participate in and/or benefit from the university's programs and activities.

Niagara University's Non-discrimination Statement

It is Niagara University's policy that no otherwise qualified person with a disability be excluded from participating in any University program or activity, be denied the benefits of any University program or activity, or otherwise be subjected to discrimination with regard to any University program or activity. "Program or activity" refers to any credit or non-credit program or activity sponsored by Niagara University.

An otherwise qualified person with a disability must be ensured the same access to programs, opportunities, and activities at the University as are all others. Existing barriers, whether physical, programmatic or attitudinal must be removed. There must be ongoing vigilance to ensure that new barriers are not erected.

The University's efforts to accommodate people with disabilities must be measured against the goal of full participation and integration. Services and programs to promote these benefits for people with disabilities shall complement and support the University's regular services and programs.

The University will continue to strive to achieve excellence in its services and to ensure that its services are delivered equitably and efficiently to all members of its community.