

POLICY FOR CONFIDENTIALITY and DISCLOSURE OF DISABILITY INFORMATION

The Accessibility Resource Center (ARC) is the office/department at UWM that is assigned to be responsible for collecting and holding disability related documentation for students with disabilities who request accommodations. This information, from an appropriate source, is used for establishing the student's eligibility for accommodation(s) and is treated as confidential.

Students receiving an ARC Accommodation Plan acknowledge that they *“understand that provision of these services may involve ARC staff disclosing disability and/or medical record information provided by me with appropriate university personnel participating in the accommodation process.”*

The following explains our 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 an accommodation plan and service recommendations based on this information. Disability documentation is housed in a ARC 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. Students acknowledge an understanding that, in order for ARC staff to coordinate, advise or administer requested accommodations, disclosure of disability information to faculty/staff 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 ARC regarding a student requesting alternative testing accommodations and the ARC 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 ARC student file. Thus, we have disclosed the presence of a disability.

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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 accommodation as they understand the barriers the student might encounter 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 ARC 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 ARC 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". Please note that we talk with faculty and staff in order to implement accommodations, and we routinely confirm that the student is registered with us and has a verified disability.

5. 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 ARC 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 acknowledge 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 ARC to disclose disability to anyone under any circumstances, they must notify their Counselor and need to be aware that implementing accommodations may become untenable.

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Definition of Terms:

Disability Documentation:	all records related to the health, intellectual, emotional or physical well-being of an individual prepared by a health care provider, including but not limited to physicians, nurses, therapists, psychologists, social workers, and counselors.
Permanent Educational Record:	official University record maintained by the Registrar containing student's application, transcripts, and grade lists.
Accessibility Resource Center File:	file maintained at ARC including medical records, psycho-educational reports, case notes, intake form and other materials related to disability-related services.

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