What are some confidentiality issues I should be aware of when working with students with disabilities?

A key tenet in disability services is confidentiality. All information shared by a student with the Disability Accommodations & Success Strategies (DASS) team is held in strict confidence. This information can include the original request for services, documentation submitted for review, conversations between students and DASS personnel, and arrangements for DASS-provided accommodations like test proctoring. Except for emergency reasons, information is exchanged only as necessary in providing services or with those with specific offices and/or individuals for which the student has provided written permission. DASS may, at times, communicate with on-campus offices or individuals without written permission, given there is a clear educational need.

But what should professors know about maintaining confidentiality, while working with a student with a disability?

*STUDENTS SHARING THEIR DISABILITY* Students are advised during intake appointments that sharing their diagnosis with professors is within their discretion. It is not required by law. Many students who are comfortable with this information do share it with faculty as a way to explain the need for the approved accommodations. However, students are not required to disclose their diagnoses unless they are comfortable doing so. Once they share information about themselves, whether it is detail about their condition or just the fact that they have accommodations, it is ok to talk openly with students about their academic needs and how their disability might impact them in your class. This isn’t who you need to be restrictive with; restrict information from others who don’t have a need to know.

*RECEIVING AND STORING ACCOMMODATION LETTERS* Students are instructed to give letters to their professors during office hours rather than before or after class. We ask that you encourage this behavior by asking students who approach you during (or before/after) class time to attend office hours to give you the letter and discuss the execution of their accommodations. In addition, this allows professors to store letters in a file or desk drawer rather than have it mixed in with papers or course materials from class. Professors should store accommodation letters for the duration of the semester or until the students have completed the class. After that time professors should shred letters to maintain confidentiality.

*TALKING ABOUT STUDENTS TO OTHERS* In rare cases, another student may ask a faculty member for information on other students in the class with disabilities (i.e., laptop usage, absent members on test days, inquiries about student experiences with disabilities). In these instances, faculty members should never comment on individual student accommodations or identify students who have received accommodations in their classes. If you need to discuss a situation with a colleague or superior regarding your student and their disability status is important, start by leaving their name out. If it you determine that it is necessary to include, then you have determined that the colleague or superior has a “need to know” and that is acceptable.

*RECOGNIZING SIGNS OF A POSSIBLE DISABILITY* Faculty members often are the first to notice signs of difficulty in class that may be related to undiagnosed learning disabilities or attention disorders, or even psychological conditions like depression or anxiety. In these instances, faculty can guide students whose performance is troublesome to DASS to discuss testing, or CAPS for personal counseling. You can do this through a private conversation related to class performance. For specific examples of appropriate ways to handle these exchanges without crossing lines of confidentiality, please see the attached appendix.

*THINGS NOT TO DO* Students have shared bad experiences where their confidentiality was breached, so we share these so professors don’t inadvertently repeat these unfortunate incidents.

* Don’t put students in the hallway or public space to take a test with extended time.
* Don’t accept letters after class with other students around. Instead tell students with accommodation letters that it is best they bring them during your office hours to have a proper conversation about it.
* Don’t share the names of students who use accommodations with others, hoping they can help each other. Always get permission before sharing any student’s name with another student.
* Don’t tell your class to turn in their tests but tell Johnny on the front row to keep working since he has extra time.
* Don’t restrict use of laptops to “only students with disabilities”. This can immediately “out” the student with a disability who has your permission because of a disability. See our FAQ on restricting laptops while respecting the privacy of students with disabilities who need to use a laptop for an accommodation.