Researched Regulation Court Case

Kristy Cotton

AET/525

Practitioner Faculty Portugal

November 12, 2012

The American Disabilities Act (ADA) was enacted in 1990 to prohibit discrimination against individuals with disabilities in employment, transportation, public accommodations, telecommunications, and government services. In enacting the ADA, congress noted the long history of discrimination against person with disabilities, their under representation in the work force, and their over-representation within low income groups (Lee, 2001). The ADA’s definition of disability is very broad; rather than enumerate specific disabilities that would make an individual eligible for protection under the law, Congress instead developed a definition that would be comprehensive yet would exclude simple physical characteristics such as eye color or trivial conditions (Lee, 2001). The absence of precision in the constitutional language and the guidelines leaves federal courts in the situation of determining what rules they will use to decide whether a plaintiff is in the class of individual that is protected by the ADA. The Rehabilitation Act provides that “no otherwise qualified individual with handicaps in the United States, shall, solely by reason of her or his handicap, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal Funding (United States Appeals Court, 1991). This paper discusses a young man who was dismissed from college due to him failing courses, but he has a disability of dyslexia.

This appeal addresses the obligation of an academic institution, a university medical school, when it seeks to demonstrate as a matter of law there is no reasonable means available to accommodate a handicapped person within the meaning of section 504 of the Rehabilitation Act of 1973 (United States Appeals Court, 1991). Steven Wynne was dismissed from Tufts University School of Medicine after failing numerous during successive attempts to complete the first-year program. Wynne, who suffers from a learning disability subsequently diagnosed as dyslexia, claims that the University unlawfully discriminated against him because of his handicap, in violation of the Act, when it refused to modify its testing methods to accommodate his difficulties. He also asserted a state civil right claim (United States Appeals Court, 1991).

The district court granted summary judgment for the University on both claims. It held, with reference to the federal claim, that Wynne was not an “otherwise qualified” handicapped person within the protection of the Act, because he was not able to meet the school’s requirements (United States Appeals Court, 1991). The United States Appeals Court (1991), maintained that with reference to the Massachusetts civil rights claim, it held that there was no showing that Wynne has been “threatened, coerced or intimidated,” as required by Massachusetts General Laws.

Wynne was a medical school student with a learning disability appealing his academic dismissal on the basis that Tufts had not properly accommodated his disability. Basically, Wynne wanted the University to stop using multiple-choice exams while testing him. Tufts University refused this accommodation for Wynne. Originally, the 1st Circuit was not willing to accept Tuft’s reasoning as to why they only used multiple choice tests. The Court indicated that, while some respect was owed to an institution making academic judgments, such institutions nevertheless have a duty to seek out reasonable means of accommodating a student, considered their feasibility and effect on the program, and came to a justifiable conclusion that providing such accommodations would result in lowering academic standards or substantially modifying the program in question (Rose, 2012).

The district court, granted Tufts’ motion for summary judgment, explicitly relied on the fact that Wynne had failed eight of his first year courses, two of the eight a second time, and one a third time. United States Appeals Court (1991) found that in the judgment of the profession medical educators who are responsible for determining testing procedures at Tufts, written multiple choice examinations are important as a matter of substance, not merely of form. In their view, the ability to embrace, interpret and analyze complex written material is necessary for the safe and responsible practice of modern medicine. When the matter came back to the Court a second time, the Court accepted Tufts explanation that critical thinking skills were taught by the use of these particular exams and therefore allowed the dismissal of Wynne to stand (Rose 2012). United States Appeals Court (1991) ruled that the judgment of the medical educators who set Tufts academics standards and requirements that this and other important aspects of medical training and education are best tested and evaluated by written multiple choice examinations of the type give to Mr. Wynne and all of his peers.

Wynne tells us what thought process an institution should go through before refusing to provide an accommodation on the basis that doing so would lower academic standards and substantially modify a program of study (Rose, 2012). Rose (2012) stated that in essence, an institution should show that (a) officials with relevant duties and experiences considered the accommodation request; (b) that they meaningfully considered the impact on the program and the availability of alternatives; and (c) that they reached a rational conclusion that accommodations could not be offered. Wynne clarifies “otherwise qualified” to mean “can complete program requirements with or without reasonable accommodation (Rose, 2012).

In today’s society many colleges and educators are faced with a diverse group of people. You will find those of different race, age, sex, and disability. As educators we have to plan for all these cases and provide accommodations for the proper people. There are many people suffer from dyslexia, and becoming an adult facilitator I believe I too may also have this challenge during the time I teach. As educator for a college, I almost think I would have to follow their rules, and like Tuft University, they had to follow the rules that were of best for the program and for the student. Although I believe it is unfair for a University to only provide modification for certain disabilities. I believe that if you have a disability and it is proven that it affects your learning process then I think I would have to be that educator who provides modification in my class. I think we will all come across a situation like this, and should be prepared for whatever may come our way, but as any educator, most will do what is best for the individual that is having trouble.

As educators we will all be faced with challenges as they come into our classrooms. As educators in adult education there are many people who know the laws and we also should be conscious of those laws as well. Although Mr. Wynne’s case didn’t turn out in his favor either time, he is still faced with the fact that he felt like he was treated unequally. As educators we should always want is best for our students, and if the University says you have to do it one way, as an educator there are other ways to make things easier for those with disabilities in your classroom so that they can be successful in their goals.

References

Lee, B., (2001). The implications of ADA Litigation for employers: A review of

federal appellate court decisions. *Human Resource Management* 40(1), p.35

Rose, J., (2012). Nine cases that have shaped disability services in higher

education. Retrieved from

<http://www.hunter.cuny.edu/studentservices/access/court-case-studies>

United States Court of Appeals for the First Circuit (1991). Steven Wynne vs.

Tufts University. Retrieved from [www.google.com](http://www.google.com)