

## **DISABILITY POLICY AND PROCEDURES**

### **I. INTRODUCTION**

Vermont Law School, as an institution, assumes the ultimate administrative responsibility for ensuring compliance with the mandates of section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990. It is the responsibility of the Assistant Dean for Academic Affairs to certify student disabilities and to recommend reasonable and appropriate accommodations in light of the nature of a student's disability and academic program requirements. The Assistant Dean for Academic Affairs will serve as a liaison between and resource to, the students and faculty.

- A. The law school recognizes its legal obligation to make reasonable accommodations designed to provide overall educational program accessibility for otherwise qualified persons with disabilities.<sup>1</sup> It is a law school policy that students with disabilities who have been admitted to the law school through the normal admissions process and have thus been deemed qualified to undertake the academic program be given reasonable accommodations.
- B. To the extent deemed reasonably possible and readily achievable, the location of programs within the physical plant will provide equal access to mobility - and visually - impaired students.
  1. The law school physical plant is an eight-acre complex of buildings, many of which were built at the turn of the century. Some areas within older buildings are inaccessible to mobility-impaired students or difficult to access. All buildings are accessible on the first floor, either through a ground-level entrance or a ramp. Whenever a mobility or visually-impaired student needs to meet with faculty or staff whose offices are in limited-access areas, the law school will provide an alternative space for the meeting.
  2. Information concerning law school facilities that are accessible to and usable by mobility-impaired students is appended to this policy.
- C. The law school seeks to accommodate students with disabilities on an individual basis. Individual students are given reasonable and necessary accommodations based on specific information and assessment data documented by a professional from outside the law school who, in the judgment of the school, is qualified to provide such information and assessments.
- D. While the law school will strive to accommodate students as fully as possible, reasonable accommodations do not include measures which fundamentally alter the academic program of the law school or which place undue administrative or financial burdens on the law school.
- E. The faculty have the responsibility for maintaining the integrity of the academic program. When course accommodations are required for a student, the intent is to provide that student with equal access to the essential course content and to mitigate the impact of the disability on the student's learning and/or academic performance without compromising course or program integrity. Accommodations may involve modification of the way in which material is presented or how learning is evaluated; however, accommodations which compromise the essential integrity of the course shall not be required of faculty by Vermont Law School. Faculty may not dispute the fact, nature, and/or extent of a disability which has been certified by the Assistant Dean for Academic Affairs. Faculty do, however, have the right to ask the Assistant Dean for clarification of recommended accommodations and to suggest alternative accommodations perceived to be more appropriate in light of the nature of the course or program. Alternative accommodations must be appropriate and effective as those recommended in mitigating the disability. Alternative accommodations may not be implemented until they are approved by the Assistant Dean. Faculty who are dissatisfied with the accommodations recommended, may consult with the Vice Dean for Academic Affairs. Faculty are encouraged to share with the Assistant Dean information about the course and/or program, so that the Assistant Dean is best able to make appropriate accommodation recommendations. Faculty are to implement the accommodation as soon as possible, but in no case more than five academic days after the notification has been received. If no further consultation occurs between faculty, student, and the Assistant Dean, Vermont Law School assumes that accommodations will be provided as delineated in the notification. Time is of essence in implementation of any academic accommodations. Delays in the negotiations or the implementation of accommodations can be construed as a form of discrimination.

### **II. ADMISSIONS POLICY**

- A. The law school does not discriminate on the basis of disability. No limitations are placed on the number or proportion of persons with disabilities who may be admitted or enrolled.
- B. Any information concerning an applicant's disability provided during the admissions process is voluntary or optional and is maintained in accordance with laws relating to confidentiality.
- C. Students should not assume that because their application to law school indicates the presence of a disability that this information is known to the Assistant Dean for Academic Affairs. New students should inform the Assistant Dean, under the procedure in Part IV, below, of the need for accommodations well in advance of their matriculation.

### **III. POLICY OF REASONABLE ACCOMMODATIONS FOR ENROLLED STUDENTS**

- A. The law school will provide, as necessary, reasonable and readily achievable accommodations, including academic adjustments and auxiliary aids, to ensure otherwise qualified student's with disabilities access to the school's services, programs, and activities. To the extent necessary to accommodate a student with a particular disability, and to the extent deemed reasonable and consistent with the academic program, course loads, course examinations, and other methods of evaluating academic achievement will be adapted and administered so as to minimize the effect of the disability and accurately measure academic achievement in the course.
- B. Accommodations will not be provided if they fundamentally alter the nature of the program or if they would be unduly burdensome either financially or administratively to the law school.
- C. Students requesting to register for more than 11 credits in the Summer Session must first have approval granted by the Vice Dean for Academic Affairs to avoid undue academic difficulties of achievements.

#### IV. PROCEDURE FOR REQUESTING REASONABLE ACCOMMODATIONS

- A. Identifying the Need for Accommodations: Students with disabilities who require accommodations are responsible for making these needs known to the Assistant Dean for Academic Affairs in a timely fashion and for providing any required documentation and evaluations.
  - 1. Students should not assume that because their application to law school indicated the presence of a disability that this information is known to the Assistant Dean. A student seeking accommodation for a disability should make a direct request to the Vice Dean.
  - 2. In cases where only minor accommodations are required (such as requesting to sit in the front row because of a visual or hearing impairment), the student may simply make a request of the faculty member. If requests for minor accommodations are not responded to adequately, the student should make the request to the Assistant Dean.
  - 3. Students who do not require accommodations need not make their disabilities known.
- B. Verification of Disability: A student who makes a request for accommodation due to a physical, mental, or learning disability must provide current professional verification documentation to the Assistant Dean for Academic Affairs. The cost of obtaining the professional verification will be borne by the student. The documentation required varies, depending on the nature of the disability. Students can obtain a brochure with disability-specific documentation guidelines at the Office of the Assistant Dean of Academic Affairs, or at the Academic Success Office.
- D. Additional Information: Students seeking reasonable accommodations for a disability will be asked to submit to the Assistant Dean a history of academic adjustments and accommodations received in postsecondary institutions or in places of employment. Such a history of adjustments and accommodations will be subject to verification.
- E. Verification of Temporary Disability: Students seeking accommodations on the basis of a temporary disability must provide documentation to the Assistant Dean for Academic Affairs verifying the nature of the condition, stating the expected duration of the condition, and describing the accommodations deemed necessary.
  - 1. Verification must be provided by a professional health care provider who, in the opinion of the law school, is qualified in the diagnosis of such conditions.
  - 2. The assessment or verification of disability must reflect the student's current level of disability, and shall be no older than 60 days.
  - 3. The cost of the professional verification will be borne by the student.
  - 4. If the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate accommodations, the law school will have the discretion to require supplemental assessment of a temporary disability. The cost of the supplemental assessment will be borne by the student.
  - 5. If the law school requires an additional assessment for purposes of obtaining a second opinion by an appropriate professional of the law school's choosing, then the law school shall bear the cost not covered by any third party payor.
- F. Determination of Reasonable Accommodations: The Assistant Dean for Academic Affairs has authority to decide whether accommodations will be granted in individual cases. The Assistant Dean will review all documents submitted to verify a disability and may conduct a personal interview to explore the personal and academic needs of the student in the law school setting.
  - 1. A student must immediately report any dissatisfaction with an accommodation to the Assistant Dean for Academic Affairs. After the accommodation has been in place, each student receiving accommodations may meet upon request with the Assistant Dean for Academic Affairs to evaluate the effectiveness of the accommodation.
  - 2. Accommodations will be subject to review and possible termination upon any change in the nature of the student's disability or the student's failure to properly utilize the services provided.

3. Services for students who improperly procure accommodations under this policy will be immediately terminated and the student may be subject to disciplinary action under the Vermont Law School Code of Conduct.
  4. Subject to applicable rule of confidentiality, the Assistant Dean for Academic Affairs shall provide information to appropriate administrative staff and faculty when necessary to arrange for efficient administration of academic adjustments and accommodations.
- G. Records and Privacy: Information concerning a student's disability and accommodations made is treated as confidential under applicable laws and law school policies and is provided only to individuals who are privileged to receive such information on a need to know basis. Faculty members who are informed of a disability are advised that this information is confidential.
1. The law school will maintain confidential records relating to accommodations based on disability within the Academic Success Office. The records will include documentation submitted to verify the disability. The Registrar's Office will receive a copy of the Assistant Dean's letter to the student detailing the accommodations that have been found reasonable and justified in light of the student's needs. Upon graduation or termination of enrollment, these records shall be archived apart from official educational records.
  2. All documents produced by consultants in the performance of services for the law school will remain the property of the law school.

#### V. GRIEVANCE AND APPEAL PROCEDURES

- A. Students who request accommodations and believe that such accommodations have been impermissibly denied, should bring this matter to the attention of the Vice Dean for Academic Affairs.
- B. If the Vice Dean for Academic Affairs is unable to resolve the matter informally, or if the student is dissatisfied with the resolution, the Vice Dean for Academic Affairs will ask the President and Dean to review the accommodation request and the accommodation will be granted or denied.
  1. The President and Dean may affirm, reverse, or modify the finding and/or recommendation of accommodation. The President and Dean may confer with the Vice Dean for Academic Affairs during this process.
  2. The appeal decision of the Dean is final.
- C. Students who believe that they have been discriminated against on the basis of their disability in matters other than an accommodation request should use the procedure described in the Vermont Law School Non-Discrimination Policy and Procedures for Resolving Discrimination Complaints.

#### VI. ACADEMIC DISMISSAL AND READMISSION

Students who are academically dismissed sometimes raise a disability as the basis for the academic difficulty. The burden is on the student to clarify why the disability was not brought to the attention of the administration, if it had not been previously, to explain why accommodations were not requested, or to explain why accommodations that had been provided were inadequate.

Readmission petitions should be discussed with the Vice Dean for Academic Affairs. The Committee on Standards considers and decides on such petitions.

#### VII. POST-GRADUATION POLICY AND SERVICES

- A. The law school will assist students in documenting accommodations received during law school as an aid in requesting accommodations for bar examinations.
- B. The Office of Career Services will assist all graduates, with or without disabilities, in developing career opportunities after the completion of studies at Vermont Law School.

#### VIII. DEFINITIONS

- A. "Person with a disability" means a person who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairments; or (3) is regarded as having such impairment.
- B. "Otherwise qualified person with a disability" means an individual with a disability who meets the academic and technical standards requisite to admission and participation in the law school's educational program and activities.