

The Washington College of Law Handbook for Applicants and Students With Disabilities

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I. Disabilities: Services for Students & Grievance Procedures

A. Introduction

Discrimination based on disability is prohibited by university policy and local and federal laws, including the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, the ADA Amendments Act of 2008, and the DC Human Rights Act (collectively “Disability Laws”). The university is committed to providing equal educational opportunities and nondiscrimination protection for qualified individuals with disabilities. This statement identifies university resources for students with disabilities, provides general information about the university’s procedures for requesting accommodations, and describes informal and formal means of resolving complaints related to requested accommodations.

B. Definitions*

A person with a disability is one who (a) has a physical or mental impairment which substantially limits one or more of such person’s major life activities, (b) has a record of such impairment, or (c) is regarded as having such impairment.

“Physical or mental impairment” means (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine; or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

“Major life activities” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning,

reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel , bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

“Qualified person with a disability” as applied to students means a person who meets the academic and technical standards requisite to admission or participation in the university’s educational program or activity, with or without reasonable accommodation.

“Reasonable accommodation” means the provision of certain necessary and effective adjustments to the known physical and mental limitations of an otherwise qualified individual with a disability, unless the accommodation would impose an undue burden or hardship on the university, or would produce a fundamental alteration of the university’s programs or services.

*Definitions are taken from the Americans with Disabilities Act of 1990 and its implementing regulations and the ADA Amendments Act of 2008. These definitions are provided for informational purposes only and are not meant to alter existing local laws or regulations.

C. Disability Compliance Project Team

The vice president of campus life, the vice president of finance and treasurer, and the provost have primary responsibility for the implementation of Section 504 and the Americans with Disabilities Act. The provost, in conjunction with the vice president of campus life and the vice president of finance and treasurer, appoints the Disability Compliance Project Team to recommend priorities for compliance activities and to provide consultation on policy and programming.

D. Section 504/ADA Compliance Coordinator

The director of Student Conduct and Conflict Resolution Services is the university’s 504/ADA compliance coordinator. The 504/ADA Compliance Coordinator provides information about services and refers complainants to the appropriate office.

E. Support Services

Disability Support Services (DSS) provides services to students with physical, medical, sensory, or psychological disabilities. The Academic Support Center (ASC) provides services to students with learning disabilities and Attention Deficit Hyperactivity Disorder (ADHD). These services are provided to promote full participation in academic programs and other campus activities. DSS and the ASC have the specific responsibility for reviewing professionally prepared documentation of a disability, determining effective and reasonable modification for a disability, verifying a disability for faculty and other persons, and recommending course and learning accommodations on behalf of the university. These offices also refer to other resources, both on and off campus.

Specific information about documentation guidelines and procedures for requesting accommodations for physical, medical, sensory, or psychological disabilities may be obtained by contacting Disability Support Services at dss@american.edu, 202-885-3315 (voice/TTY) or at www.american.edu/disabilitysupport.

Students with learning disabilities or ADHD may obtain information by contacting the Academic Support Center at 202-885-3360, asc@american.edu, or at www.american.edu/asc.

Once a law student has met with the director of either the ASC or DSS, the student should make an appointment in the Office of Student Affairs at WCL to discuss the procedures for implementing the appropriate accommodations within the law school setting. Please contact Laura Hartz, Senior Academic Counselor, lhartz@wcl.american.edu.

F. Auxiliary Aids

Students who need auxiliary aids will be permitted to use aids such as tape recorders, Braille or recorded texts, oral or manual interpreters, note takers, or other assistive or adaptive equipment. In many cases, the university's role will be to inform students of programs or organizations which assist with auxiliary aids. The university's responsibility for providing auxiliary aids will be determined on a case-by-case basis. The university does not provide wheelchairs, hearing aids, personal attendants, and other kinds of personal devices or services.

G. Proof of Disability

Students with disabilities are not required to notify the university or any of its offices or personnel of their disabling condition either prior to or subsequent to their admission to the university. However, if students with disabilities request support services or program modifications on the basis of being disabled, the university must receive reasonable advance notice of such needs. In most cases, "the university will require written verification that the student has a disability that substantially limits one or more major life activities. The verification or supporting documentation must be from a licensed physician, licensed clinical psychologist, or other appropriate professional. Students with disabilities who anticipate that they may at some time request accommodations must notify and submit verification materials as needed as early as possible in advance of when the accommodations will be needed. Students with physical, medical, sensory, or psychological disabilities submit these materials to Disability Support Services, and students with learning disabilities or ADHD submit them to the Academic Support Center. These offices will then verify to other offices, as necessary, that a student is entitled to accommodations. The university reserves the right to modify accommodations.

H. Confidentiality

Information and records about a student's disability and accommodations are treated as confidential information. All university employees are required to maintain the confidentiality of any disability-related information about a student. To that end, information is provided on a need-to-know basis solely to individuals who require such information as part of the accommodation process, or where permitted or required by law. To protect confidentiality, all disability-related and medical information must be filed with Disability Support Services or the Academic Support Center, and generally not with individual offices.

I. Grievance Procedures

The university's Discrimination and Discriminatory Harassment Policy protects the rights of individuals with disabilities to be free from harassment and discrimination, and to be reasonably

accommodated by the university. Students who feel that their rights under that policy have been violated may use these grievance procedures to file a complaint. Students may file a complaint with the university's Section 504/ADA Compliance Coordinator who also serves as the Director of Student Conduct and Conflict Resolution Services. The 504/ADA Compliance Coordinator may be reached in person at Butler Pavilion 408, Washington, DC 20016-8148, by phone at 202-885-3368..

1. Purpose

The purpose of the grievance procedures is to provide corrective actions, as warranted. Actions may include reasonable accommodation or adjustments, measures to reverse the effects of discrimination, and/or measures to ensure proper ongoing accommodations. Discipline is generally not a remedy for a complaint but, where appropriate, it will be pursued against individuals who have violated university policy, including policies against discrimination. Because the purpose of this procedure is to provide corrective action, a complaint must be filed as soon as possible, but no later than one year, after the alleged discrimination, in order to give the university a meaningful opportunity to resolve the problem. A delay in filing a complaint may severely affect available remedies.

2. Filing a Complaint

- a. A complaint must be submitted in writing and contain the name and address of the person filing the complaint ("complainant") and a description of the allegation(s) of discrimination. The complainant must set forth specific facts and circumstances and include any supporting documentation.
- b. The 504/ADA Compliance Coordinator will accept the complaint, notify the subject of the complaint ("respondent"), and gather information and documentation from both parties. The respondent may submit a written statement which will become part of the record. The 504/ADA Compliance Coordinator is a neutral facilitator of this grievance process and will make no findings of fact. If appropriate, the 504/ADA Compliance Coordinator will facilitate a resolution. The 504 coordinator will advise both parties of the procedures under this process.

3. Resolution Procedure

a. **Informal Mediation and Consultation.** If appropriate and voluntarily entered into by all parties, a staff member of Student Conduct and Conflict Resolution Services may conduct a meeting with the complainant and the respondent in an effort to reach a mutually acceptable agreement. The agreement or results from the meeting will be issued in writing and forwarded to the relevant parties.

b. **Formal Grievance.** If the complainant is not satisfied with the outcome of the informal resolution or prefers a formal procedure from the outset, the complainant may request the formal procedure. In such instances, the 504/ADA Compliance Coordinator will convene a Grievance Committee comprised of three professional staff or faculty members who will hear and decide upon the matter. Prior to the hearing, the 504/ADA Compliance Coordinator will collect relevant information and provide copies of these materials to the complainant and respondent. Parties to a grievance will have an opportunity to state their case at the hearing; the committee will have the right to ask questions and make further

inquiries, as necessary. After the committee completes the proceeding and makes findings, it will render a written decision and forward it to the relevant parties for implementation.

c. Advisors. At their own discretion, complainants and respondents may be advised by an American University student, faculty, or staff member. The role of advisors is limited to consultation and support. While advisors may be present at a proceeding, they may not address the Grievance Committee or question witnesses. Because the purpose of this proceeding is to provide a fair review of complaints filed by students with disabilities rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted.

d. The 504/ADA Compliance Coordinator will provide complainants and respondents with reasonable accommodations to participate in an informal or formal grievance. Accommodations may include, but are not limited to, sign language interpreting services or information in alternative formats. A party may contact the 504/ADA Compliance Coordinator to request an accommodation for a disability to participate in the grievance process. The 504/ADA Compliance Coordinator will interact with a party and the appropriate university disability offices to review the request. Generally, a five business day advance notice of an accommodation is required to review reasonable accommodation requests. However, a response to an immediate need for accommodation will be considered to the fullest extent possible.

4. Appeal Procedures

- a. The decision of the committee may be appealed on the following limited bases: (1) new information that significantly alters the findings of fact; (2) improper procedures in handling the formal grievance which are significant and resulted in an adverse finding; or (3) inappropriate remedy. Both the complainant and the respondent may appeal the decision of the committee to the appropriate vice president(s) or provost of the university who will render a final decision.
- b. The appeal must be submitted in writing and specify the grounds for appeal. The appeal must be delivered to the 504/ADA Compliance Coordinator within seven (7) business days after the decision of the Grievance Committee.
- c. The 504/ADA Compliance Coordinator will forward the grievance file including, without limitation, the committee's report and the appellant's appeal to the reviewing vice president(s) or provost. The reviewing vice president(s) or provost may affirm or modify the decision of the committee or may remand the case to the committee for further consideration. The committee will forward its recommendations to the vice president(s) or provost for a decision. Decisions rendered by the vice president(s) or provost are final.

E. Records

The grievance file will be maintained by Student Conduct and Conflict Resolution Services. All records are confidential, accessible only to individuals with a legitimate need to know.

F. Retaliation

Filing an informal or formal complaint of discrimination is a protected activity under the law. Retaliation against anyone who files a complaint, who supports or assists an individual in pursuing a complaint, or who participates in the resolution of a complaint is prohibited. Any retaliatory action may be the basis of another complaint under this policy and may subject the individual engaged in retaliation to discipline under the appropriate student, staff, or faculty disciplinary policies.

G. False or Frivolous Charges

This policy may not be used to bring false or frivolous charges. Those bringing such charges may be subject to disciplinary action.

H. Confidentiality

All reports or complaints of discrimination are confidential. Individuals with a legitimate need to know will be informed of the complaint in order for the university to conduct a meaningful review and for the purpose of determining whether the complaint is isolated, frequent, part of a pattern of practice, or pervasive.

I. Notification Requirement

The university will issue periodic statements of the university's intent not to discriminate on the basis of disability. All university publications and advertisements will include the most current version of the Equal Opportunity Notice. Other forms of internal notification will be determined by the Disability Compliance Project Team or by the Section 504/ADA Compliance Coordinator.

J. Important Phone Numbers

Dean of Students Office
Butler 408
202-885-3300

Disability Support Services
Mary Graydon Center 206
202-885-3315

Academic Support Center
Mary Graydon Center 243
202-885-3360

Public Safety
Public Safety Building
202-885-2527

Section 504/ADA Coordinator
408D Butler Pavilion
202-885-3328

Washington College of law
Office of Student Affairs
4801 Massachusetts Avenue, NW
Suite 301
202-274-4030

The university reserves the right to amend this policy with or without notice. This document is available in alternative formats upon request.

III. Documentation Guidelines

The ASC and DSS are responsible for reviewing professionally prepared documentation of a disability, determining effective and reasonable modifications based on the impact of a disability, and communicating those modifications to the Senior Academic Counselor at WCL.

In general, students must provide relevant, current documentation from a qualified professional, which will assist in determining reasonable accommodations at the university.

All documentation should include:

1. the presenting problem and relevant history;
2. test scores and discussion of results, if relevant;
3. a diagnosis with rationale;
4. a description of the disability;
5. substantial medication side effects, if any;
6. information on substantial disability-based limitations and how they relate to the educational environment; and
7. suggested accommodations with rationale for recommendations

Documentation of a learning disability should be presented in a psychoeducational or neuropsychological report, including test scores and discussion of results.

The ASC and DSS reserve the right to request additional documentation, if needed.

Detailed guidelines for documentation are available on the Academic Support Center Web site, www.american.edu/asc, and the Disability Support Services Web site, www.american.edu/disabilitysupport. These guidelines can be provided to evaluating professionals.

IV. Accommodations

A. Academic Modifications

The law school will make reasonable accommodations for documented disabilities according to recommendations made by either DSS or ASC. Academic modifications may include but are not

limited to exam accommodations, reduced course load or part-time attendance, in-class note-takers, or the use of adaptive technology.

B. Class Attendance

Class attendance is a fundamental aspect of legal education at WCL and typically requests for modification to class attendance policies are not granted. The regulations of the law school and the accreditation standards of the American Bar Association require regular and punctual class attendance. Students are expected to attend classes regularly, a minimum of 75 percent of the time, to receive credit. If a student accumulates an excessive number of absences without good cause, such as illness, he or she may be denied credit for that semester or be barred from taking a final examination in the particular course or courses.

Excessive absence means failure to attend a substantial number of classes, indicating a lack of seriousness of purpose on the part of the student.

Faculty members may set more stringent standards as a matter of discretion, for certain courses in which case the more stringent standard will apply.” *See* WCL Catalog, “Attendance”.

C. Interaction with Faculty

Faculty are not generally informed about students enrolled in their class who are receiving accommodations. Faculty are only provided such information on an as-needed basis. All accommodated exams are administered by the WCL Office of Student Affairs.

D. Adaptive Technology

The school is equipped with adaptive technology (hardware and software), available through the Pence Law Library and on American University’s main campus. Students who require adaptive technology, or would like information about available technology, should contact the Office of Student Affairs at 202-274-4030 or the Adaptive Technology Specialist at (202) 885-1411.

V. Steps to Secure Accommodations

A. Students seeking accommodations should complete the Request for Information from Students with Disabilities form available online and submit it electronically to the Senior Academic Counselor in Office of Student Affairs in the Washington College of Law.

B. Students requesting accommodations will meet with the director of either the ASC or DSS to provide documentation of a disability and discuss appropriate accommodations.

C. The ASC or DSS will provide the Office of Student Affairs with a confidential memo outlining recommended accommodations.

D. Following the meeting in the ASC or DSS, students will schedule an appointment with the, Senior Academic Counselor, to discuss implementation of the accommodations.

E. Prior to final exams, the Office of Student Affairs will contact students by e-mail with instructions about test accommodations procedures. Questions may be directed to the Office of Student Affairs at 202-274-4030.

VI. Accessibility at the Washington College of Law

A. Parking

The law school building has an underground parking garage with accessible parking spaces. General information on parking at the law school is available on the law school facilities management Web site, www.wcl.american.edu/facilities/policy.cfm. Students with questions regarding the parking policy and accommodations should contact the Office of Student Affairs at 202-274-4030.

B. Access by Public Transit

Information about accessible bus and metro transit is available on the law school Web site, www.wcl.american.edu/direction/, and on the Washington Metropolitan Area Transit Authority Web site, www.wmata.com.

C. Building Access

The law school building is accessible from the Massachusetts Avenue entrance. There is a power operated door from the main entrance. Access to the upper floors is by four elevators and two stairways. There is one elevator inside the library that provides access between the first and second floors of the library. There are two elevators accessing the underground parking lot; however, only one elevator goes to the third floor of the parking garage. All floors of the parking garage have ramps accessing the elevators. All elevator jams have Braille floor numbers. Signs on each floor and for each classroom are also in Braille.

A. Classrooms

All of the tiered classrooms are fully accessible and have ramps. Many classrooms are wired to provide network access and power for student laptop computers. Wireless networking is also available throughout the building. There is a small elevator on the sixth floor that gives access to two classrooms on the sixth floor.

B. Restrooms

There are four restrooms on each floor except the basement, two of which are fully accessible.

VII. Academic Dismissal and Readmission

“Once dismissed for academic deficiency, a student may be reinstated only by petitioning the admissions committee for readmission. Readmission is granted only in extraordinary cases of demonstrated, substantial improvement in a student's potential for continuing the study of law

successfully. As a matter of policy, the admissions committee generally requires that a student dismissed for academic deficiency remain out of school for a minimum of two semesters (a summer session does not constitute a semester for this purpose) before a petition for readmission is acted upon. In cases where a substantial period of time has elapsed between dismissal and readmission, the “six-year rule” may result in the loss of some or all of the credits earned prior to readmission.” See WCL Catalog, “Reinstatement.”

If a student is dismissed for academic insufficiency and later petitions for readmission citing a disability as a causal factor in the dismissal, the student will be required to explain why the disability was not brought to the attention of the Associate Dean for Student Affairs if it had not been previously, why accommodations were not requested if they were not, or why accommodations that were provided were not adequate. Readmission petitions should be discussed with the Associate Dean for Student Affairs before being filed with the Committee on Admissions which considers and acts on such petitions.

VIII. Career Counseling

Students seeking career counseling or information about career opportunities should contact the Office of Career and Professional Development at 202-284-4090. Information about career services at WCL is available at www.wcl.american.edu/career/. “Interviewing Tips for Law Students with Disabilities and Employers Who Recruit Them” is published by the National Association for Legal Career Professionals (NALP), and is a helpful resource.

IX. Bar Examinations

Law students with disabilities who believe they will require accommodations when taking the bar examination should inquire early in their legal education as to the requirements for obtaining accommodations. In some cases, documentation provided to the university for purposes of obtaining academic accommodations will need to be updated. Information on how to contact bar examiners in all states is available from the Office of Career Services, the Associate Dean for Student Affairs, and on the American Bar Association Web site.

Many state boards of bar examiners will request that the law school provide information on accommodations received during law school. Such information will be provided upon a written release from the student to the Office of Student Affairs. Students should pursue securing accommodations on a bar examination as early as possible as it can take some jurisdictions months to confirm accommodations and additional documentation may be needed.

X. Students with Temporary Disabilities

Students seeking accommodations on the basis of a temporary disability must notify the Associate Dean for Student Affairs. Students will be required to provide documentation to the Disability Support Services office on main campus verifying the nature of the condition, stating the expected duration of the condition, and describing the accommodations deemed necessary.

XI. Important Notice about this Handbook

The information contained in this Handbook includes the university's interpretation of its obligations under the various local and Federal disability laws. The University does not intend to provide more or less than required by law. To the extent there is a conflict between the University's policy and the law, the law will prevail. Additionally, this Handbook may be amended from time to time with or without notice. This document is available in alternative formats upon request.