It is the policy and practice of Southwestern Law School to comply with the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act, and state and local requirements regarding students and applicants with disabilities. Under these laws, no qualified individual with a disability will be denied access to or participation in services, programs and activities of Southwestern Law School.

Southwestern Law School does not discriminate based on disability in any program or activity, including in the admissions process

Questions or complaints about Section 504 may be directed to the assistant secretary for civil rights:

Office for Civil Rights, San Francisco Office U.S. Department of Education 50 United Nations Plaza San Francisco, CA 94102 Telephone: (415) 486-5555 Facsimile: (415) 486-5570 Email: OCR.SanFrancisco@ed.gov

Southwestern's policy regarding students and applicants with disabilities recognizes that disabilities include mobility, sensory, health, psychological, and learning disabilities. Southwestern will make every effort to provide reasonable accommodations to these disabilities; however, Southwestern is unable to make accommodations that are unduly burdensome or that fundamentally alter the nature or fundamental curricular components of the program.

While Southwestern's legal obligation relates to disabilities of a substantial and long term nature, it is also our practice to provide accommodations when possible for temporary disabilities.

All Southwestern students are expected to conduct themselves in a professional and courteous manner towards all members of the Southwestern community.

accommodations in law school must be submitted to the Dean of Students and Diversity Affairs Office.

3. Students Wishing to Self-Identify in the Application Process

Applicants who wish to have their disability considered as a factor in the admissions process must identify at the time of application the nature of the disability and provide an explanation of why it is a factor. Please see the *Appendix* within this policy for information relating to documentation requirements and payment for documentation.

4. Reconsideration

been

rejected unless there was information that was not available at the time of the application through no fault of the applicant. For that reason, applicants are advised to make any disability known at the time of application if they wish to have the disability taken into account during the application process.

5. Accepted Applicants with Need for Accommodations

Students who are accepted for admission should contact the Dean of Students and Diversity Affairs Office as soon as possible regarding disabilities that might require accommodations during law school. Accepted applicants are required to identify disabilities requiring accommodations as early as possible in order to allow adequate time for evaluating documentation, working out the specific accommodations, working out arrangements including funding for auxiliary services, and arranging accommodations for Orientation. Last-minute requests for accommodations may not be able to be reasonably provided because of the time required to make such arrangements.

1. Identifying the Need for Accommodation

Students with disabilities who require accommodations are required to make those needs known to the Dean of Students and Diversity Affairs Office as soon as possible. It is the responsibility of the student to make these needs known in a timely fashion and to provide appropriate documentation and evaluations in appropriate cases. Please see the *Appendix* within this policy for information regarding documentation requirements and payment for such documentation. Students should not assume that this information is known to the Dean of Students and Diversity Affairs Office because their application to law school indicates the presence of a disability. Students who do not require accommodations need not make their disabilities known. The information on the student's disability and accommodations is treated as confidential information under applicable federal, state and Southwestern policies and is only provided to individuals who are privileged to receive such information on a need-to-know basis. Faculty and staff members who are apprised of a disability are advised that this information is confidential.

In some 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 should feel free to simply make such a request directly to the faculty member. If requests for minor accommodations are not responded to adequately, the student should make the request to the Dean of Students and Diversity Affairs Office.

Students with disabilities should be aware that while reasonable accommodations are available, all students will be held to the same academic performance standards. Law school is stressful, and students whose disabilities justify accommodations such as a reduced course load have the obligation to request accommodation before academic failure. Problems such as exam anxiety and chronic lateness will not ordinarily be considered to be disabilities justifying accommodation.

i. Accommodations

Southwestern will make reasonable accommodations for documented.

possible. The Dean of Students and Diversity Affairs Office will work with the library staff to facilitate an appropriate schedule of assistance.

ii. Exam Modifications

Exam modifications may include additional time to take the exam, time allowed for rest breaks, use of a reader or amanuensis, being allowed to eat, a reduced distraction testing environment, or taking the exam at a time other than the regularly scheduled time. Students requesting certain exam modifications may be asked to ascertain the format of the exam in order to determine the appropriate modification. For example, if the student has difficulty writing, but does not have difficulty reading, the need for additional time would be affected by whether the exam was to be in a multiple-choice format or an essay format.

All exam modification requests related to disabilities are to be directed to the Dean of Students and Diversity Affairs Office. Because of the time needed to arrange these requests, students must make such requests no later than eight weeks before exams are to be taken if the request is a firsttime request, or, if the need for accommodation becomes known to the student later than such time, as early as possible, but no later than three weeks before exams are to be taken. If students who have previously been granted accommodations request accommodations different than those previously granted or submit new or supplemental documentation to support an accommodation request, the student must submit the request no later than eight weeks before exams are to be taken.

evaluated and processed, students are strongly urged not to wait until the applicable deadline but to make their request for accommodation, new or otherwise, as early as possible. Requests for readers, scribes or other assistance should be made early to ensure that there is adequate staffing. Exam accommodation requests must be renewed each semester and must be submitted at least two weeks before the scheduled exam. Depending on the nature of the disability, new or updated documentation may be required. While the Law School will make its best ubmitted

beyond that deadline, petitions received less than two weeks prior to the start of the exam period madl

disabilities are guaranteed certain protections and rights of equal access to programs and services. In an educational setting, students with appropriately, medically documented disabilities may be eligible for accommodations; however, the diagnosis of a disorder/condition alone does not automatically qualify an individual for accommodations under the ADA. Documentation in support of accommodations must indicate that the stated disability substantially limits some major life activity, and must reasonably and logically demonstrate the need for accommodations that directly address the disabiling condition.

Accommodations will be provided at Southwestern where a clear and convincing rationale is made for the necessity of the accommodation, where it is not unduly burdensome to do so, and where the accommodations do not compromise or fundamentally alter the essential components, substance or requirements of a particular course or program of study. All students are held to the same academic performance

e current functional limitations of an enrolled student; they are not remedial in nature nor do they change or compromise academic standards.

provision of services that ensure equal access to a student with a disability (e.g., providing extended examination time for a student who processes information more slowly than other students because of a learning disability).]

The provision of reasonable accommodations and services is based upon assessment of the impact of the student's disabilities on their academic performance at a given time in the student's life. It is important to recognize that accommodation needs can change over time; documentation must, therefore, verify the need for accommodations based on

accommodation does not in and of itself warrant the automatic provision of a similar accommodation.

Students who believe they have a current and essential need for disability accommodations are responsible for requesting accommodations and providing comprehensive, qualifying medical documentation to the Dean of Students and Diversity Affairs Office. Documentation must be provided well in advance of the date for which accommodations are being sought. If submitted documentation is incomplete, inadequate in

functioning and need for accommodations, or does not follow these documentation requirements, Southwestern will request clarification and, if necessary, more information. This will delay th

obtain such additional information or clarification. Documentation fees are borne by the student.

Accommodations are provided on an individual case-by-case basis. Given that many students may perceive that they might benefit from an accommodation (e.g., extended time for examinations), evaluators must provide a specific rationale and justification for the necessity of each accommodation. If no prior accommodation has been provided to

the student, the evaluator must include an explanation about why no accommodations were used in the past and why accommodations are needed now. A school plan such as an individualized education program (IEP) or 504 plan is insufficient documentation, but it can be included as part of a more comprehensive assessment battery. A letter from a physician or other professional may not be sufficient documentation. Southwestern reserves the right to request additional or updated documentation, even after a student has been granted academic accommodation.

The final determination for providing appropriate and reasonable accommodations rests with Southwestern. Reports should be typed, dated and signed, and appear on

name and professional credentials, including license/certification information and jurisdictional information, should be clearly stated. Parents or other relatives are never appropriate evaluators, even if they are otherwise qualified. Southwestern reserves the right to submit disability documentation to an appropriate health care or other professional qualified to assist Southwestern in its review of both the initial documentation and any supplemental assessment(s) of the disability. If an additional assessment for purposes of obtaining a second professional opinion is required, Southwestern will bear costs not covered by any third party payor.

Please note below the specific documentation requirements for specific types of disabilities. Students may w

diagnoses and co-existing mood, behavioral, neurological, or personality disorders that confound the diagnosis of AD/HD. Selected subtest scores from measures of intellectual ability, memory functions tests, attention or tracking tests, or continuous performance tests do not in and of themselves establish the presence or absence of AD/HD. Checklists and/or surveys can serve to supplement the diagnostic profile, but in and of themselves are not adequate for the diagnosis of AD/HD.

Selected examples of adequate testing include the following (List is not complete; more testing may be required):

a. Aptitude Testing

A complete IQ battery is required, including all subtests and standard scores. Acceptable measures include the Wechsler Adult Intelligence Scale; the Woodcock-Johnson Psychoeducational Battery: Tests of Cognitive Ability; the Kaufman Adult Intelligence Test; and the Stanford-Binet Intelligence Scale. The Slosson Intelligence Test-Test of Nonverbal Intelligence, and the Kaufman Brief Intelligence Test do not constitute adequate aptitude test measures.

b. Achievement Testing

A complete achievement test battery is required, including all subtests and standard scores, assessed under timed and untimed conditions as appropriate to corroborate underachievement in specific academic areas. Acceptable measures include the Woodcock-Johnson Psychoeducational Battery-Revised: Tests of Achievement; Wechsler Individual Achievement Test; Stanford Test of Academic Skills; and the Scholastic Abilities Test for Adults. The Wide Range Achievement Test, the Peabody Individual Achievement Test, and the Nelson Denny Reading Test are not comprehensive measures of academic achievement and should not be used as sole measures in this area. The Nelson-Denny Reading Test (Comprehension subtest) or a comparable measure is required if requesting additional time on exams.

c. Information Processing

Specific areas of information processing must be assessed either as a part of the aptitude testing described above or using other tests. Examples include: working memory, processing speed, short and long-term memory, reasoning, auditory and visual perception/processing, executive functioning, and motor ability. Acceptable measures include the Wechsler Adult Intelligence Scale, and the Woodcock-Johnson Psychoeducational Battery: Tests of Cognitive Functioning. Additional testing such as the Wechsler Memor

current symptoms, fluctuating conditions/symptoms, and prognosis must also be included.

ii. Treatment

Current pharmacological (type/dosage/side effects) information must be included, as well as other medical or rehabilitative interventions and what

progress.

iii. Functional Limitations

A clear statement specifying functional manifestations (i.e., substantial limitations to one or more major life activities and degree of severity) due to the disability and/or medications, for which the student may need accommodations, is required. Documentation should also indicate whether the limitations are temporary or long-term.

iv. Accommodations Recommendation

A recommendation for accommodations, including rationale, must be provided. If the accommodations recommendation is specific to limitations in learning (e.g., reading, mathematics, written expression), an appropriate psychoeducational or neuropsychological evaluation must be administered to document ability/achievement discrepancies. The results of other

student to take a leave of absence. Reasonable accommodation will include excusing absences that are medically necessary, as required under Title IX.

A student who chooses to take a leave of absence because the student is pregnant or has recently given birth will be allowed a period consistent with the policies of the Law School, or a period of 12 additional months, whichever period is longer, to prepare for and take examinations and an extension of at least 12 months toward normative time to degree while in candidacy for a degree, unless a longer extension is medically necessary.

A student who is not the birth parent and who chooses to take a leave of absence

the policies of the Law School, or a period of one month, whichever period is longer, to prepare for and take examinations, and an extension of at least one month toward normative time to degree while in candidacy for a degree, unless a

or their child.

An enrolled student in good academic standing who chooses to take a leave of absence because the student is pregnant or has recently given birth will return to the student program and be permitted to continue their legal program following a leave period consistent with the policies of the Law School or of up to one academic year, whichever period is longer, subject to the reasonable administrative requirements of the institution, unless there is a medical reason for

maintained during that period of absence.

An enrolled student in good academic standing who is not the birth parent and

appoint three full-time faculty members to constitute a grievance committee. The committee will develop its own procedures, provide an opportunity for the student to present the grievance, determine whether the grievance has merit in relation to this policy, and provide a written report to the Dean. A copy of this policy will be made available to faculty, staff, and employees in their required training. This policy will be made available to all students attending orientation sessions.

ABA Commission on Lawyer Assistance Programs https://www.americanbar.org/groups/lawyer_assistance.html

ABA Commission on Disability Rights E-mail: <u>cdr@americanbar.org</u> National Alliance on Me