

POLICY AND PROCEDURES FOR THE PROVISION OF SERVICES TO STUDENTS WITH DISABILITIES

(Approved by Faculty February 7, 2006)

Golden Gate University's Law School is committed to achieving equal educational opportunity and full participation for persons with disabilities. In compliance with Section 504 of the Rehabilitation Act of 1973, and Title III of the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, it is the Law School's policy that no qualified individual shall, on the basis of disability, be excluded from participation in, or be denied the benefits of, any University sponsored program or activity.

It is the Law School's policy that enrolled students who have disabilities shall be given reasonable accommodations and auxiliary aids and services to the extent necessary to comply with state and federal laws. For each student, these accommodations and auxiliary aids and services will specifically address those functional limitations of the disability, which adversely affect equal educational opportunity. Furthermore, the Law School has recognized its legal obligation to make reasonable adjustments or accommodations designed to provide overall educational program accessibility for otherwise qualified persons with disabilities. In providing greater access to qualified students with disabilities, the Law School demonstrates its belief that the legal profession will benefit from the skills and talents of these individuals.

Golden Gate University School of Law 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 qualified professional. The Office of Student Services makes available information as to the existence and location of services, activities and facilities that are accessible to and usable by persons with disabilities. The Associate Dean for Law Student Services shall administer the program for adjustments or accommodations.

The designated ADA / Section 504 Compliance Officer for the Law School is the Associate Dean for Law Student Services, who is the senior Law School administrator responsible for campus policies affecting law students with disabilities and for ensuring Law School compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 . She may be reached by calling (415) 442-6614. The Associate Dean , in consultation with faculty, counsel and other experts when necessary, ensures that these policies are both educationally sound and responsive to the needs of students with disabilities. While the Law School will strive to accommodate students as fully as possible, reasonable adjustments or accommodations do not include measures which fundamentally alter the academic program of the Law School or which place an undue financial burden on the Law School.

DEFINITIONS

1) Person with a Disability: Any person who (i) has a physical or mental impairment which limits one or more major life activities; (ii) has any other health impairment that requires special education or related services; (iii) has a record or history of such impairments; (iv) is being regarded or treated by covered entities as having, or having had, any physical condition that makes achievement of a major life activity difficult; or (v) is being regarded or treated by covered entities as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability.

2) Otherwise Qualified Person with a Disability: 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. The qualifications for participating in the Law School's educational program include but are not limited to the ability "to understand, analyze, apply and communicate legal concepts."

ADMISSIONS POLICY AND PROCEDURES

1) Admissions Policy In the admission process, the Law School does not discriminate on the basis of a disability. Any information concerning an applicant's disability provided during the admissions process shall be on a voluntary or optional basis and shall be kept in accordance with state and federal laws relating to confidentiality

When assessing the qualifications of an applicant with a disability, evaluators consider other relevant factors, including the undergraduate record, educational program, work experience, and any other information that the applicant supplies.

2) Post Admission Inquiries After admission of an applicant, the Law School will invite and encourage voluntary self-identification by students with disabilities for purposes of verifying the disability and identifying the reasonable accommodations that the Law School will provide to the student. The Law School will strive to determine the accommodations to be provided before the student matriculates in an effort to have accommodations in place when the student commences study. Early planning is essential for many of the resources and accommodations provided. The Law School asks that students seeking accommodations contact the Associate Dean for Law Student Services at the earliest possible date, and no later than two weeks before the start of a class, in order for the Law School to effectively assist students with their individual needs.

POLICY AND PROCEDURES FOR ENROLLED STUDENTS

1) Policy of Non-Discrimination Based on Disability The Law School shall provide reasonable academic adjustments or accommodations necessary to afford equal opportunity and full participation in all Law School programs for qualified students with professionally verified disabilities. These adjustments or accommodations will be provided in the most integrated setting appropriate to the student's needs. In particular:

a. Students with disabilities shall have the opportunity to participate in Law School programs, and activities such as scholarly publications, interscholastic competitions, clinics, and externships, if they qualify for such programs or activities.

- b. No registered student organization shall discriminate in its membership practices on the basis of disability.
- c. The Law School will not provide assistance to outside organizations or persons that discriminate against students on the basis of disability.
- d. 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 examinations and other procedures for evaluating students' academic achievement will be adapted and administered so as to minimize the effect of the disability and accurately measure the student's achievement in the course.
- e. The Law School shall provide personal counseling, academic advising, and career services without discrimination on the basis of disability. In particular, qualified students with disabilities will not be counseled toward more restrictive career objectives than are other students with similar interests and abilities.
- f. In providing financial assistance to qualified students, the Law School may not provide less assistance, limit eligibility for assistance, or otherwise discriminate on the basis of disability.
- g. The location of programs within the physical plant will provide equal access to mobility and visually impaired students to the extent reasonably possible. In the design of new construction or renovation of existing buildings and facilities the Law School will strive to incorporate principles of barrier free design.

2) Procedures for Determining Disability and Accommodations

Each student bears the responsibility of timely initiating a disability-related request for accommodations, auxiliary aids and/or services with the Associate Dean for Law Student Services prior to the time such an accommodation, auxiliary aid and/or service is needed.

The following are examples of accommodations, auxiliary aids and/or services and the suggested period of time for requesting them. The list is not exhaustive and the time frames are recommended ones. Students may request accommodations, auxiliary aids and/or services at any time prior to the time that such an accommodation, auxiliary aid and/or service is needed; the availability of these may be affected, however, by a request made later than the stated time frames.

* Auxiliary Aids and Services

1. Note-takers -The request should be made within the first ten(10) business days of each quarter, or as soon as the student recognizes the need for notes;
2. Typists/Scribes -The request should be made at least seven (7) business days in advance of date the service is needed.
3. Reader Services/Books On Tape should be requested as early as possible. It is the student's responsibility to obtain the syllabus from the professor in order to identify the required textbooks and reading assignments for the course. If the syllabus is not available three weeks prior to the first day of instruction, the student is encouraged to ask the professor at that time that is, three weeks prior to the first day of instruction to identify textbooks and reading assignments for the first three weeks of the quarter. Should the student encounter difficulty contacting the professor or obtaining syllabus or

reading information at that time, the student should immediately contact the Associate Dean for Law Student Services for assistance.

4. Interpreters and Real-Time Captioners - The request should be made at least seven (7) business days in advance of the date the service is needed;

5. Alternate Media - the date service is needed The request should be made at least seven (7) business days in advance of.

* Examination and Paper Accommodations: Students with a documented disability may request an accommodation in regard to an examination or paper. The request shall be in writing and made through the office of the Associate Dean for Law Student Services. After reviewing the requested examination or paper accommodation and determining the appropriate accommodation, the Associate Dean for Law Student Services will take the steps necessary to begin putting appropriate exam and/or paper accommodations in place. It is best for students to contact the office of the Associate Dean for Law Student Services before the beginning of the quarter or within the first two weeks of each quarter to request that such accommodations be effected. At a minimum, students should request exam or paper accommodations at least seven (7) business days prior to the date of the examination or due date of the paper.

* Request for Modification of Academic Requirements

1. Eligibility: A student with a documented disability may request a modification of certain generally applicable academic requirements (for example, the number of units to be taken in an academic quarter, substitution for otherwise required courses, course retakes or completion of courses, certain aspects of academic standing, etc.).

2. Procedure: The request shall be made to the office of the Associate Dean for Law Student Services in writing as early as possible (that is, at least ten (10) business days before the beginning of the academic quarter or as soon as the need arises) and should be accompanied by documentation of the disability which supports the request. The request shall also include the requesting student's name, address, e-mail address and phone number.

3) Verification of Physical or Mental Impairment

A student with a physical or mental impairment, other than a learning disability, must provide professional verification certified by a licensed physician, psychologist, psychiatrist, audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other professional health care provider who is qualified in the diagnosis of the disability. The verification must reflect the student's present level of functioning of the major life activity affected by the disability.

The student shall provide the verification documentation to the associate dean for law student services. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the present extent of the disability and appropriate accommodations, the Law School shall have the discretion to require supplemental assessment of a physical or mental impairment. The cost of the supplemental assessment shall be borne by the student.

If the Law School requires an additional assessment for purposes of obtaining a second professional opinion, then the Law School shall bear any cost not covered by any third party payer.

4) Verification of Learning Disability

A student with a learning disability must provide professional testing and evaluation results that reflect the individual's present level of processing information and present achievement level. Generally, medical verification of AD(H)D should not exceed 5 years. Cognitive-educational evaluations should be no older than 3 to 5 years. The cost of obtaining the professional verification shall be borne by the student.

The three criteria necessary to establish a student's eligibility for learning disability adjustments or accommodations are: (1) average or above average intelligence as measured by a standardized intelligence test which includes assessment of verbal and non-verbal abilities; (2) the presence of a cognitive-achievement discrepancy or an intra-cognitive discrepancy indicated by a score on a standardized test of achievement which is 1.5 standard deviations or more below the level corresponding to a student's sub-scale or full-scale IQ; and (3) the presence of disorders in cognitive or sensory processing such as those related to memory, language, or attention.

Documentation verifying the learning disability must:

1. Be prepared by a professional qualified to diagnose a learning disability, including but not limited to a licensed physician, learning disability specialist, or psychologist;
2. Include a diagnostic statement identifying the disability.
3. Include the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of the test results by the professional;
4. Reflect the individual's present level of functioning in the achievement areas of reading comprehension, reading rate, written expression, writing mechanics and vocabulary, writing, grammar, and spelling; and
5. Reflect the individual's present level of functioning in the areas of intelligence and processing skills.
6. Include a recommendation for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support services.

The assessment must provide data that support the requests for any academic adjustment. In the event that a student requests an academic adjustment or accommodation that is not supported by the data in the assessment, or if the initial verification is incomplete or inadequate to determine the extent of the disability, then it is incumbent on the student to obtain supplemental testing or assessment at the student's expense.

If the Law School requires an additional assessment for purposes of obtaining a second professional opinion, then the Law School shall bear any cost not covered by any third party provider.

For students seeking accommodations for AD(H)D, attention deficit disorder, students will be required to meet the following requirements for documentation:

1. Documentation must include the name, title, professional credentials, area of specialization, employer, and state in which the individual is licensed or otherwise approved to practice.
2. Appropriate professionals for diagnosing AD(H)D are licensed clinical or educational psychologists and medical doctors (usually a psychiatrist with a specialization in AD(H)D).
3. Documentation for AD(H)D is required in two parts:
 - i. Letter from psychologist or psychiatrist providing the dates of evaluation and DSM-IV diagnosis;
 - ii. Results of a cognitive-educational evaluation which demonstrate the functional limitations of the individual in an academic environment caused by the AD(H)D. The report should substantiate the need for specific academic accommodations. Cognitive-educational evaluations are typically performed by psychologists or learning specialists. For specific documentation requirements for cognitive-educational testing, please refer to the Learning Disability Documentation Guidelines.

5) Verification of Temporary Disability

Students seeking accommodations on the basis of a temporary disability must provide documentation verifying the nature of the condition, stating the expected duration of the condition, and describing the accommodations deemed necessary. A professional health care provider who is qualified in the diagnosis of such conditions must provide such verification. The assessment or verification of disability must reflect the student's current level of disability and shall be no older than 60 days. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate accommodations, the Law School shall have the discretion to require supplemental assessment of a temporary disability. The cost of the supplemental assessment shall be borne by the student. If the Law School requires an additional assessment for purposes of obtaining a second professional opinion, then the Law School shall bear the cost.

6) Determination of Reasonable Accommodations

- a. The associate dean for law student services or her designee will review all documents submitted to verify a disability and shall conduct a personal interview to explore the needs of the student in the Law School setting. In those circumstances in which the associate dean for law student services is not qualified to verify a disability, and in all cases in which a student submits documentation of a learning disability, the associate dean for law student services shall consult with a qualified professional about the documentation and the accommodations sought. Any cost incurred in pursuing such a consultation shall be borne by the Law School.
- b. Students will be asked to submit to the associate dean for law student services a history of academic adjustments and accommodations received in post-secondary institutions or in places of employment. Such a history of adjustments and accommodations will be subject to verification by the

institution or place of employment that facilitated the adjustments or accommodations.

c. After considering the verification documents, the results of the personal interview, and the history of academic adjustments and accommodations, and, when appropriate, the report of a qualified consultant, the associate dean for law student services shall propose a schedule of the academic adjustments and accommodations appropriate for the student to receive from the Law School. In arriving at the proposal, the associate dean for law student services shall consult with appropriate faculty, administrative staff of the Law School and professional consultants to the Law School.

d. Reasonable academic adjustments and accommodations designed to provide equal opportunity to students with disabilities shall be made in the following two areas:

- Academic Program. Adjustments in this category include those necessary to enable a student to enroll in, study for, attend and participate in classes, and may include modification of course load.
- Examinations. Examination adjustments and accommodations will be made as necessary to minimize the effect of a particular disability.

e. The associate dean for law student services shall present the proposed schedule of academic adjustments and accommodations to the student in writing.

f. Each student receiving academic adjustments or accommodations shall meet upon request with the associate dean for law student services to evaluate the effectiveness of the academic adjustments and accommodations in place. Each student shall immediately report any dissatisfaction with an academic adjustment or accommodation to the associate dean for law student services. Additionally, the schedule shall 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.

g. Services for students who improperly procure adjustments or accommodations under this policy will be immediately terminated and the student may be subject to possible disciplinary action, under the Standards of Student Conduct.

h. Subject to applicable rules of confidentiality, the associate dean for law student services shall provide information to appropriate administrative staff and faculty when necessary to arrange for efficient administration of academic adjustments and accommodations.

7) Procedures for a Student Seeking Accommodations for a Particular Semester A student who wishes to receive academic adjustments (including exam accommodations) or auxiliary aids must:

- a. Submit to the associate dean for law student services a Request for Accommodations form each semester by the announced deadline. That form requires the student to include his or her semester schedule.
- b. Inform the associate dean for law student services immediately of any subsequent changes in the schedule.
- c. Notify the associate dean for law student services if the student plans to make up an Incomplete.
- d. Inform the associate dean for law student services of any changes in his or her condition which affect the need for academic adjustments or auxiliary aids.

- e. Request additional or different academic adjustments or auxiliary aids by submitting a timely written request to the associate dean for law student services with supporting documentation, if requested.
- f. Complete a form acknowledging receipt of accommodations for each exam.
- g. Notify the associate dean for law student services in writing if the student experiences problems with any academic adjustments or auxiliary aids provided by the Law School.

8) Records and Privacy

- a. The Law School shall maintain confidential records within the Student Services Office relating to academic adjustments and accommodations based upon disability. The records shall include the documentation submitted to verify the disability.
- b. All documents produced by consultants in the performance of services for the Law School shall be and shall remain the property of the Law School.

9) Disqualified Student Appeals Upon receipt by the academic standards committee of a petition for probation or re-admission from a student who identifies himself or herself as disabled, the petition will be supplemented by a report from the associate dean for law student services providing, in a summary chronological form any available information regarding the nature of the disability; the extent to which it affects the student's ability to participate or perform in the academic program; the academic adjustment(s) requested by the student; those adjustments granted, if any; and any other information contained in the student's file relevant to the petition. In any event, the academic standards committee may request to see the actual records of the student maintained by the associate dean for law student services.

10) 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 Law Career Services Office will aid all graduates, with or without disabilities, in developing career opportunities after the completion of studies at Golden Gate University School of Law.
- c. The Law School has a policy of non-discrimination on the basis of disability in all alumni activities that are a part of the official program of the Law School or that involve the participation of applicants or enrolled students.

11) Grievances All student-initiated grievances shall be heard according to the following procedures:

a. Informal Resolution

A student who believes that he or she has encountered a violation of the policies listed herein is encouraged to notify the associate dean of law student services as early as possible after the incident. In the event that the party against whom the grievance is filed is the associate dean for law student services, then the grievance shall be filed with the associate dean for academic affairs. The associate dean for law student services (or the Academic Dean) may dispose of the matter informally or

refer it for hearing to a hearing by the ADA appeals panel. If the matter is handled informally and the aggrieved student agrees with its disposition, the disposition shall be final. If the matter is handled informally and the aggrieved student disagrees with its disposition, a hearing the ADA Appeals panel shall be held.

Before final action on a grievance, the associate dean for law student services (or the Academic Dean) may impose any appropriate measure on an interim basis when there is reasonable cause to believe that such action is needed for the health, safety, or welfare of the student or other members of the Law School community or to avoid disruption to the academic process. Notice shall be given expeditiously of action hereunder. Where interim measures are imposed, the grievance process shall proceed in an expedited manner.

Except as provided above, the parties to the grievance shall maintain the status quo and no services shall be removed or additional obligations imposed.

b. Formal Resolution

To institute a formal grievance, the student shall file a written grievance with the associate dean for law student services (or the associate dean for academic affairs, if the associate dean for law student services is a party in the grievance). The grievance will then be forwarded to the ADA Appeals Panel.

The student and the respondent shall be given written notice, within a reasonable time prior to the hearing, including a brief statement of the factual basis of the grievance, the Law School policies or regulations in regard to the matter and the time and place of the hearing.

The student and the respondent shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses.

The Panel shall make an adequate record of the hearing by written memorandum, tape recording, or otherwise.

The hearing shall be closed unless the student requests that it be open.

The ADA Appeals Panel shall render an expeditious written decision which shall include findings of fact, conclusions, and, if appropriate, remedies.

The Panel shall have the discretion to prescribe its procedures for matters not addressed herein. For example, the Panel may require that oral evidence be taken only on oath or affirmation and/or that any relevant evidence be admitted if it is the sort of evidence on which responsible people are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of the evidence over objection in civil actions

The committee may seek independent testimony from experts whether or not the parties presented testimony from experts at the hearing.

c. Appeal to the Dean

An aggrieved student may appeal the decision of the ADA Appeals Panel to the Dean of the Law School in writing within 10 days of the date of the decision.

On appeal, the Dean shall review the written decision of the ADA Appeals Panel. The Dean may affirm or reverse or modify the panel's decision.

The Dean shall issue a written decision affirming, overruling, or modifying the decision of the hearing committee. A copy shall be sent to the student and the members of the ADA Appeals Panel.

If the Dean overrules or modifies in any respect the decision of the panel, his or her written decision shall include the reasons for the modification of the decision of the panel.

The decision of the Dean of the Law School is final.

d. Expedited Grievance Procedures

Expedited grievance procedures shall be utilized where there is a time-sensitive grievance, for example, a dispute over a student with disabilities' exam accommodations or matters related to an impending bar examination.

In addition, any grievance may be designated for expedited grievance process by the associate dean for law student services or the Academic Dean.

The informal resolutions process of expedited grievances shall be concluded within 3 days of the filing of the grievance. If the matter is not resolved informally within that time, the matter shall be referred to a hearing. The ADA Appeals Panel shall be convened within 7 days of the referral for hearing.

The panel shall issue a decision within 7 days after conclusion of the hearing. Any appeal to the Dean shall be made within 3 days of the date of the decision of the Panel. The Dean shall issue a written decision within 5 days of the appeal.