



THE JOHN MARSHALL LAW SCHOOL

Disability Policy and Procedures

1. **Overview:** The John Marshall Law School provides students with disabilities full access to and participation in the Law School's academic and student life programs in compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the ADA Amendments Act of 2008. The Law School is committed to providing reasonable accommodations of the documented disability for a student so that the student has an equal opportunity to achieve success in program of legal education. This policy also applies to all degree-seeking and non-degree-seeking students, including students in the Law School's SCALES program.
2. **Non-discrimination and reasonable accommodation:** The Law School will not discriminate on the basis of disability in the recruitment, admission, and treatment of students including participation in academic, research, financial aid, counseling, extracurricular, or other programs. Further, the Law School will make reasonable accommodations so that students with disabilities can enjoy equal opportunity and access to all Law School programs including through academic adjustments, auxiliary aids, and services.
3. **Definition of disability:** A student with a disability is a student who:
 - a. has a physical or mental impairment which substantially limits one or more major life activities (such as performing manual tasks, walking, seeing, hearing, speaking, learning or working);
 - b. has a record of such impairment (has a history, or has been classified as having a mental or physical impairment that substantially limits one or more major life activities); or
 - c. is regarded as having such an impairment.
4. **Requesting accommodations:**
 - a. A students who wishes to request an accommodation must contact the Disability Accommodations Administrator (DAA) in the Academic Services Office (disabilityservices@jmls.edu) and provide the documentation to support the request. The documentation will include one or more of the following: (i) the Self-Identification and Reasonable Accommodation Request Form; (ii) the Consent for Release of Private Medical Information Form; (iii) the Medical Provider Accommodation

Request Form; and (iv) supporting documentation from an appropriate treatment provider.

- b. A student may submit three types of requests for accommodation:
 - i. **Permanent disability accommodation request:** A student should a permanent disability accommodation request if he or she has an ongoing disability that is anticipated to last one or more years.
 - ii. **Temporary accommodation request:** A student with a short-term injury or illness, or who is pregnant should file a temporary accommodation request.
 - iii. **Provisional disability accommodation request:** A student may file a provisional accommodation request for a single semester if he or she received accommodations at a prior institution and can document that he or she is in the process of actively updating supporting documentation. A student who has started an assessment process may also file for provisional accommodations, but must demonstrate that he or she has diligently and actively been attempting to complete the assessment process and has a supporting letter from an appropriate treatment provider that corroborates the student's situation and efforts. Absent extraordinary circumstances, a student may not use this type of request to obtain extra time for assignments or examinations.
5. **Confidentiality:** All documentation provided by the student or treatment provider will be kept confidential and disclosed only on a strict need-to-know basis and in compliance with FERPA and other applicable laws.
6. **Timing:**
 - a. Students are strongly encouraged to submit requests for accommodations and all supporting documentation to the DAA by **August 10** for the fall semester, **January 5** for the spring semester, and **May 15** for the summer semester.
 - b. Documentation supporting a disability and reasonable accommodations must be submitted before an accommodation will be provided.
 - c. The Law School will need adequate time to evaluate documentation, develop an accommodations plan, and arrange for any granted

accommodations. The Law School may not be able to satisfy last-minute requests for some accommodations.

- d. Some disabilities — even those characterized as “permanent” — will require that the process of requesting accommodations be repeated at various points during the student’s Law School program. This information will be included in the student’s accommodation plan.
- e. The Law School does not have a legal obligation to review or grant relief based on after-the-fact requests and submissions.

7. Reviewing requests for accommodations:

- a. The Law School will review the submitted documentation to determine whether the student qualifies for an accommodation and the types of accommodations that may be appropriate.
- b. The determination of an appropriate accommodation plan will be based on an individualized assessment of the student’s specific condition and consideration of reasonable steps that can be taken to provide the student full and equal access to the Law School experience.
- c. Examples of accommodations include, but are not limited to, reduced course loads; modified class schedules; extra time on or breaks during examinations, assessments, or projects; quiet private or semi-private exam rooms; designated seating; providing materials in alternate formats (e.g., Braille, large print); and recorded class sessions.
- d. Reasonable accommodations are those that do not fundamentally alter the nature of the educational program, impose undue administrative or financial burden on the Law School, lower academic or other performance standards, compromise the validity and reliability of the exam, or provide an unfair advantage to the student.
- e. The DAA will coordinate the interactive process in collaboration with others as appropriate, including the student’s health care provider, instructors, administrators, and consultants. The DAA will issue a written accommodations plan to the student. If a student disagrees with the plan, the student should contact the DAA and attempt to negotiate a mutually agreeable resolution. If no agreement can be reached, the student may appeal in writing to the Vice Dean for Academic Affairs, who will review the appeal, the DAA’s proposed accommodation plan, and all supporting documentation. The Vice Dean may meet with the student and the DAA and may seek any additional information that he or she deems relevant. The Vice Dean

will then render a written decision to the student as soon as possible. The Vice Dean's decision is final.

- f. If the Law School requires a second professional opinion regarding the student's disability or request for accommodation, the Law School will bear the cost of obtaining that second opinion.
- 8. Individualized accommodations plan:** Under applicable law, accommodation plans are between the Law School and individual student. Thus, students with essentially similar disabilities may be accommodated differently. A student should not assume that the accommodation afforded another student is to be provided to him or her also, merely because the other student has a similar disability. Accommodations may be acted upon only upon request and mutual agreement.
- 9. Outside assistance:** For certain services, such as interpreters and readers, the Law School may request that the student seek eligibility for the services from an appropriate state agency, private agency, or other low-cost or no-cost service. The DAA will work with, and will request the cooperation of, the student in obtaining such services. Because obtaining these services can be time consuming and costly to the Law School or the providing agency, students are urged to seek assistance as early as possible, including before matriculation.
- 10. Service animals.** The Law School follows ADA standards and permits individuals with disabilities to bring their service animals into all areas of the Law School where public access is permitted. Service animals are animals that are individually trained to perform tasks for people with disabilities and are therefore working animals, not pets. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals. The student who uses the animal's service is responsible to care for and supervise the service animal. The student must maintain control of the animal at all times. The student may be required to remove the animal if it is disruptive (e.g., barking, wandering, or displaying aggressive behavior) and the behavior is outside the duties of the service animal. A student with a disability who wishes to use a service animal on campus should register the animal with the DAA.
- 11. Changes to accommodations:** After a student's accommodation request has been granted, it is the student's responsibility to request any needed change in the accommodation.
- 12. Difficulties with approved accommodations:** If a student with approved accommodations experiences difficulties with those accommodations (e.g., not being able to access a recorded class session), the student should immediately

contact the DAA, preferably in writing. If the DAA is not responding to the student or is the basis of the complaint, the student should contact the Vice Dean for Academic Affairs, preferably in writing.

13. Self-disclosing accommodations to faculty and staff: Although a student may opt to self-disclose his or her disability to a faculty or staff member, a student who seeks accommodations must follow the procedure outlined above. Accommodations are granted by the institution, not individual faculty or staff members.

14. Appeals: If the student is dissatisfied at any point in the process, he or she may appeal to the Vice Dean for Academic Affairs.

15. Accommodation files: School files that contain documentation from treatment providers who diagnose a student with a disability that results in an accommodation, accommodation forms, and any other documentation deemed relevant are kept separate from the general student file. This confidential paper file will be kept for 10 years from the time the student first receives an accommodation. After 10 years, the file will be destroyed; an electronic file will be kept identifying the diagnosed disability and the accommodation received.

Administrative policy revised June 11, 2017; effective immediately. JMLS will work with students who have already started an accommodations process or who have already been granted accommodations to transition to this new policy and procedure.

Cross-references: “Reasonable Accommodations and Standards for Law Study,” “Final Examination Conflict and Rescheduling Policy,” “Summer 2017–Summer 2018 Pilot Policy on Class Recordings,” “Student Protection from Discrimination and Harassment.”

Guidance for students seeking reasonable accommodations:

- ❖ Give your treatment provider a copy of the “Reasonable Accommodations and Standards for Law Study” policy before they write a letter supporting your request for accommodations.
- ❖ To establish that you have physical or mental impairment that substantially limits one or more major life activities, you will need appropriate documentation from an appropriate treatment provider. The Law School’s Disability Accommodations Administrator will be glad to discuss with our documentation guidelines with you.

- ❖ Depending on the disability and types of accommodations required, the Law School reserves the right to request updated documentation on an annual basis.
- ❖ The procedure regarding class recordings is outlined in the “Summer 2017–Summer 2018 Pilot Policy on Class Recordings” policy.
- ❖ To request that a final examination be rescheduled, please follow the Final Examination Conflict and Rescheduling Policy.
- ❖ Regarding a service animal, we also need to be sensitive to other students who may be allergic to the animal. We will handle those situations on a case-by-case basis.