



WHITTIER

LAW SCHOOL

ORANGE COUNTY, CALIFORNIA

**POLICY FOR STUDENTS AND APPLICANTS
WITH DISABILITIES
2017-2018**

A. General Policy

Whittier Law School's policy and practice is to comply with the Americans with Disabilities Act ("ADA"), 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 shall be denied admission or access to, or participation in, services, programs and activities of the Law School.

It is the policy of the Law School that otherwise qualified persons who have disabilities shall be given reasonable accommodations, including academic adjustment and auxiliary aids, where appropriate, to ensure access to the school's overall educational program.¹ Students are provided with reasonable accommodations based on specific information and assessment data documented by a qualified professional.

B. Definitions

1. ADA Coordinator: The person at the Whittier Law School responsible for processing all requests for accommodations under federal and state law. Currently, the ADA Coordinator is Trenise Bates, Director of Student and Alumni Relations who can be contacted at tbates@law.whittier.edu or 714-444-4141 x. 124.
2. DISABILITY: As defined by the ADA, a person who has a disability is any person who (i) has a physical or mental impairment which substantially limits one or more major life activities; (ii) has a record of such impairments; or (iii) is regarded as having such impairment.²
3. 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.³ 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 in a setting substantially similar to the practice of law.

¹ 29 USC §794, Section 504 states in pertinent part: No otherwise qualified individual . . . , shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

² 34 C.F.R. §104.3(j). The terms "Persons with Disabilities," "Handicapped Persons," "Disabled Persons" are used interchangeably to mean "Handicapped Person" as defined under Section 504 of the Rehabilitation Act. See also the Americans with Disabilities Act of 1990, P.L. 101-336, July 26, 1990, Section 3(2) (definition of disability).

³ 34 C.F.R. §104.3(k)(3).

C. Accommodations/Procedures

1. Communication with ADA Coordinator

a. Timing

It is the student's responsibility to request accommodations in a timely manner. Students who are accepted for admission are advised in their fall memorandum to contact the ADA Coordinator as soon as possible regarding disabilities that might require accommodations. Accepted applicants are strongly encouraged to identify disabilities requiring accommodations early to allow adequate time for evaluating student requests for accommodation and supporting documentation and for designing and implementing the accommodation(s). Although the Law School will do its best to evaluate a request for accommodation whenever presented, last minute requests for accommodations may not be able to be granted because of insufficient time to gather the appropriate documentation or to implement the accommodation(s). It generally takes four weeks to process applications for accommodations on examinations, and so the Law School asks all students to submit their applications for examination accommodations at least four (4) weeks prior to the first day of the exam period. The Law School's ADA procedures and applicable forms are located online at the following link: <https://www.law.whittier.edu/index/student-affairs/disability-accommodations/>.

b. Method of Communication with ADA Coordinator

Students shall communicate with the ADA Coordinator in person or via email. For purposes of confidentiality and to ensure receipt of the e-mail communication, all requests for accommodations should be submitted in writing via e-mail using the student's POETS account only. The use of other e-mail addresses for purposes of communicating with the ADA Coordinator regarding accommodations may cause a failure of delivery or delay in delivery. When verbal communication is needed, the best practice is to schedule an appointment with the ADA Coordinator so he/she is prepared and has sufficient time allotted to meet the student's needs.

2. Identifying the Need for Accommodations

Students with disabilities who require accommodations must make those needs known to the ADA Coordinator as soon as possible. Students are responsible for making these needs known in a timely fashion (see Accommodations Petition Deadline below) and for providing the requisite documentation and evaluations in appropriate cases. (see Verification of Disability section below regarding documentation requirements) Students should not assume that if their application to the Law School indicates the presence of a disability that this information is known to the ADA Coordinator. The ADA Coordinator has authority to decide whether and what type of accommodations will be granted after reviewing the student's request for accommodation and discussing the student's desired accommodation with the student and, if

necessary, consulting with the appropriate licensed professionals knowledgeable about the student's particular disability.

Students who do not require accommodations need not make their disabilities known. Information about the student's disability and accommodations is treated as confidential information under applicable federal and state laws and College policies and is only provided to individuals on a need to know basis. Faculty members who are advised 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 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 ADA Coordinator.

3. Accommodations Petition Deadline

As stated above, requests for accommodations shall be made as early as possible so that there is sufficient time to obtain and process the application and documentation needed, as well as to design and implement an accommodations plan. Regarding examination accommodation requests, because of the time needed for processing, documenting, reviewing, evaluating and approving accommodation requests, students are asked to use all reasonable efforts to submit such requests at least four (4) weeks prior to the first day of the examination period. While the Law School will make its best effort to process a student's petition for accommodation, petitions may be denied if there is insufficient time to gather and review the appropriate documentation, evaluate possible accommodations, or to implement an accommodation.

4. Verification of Disability

A student requesting accommodations must complete and submit to the ADA Coordinator the Whittier Law School Petition for Disability Accommodations as soon as possible upon matriculation to the Law School or after the disability becomes known (see Form A which may be obtained directly from the ADA Coordinator or downloaded at <https://www.law.whittier.edu/index/student-affairs/disability-accommodations/>). The student must also provide current (as defined in each Form) professional verification certified by a licensed physician, psychologist, audiologist, neuropsychologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other relevantly trained and licensed professional(s) who are qualified in the diagnosis of the student's disability(ies). The information required to be submitted is set forth on the Form applicable to the student's particular disability as follows:

- Form B (Physical Disability Verification)
- Form C (Learning Disability Verification)
- Form D (ADD/ADHD Verification)
- Form E (Psychological Disability Verification)

Forms B, C, D and E may be obtained directly from the ADA Coordinator or downloaded at <https://www.law.whittier.edu/index/student-affairs/disability-accommodations/>) The cost of obtaining the professional verification shall be borne by the student.

Form B must be completed by relevantly trained and licensed professionals and Forms C, D and E must be completed by the licensed professionals who are identified in such forms. The completed forms must contain all of the requested information. In addition, if additional testing results and/or evaluative reports are required, the student must attach the testing results and/or evaluative reports to the appropriate form(s). Failure to submit all of the required information and documentation will result in a written request for the student to provide the ADA Coordinator with the missing information and may delay the processing of an accommodations request. Students should not complete the forms and thereafter obtain the signatures of the professionals performing the verification. Students are reminded that providing false documentation could result in discipline under the Law School Code of Student Conduct.

If the initial verification data is incomplete or inadequate to enable the Law School to determine the present extent of the disability and appropriate accommodations, the Law School may require supplemental assessment of the student's disability. The cost of and responsibility for the supplemental assessment shall be borne by the student.

In considering the student's request for accommodations, the Law School may seek the opinion of independent, relevantly trained and licensed professionals to identify and evaluate accommodations that would enable the student to be able to access the Law School's programs and services. The cost for doing so shall be borne solely by the Law School.

5. Accommodations

a. Interactive Process/Reasonable Accommodations

The Law School will timely engage in the interactive process with students in order to identify and provide reasonable accommodations to ensure students with disabilities access to the school's services, programs and activities. The Law School will provide reasonable accommodations to otherwise qualified students unless doing so would fundamentally alter the nature of its academic program, impose an undue financial or administrative burden, or would result in lowering academic and other essential performance standards. Such accommodations may include, but are not limited to, academic adjustments and auxiliary aids as necessary to ensure students with disabilities access to the school's services, programs and activities. When more than one accommodation is reasonable, preference shall be given to the accommodation that will result in the most integrated setting appropriate for the student.

b. Testing Accommodation Procedures

Students who have been approved for testing accommodations for mid-term and final examinations will not take their exams during their courses regularly scheduled exam times. The Registrar will email accommodated students their accommodated exam schedule in advance of exam period.

6. Students with Temporary Disabilities

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 recommending appropriate accommodations. Such verification must be provided by a licensed professional health care provider who is qualified in the diagnosis of such conditions. If the evaluative data provided in the verification is incomplete or otherwise insufficient to enable the Law School to evaluate the accommodations sought by the student, the Law School may seek supplemental evaluative information. The cost of obtaining the evaluative information to complete the verification and any required supplemental data shall be borne by the student. The verification of the student's disability and any supplemental data must reflect the student's current level of disability, and shall be no older than sixty (60) days.

7. Changes in Accommodations

Changes in accommodations will be considered if there has been a change in the student's condition warranting a review of accommodations currently being provided. All documentation must be submitted following the same procedure set forth above for the initial petition for accommodations.

8. Denial or Modification of Student's Request for Accommodation - Grievances

If the ADA Coordinator denies or proposes a modification of a student's request for accommodations, the Law School will provide the student with written notice of the denial or modification and the reasons for the denial or modification. A student who is denied accommodations or who receives accommodations different from those requested, shall first consult with the ADA Coordinator to determine if the matter can be resolved directly with him/her. If no resolution is reached and the student wishes to pursue the matter, the student shall bring the matter to the attention of the Associate Dean for Student and Alumni Engagement. If the Associate Dean is unable to resolve the matter informally to the satisfaction of the student and the student believes that he or she has been discriminated against on the basis of his or her disability, the student may appeal the denial or modification through the procedures in the Whittier College Policy on Nondiscrimination found at <https://www.whittier.edu/policies/nondiscrimination>.

Pending the resolution of any questions or disputes regarding an accommodation, the Law School will provide the student with his or her requested accommodation to the extent it is practical and feasible for the Law School to do so.

D. Bar Examination and Career Counseling

1. Bar Examination

Law students with disabilities who believe they will require accommodations in taking the bar examination should inquire early in their legal education as to what will be necessary to obtain accommodations. 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 the Law School's receipt of appropriate documentation/authorization from the student.

2. Career Counseling

The Career Development Office provides assistance to all students and does not discriminate on the basis of disability. Students who believe that an employer using the services of the Career Development Office has discriminated on the basis of disability should bring that to the attention of the Assistant Dean of Career Development. If no resolution is reached at that point or if the discrimination was by the Assistant Dean of Career Development and the student wishes to pursue the matter, the student shall bring the matter to the attention of the Associate Dean for Student and Alumni Engagement ("Associate Dean"). If the Associate Dean is unable to resolve the matter informally to the satisfaction of the student and the student believes that he or she has been discriminated against on the basis of his or her disability, the student may appeal the denial or modification through the procedures in the Whittier College Policy on Nondiscrimination found at <https://www.whittier.edu/policies/nondiscrimination>.

E. Facilities Access

1. Architectural Issues: The Whittier Law School facility is on one single floor and is completely accessible to all.
2. Parking: Ample handicapped parking spaces are available in the campus parking lots.
3. Ramped Entrances: All entrances are ramped with handrails.
4. Classrooms: All classrooms are accessible by ramps and handrails. Students with special classroom needs should speak to the Associate Dean about classroom scheduling.
5. Library: The Library collection is on a single floor. Seating and book storage are designed for wheelchair accessibility. Students with special needs should speak to a member of the Library professional staff for assistance.
6. Restrooms: All restrooms are equipped for access for the disabled.