



OKLAHOMA CITY UNIVERSITY
SCHOOL of LAW

SECTION 504 OF THE REHABILITATION ACT OF 1973 AND
THE AMERICANS WITH DISABILITIES ACT
DISABILITY POLICY AND GUIDELINES FOR LAW STUDENTS

I. Statement of Policy

Oklahoma City University is committed to full compliance with Section 504 of the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act*. As such, it is the policy of Oklahoma City University to provide its students an environment that is free from all forms of discrimination, including discrimination based on disability in the administration of its educational policies, admissions policies, employment policies, scholarship and loan programs, and athletic or other university-sponsored programs.

The University prohibits discrimination against any individual with a disability. The University further prohibits harassment or retaliation against any individual requesting an accommodation or filing a complaint for an alleged violation of this Policy.

II. Disability Defined

An individual with a disability is defined as any person who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment. An individual satisfying parts (1) or (2) of this definition who is otherwise qualified to be a student at the University shall be referred to as “qualified student.”

III. Reasonable Accommodation Defined

A qualified student is entitled to receive a reasonable accommodation that allows for his or her full participation in the University’s educational and extra-curricular activities. A reasonable accommodation for a qualified student may include modified testing procedures, course load reduction, or use of auxiliary aides in the classroom, such as sign language interpreters or tape recorders. However, the University is *not* obligated to provide personal aids and services such as attendants, individually-prescribed devices such as wheelchairs, readers for personal use or study, or other devices and services of a personal nature.

IV. Requesting a Reasonable Accommodation

The School of Law will make good faith effort to provide a reasonable accommodation to qualified individuals with disabilities to ensure their equal access and participation in the law school’s programs unless it would result in an undue hardship to the University or the School of Law or fundamentally alter the School of Law’s programs and requirements.

It is the student's responsibility to disclose a disability if the student desires accommodations. The student can self-identify at any time during his or her academic career. This disclosure does not have to be during the first semester unless accommodations are being requested for that semester. Disclosure must be done before accommodations can be considered. Accommodations will only be granted if the applicable deadline is met. The institution has no responsibility to make accommodations retroactively.

When requesting an accommodation, a qualified student shall provide the following documentation (to the extent applicable):

- The presenting problem and relevant history;
- Test scores and discussion of results, if relevant;
- Substantial medication side effects, if any;
- Information on substantial disability-based limitations and how they relate to the educational environment;
- Suggested educational accommodations with rationale for recommendations.

The School of Law reserves the right to request additional documentation if the initial documentation the student provides is incomplete or inadequate to determine the need for accommodations. In particular, the School of Law reserves the right to require documentation prepared by an appropriate professional, including, but not limited to: (1) a statement regarding how the student's disability affects a major life activity, and (2) a recommendation of a reasonable accommodation.

With regard to non-observable disabilities (such as ADD or ADHD), current generally means that documentation should be no older than three years. The Law School Special Accommodations Committee can waive the three-year requirement in appropriate cases.

V. Procedure for Obtaining Accommodation

1. Students may call, e-mail or contact the Office of the Associate Dean for Academic Affairs.
 - a. Contact:
Paula Dalley, Associate Dean for Academic Affairs
Email: pdalley@okcu.edu
Phone: 405-208-5877
Fax: 405-208-5862
2. Submit the application form.
3. Students must provide documentation per the guidelines.
4. The application must include a personal statement written by the student outlining the nature of the disability and why the accommodations requested are necessary.
5. Students must submit the application and documentation in compliance with the applicable deadline.
6. The Special Accommodations Committee will review the documentation and approve appropriate accommodations.

The University Student Disability Services Coordinator will be available once a week to assist law students with accommodations, including the application process.

The Student Disability Services Coordinator will engage in an interactive process with the student making the request. This interactive process will be an informal process designed to determine the nature of the limitations resulting from the disability and the appropriate accommodation(s) that will overcome this limitation.

VI. University Documentation Requirements

The type of documentation will vary according to the disability. All forms of documentation are valuable in understanding how a student's disability is connected to a barrier and how an accommodation can provide access. Accommodations are determined on a case-by-case basis, taking into account the student's self-report, any past history of accommodation, the appropriate professional who has evaluated the student, the unique characteristics of each course or program, and documentation from external sources.

Appropriate documentation differs depending on the disability; however, there are seven essential elements of quality documentation. These elements are as follows:

- 1. The credentials of the evaluator(s)** - a licensed or otherwise properly credentialed professional who has undergone appropriate and comprehensive training, has relevant experience, and has no personal relationship with the individual being evaluated.
- 2. A diagnostic statement identifying the disability** - includes a clear diagnostic statement that describes how the condition was diagnosed, provides information on the functional impact, and details the typical progression or prognosis of the condition.
- 3. A description of the diagnostic methodology used** - includes a description of the diagnostic criteria, evaluation methods, procedures, tests and dates of administration, as well as a clinical narrative, observation, and specific results. Diagnostic methods that are congruent with the particular disability and current professional practices in the field are recommended. It may include formal instruments, medical examinations, structured interview protocols, performance observations and unstructured interviews. If results from informal, non-standardized or less common methods of evaluation are reported, an explanation of their role and significance in the diagnostic process will strengthen their value in providing useful information.
- 4. A description of the current functional limitations** - includes how the disabling condition(s) currently impacts the individual that is thorough enough to demonstrate whether and how a major life activity is substantially limited by providing a clear sense of the severity, frequency and pervasiveness of the condition(s).
- 5. A description of the expected progression or stability of the disability** - includes expected changes in the functional impact of the disability over time and context. Information on the cyclical or episodic nature of the disability and known or suspected environmental triggers to episodes provides opportunities to anticipate and plan for varying functional impacts. If the condition is not stable, information on interventions (including the individual's own strategies) for exacerbations and recommended timelines for re-evaluation are most helpful.

6. **A description of current and past accommodations, services and/or medications** - includes a description of both current and past medications, auxiliary aids, assistive devices, support services, and accommodations; significant side effects from current medications or services that may impact physical, perceptual, behavioral or cognitive performance. While accommodations provided in another setting are not binding on the current institution, they may provide insight in making current decisions.
7. **Recommendations for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support services** - recommendations from professionals with a history of working with the individual provide valuable information for review and the planning process. It is most helpful when recommended accommodations and strategies are logically related to functional limitations; if connections are not obvious, a clear explanation of their relationship can be useful in decision-making. While the post-secondary institution has no obligation to provide or adopt recommendations made by outside entities, those that are congruent with the programs, services, and benefits offered by the college or program may be appropriate. When recommendations go beyond equitable and inclusive services and benefits, they may still be useful in suggesting alternative accommodations and/or services.

VII. Law School Documentation Requirements

It is important that students provide documentation not only of a diagnosis of a physical or mental impairment but also of the functional impact of that impairment. This documentation must come from a qualified professional, such as a physician if a medical disability, or a psychometrist or other professional trained in psycho-educational evaluation, if a learning disability. With regard to non-observable disabilities (such as learning disabilities, ADD or ADHD), current means that documentation should be no older than three years.

A. Physical Disability

In the case of **physical disability**, a doctor's statement or a brief note written on a prescription form is not considered sufficient. Documentation of how that impairment or condition substantially limits one or more of the major life activities of the student might include but is not limited to walking, breathing, seeing, hearing, evidence that the requested service or accommodation is appropriate to the needs of the student.

B. Mental Impairments

Students who have **mental impairments** that limit their abilities to function in the classroom may qualify for accommodations. Appropriate documentation of a mental impairment should include a statement of the impairment from a licensed mental health practitioner and, if relevant, a statement of current medication from the prescribing psychiatrist. The report should include summaries of the following: diagnostic interviews, assessment of the student's mental status (including testing summaries) and DSM V diagnosis. A doctor's statement of the impairment or condition is not sufficient without the documentation of how that impairment or condition substantially limits one or more of the major life activities of the student. If the student

has received accommodations in the past, a copy of the document(s) outlining the accommodations is also requested.

C. Learning Disability

Students applying for services and accommodations on the basis of a **learning disability** must submit a current, comprehensive report of a psycho-educational assessment performed by a person who has received formal training in assessment techniques necessary to diagnose learning disabilities and has professional experience in that field. The student's most recent IEP and psycho-education assessment, while helpful, may not fulfill these requirements. The report should include summaries of the following: diagnostic interview, assessment of the student's aptitudes, academic achievement and information processing, and a clear statement of the diagnosis of the specific learning disability. Language indicating a "learning difficulty" or "learning deficit" will not be considered appropriate documentation.

D. ADD and ADHD

Diagnosis of **attention deficit disorder (ADD) and attention deficit disorder with hyperactivity (ADHD)** will be acceptable only when made by an individual who holds a current license in an appropriate field (medicine or psychology) and has formal training and experience in assessment of diagnosis. The report should include a description of supporting past and present symptoms, a summary of the assessment procedures and instruments used, a narrative summary that includes scores and supports diagnosis and a statement of the student's medical needs, including the impact of medication on the student's ability to meet the demands of an academic environment.

VIII. Provision of Accommodations

The use of accommodations in postsecondary institutions is based upon more than just the diagnosis of a disability. It is based upon the severity of impact (Functional Impact) on a major life activity. This is why documentation for a post-secondary institution has to provide more information than just a diagnosis and must address the severity of impact. Another student with the same disability may be impacted differently by his disability; therefore, all accommodations are viewed on a case-by-case basis.

All requests for special accommodations in the law school will be decided by the Special Accommodations Committee.

If the accommodation as initially provided is insufficient, upon receipt of notice of the insufficiency, the Special Accommodations Committee will make a good faith effort to implement any appropriate additional measures necessary to overcome the qualified individual's limitations.

If a student requests accommodations directly from a faculty member *it is the faculty member's responsibility* to inform the student that services are available and counsel the student to begin the process of verification of a disability and requesting accommodation. Except in

cases of minor accommodations, such as sitting in the front of the classroom, faculty should not provide accommodations without verification from the accommodations process outlined herein. To provide accommodations without verification, or to refuse to provide accommodations recommended by the Special Accommodation Committee exposes a faculty member and the University to legal liability. Faculty members are encouraged to consult with the Associate Dean, Chair of the Accommodations Committee or the University Compliance Officer/University Section 504 Compliance Coordinator if there are questions regarding accommodation issues.

Students at a post-secondary institution are considered adults. The agreement for services needs to be made with the person requesting the services and not with a third party, such as a parent or guardian. The federal laws and FERPA are very clear that institutions are not to communicate to anyone other than the student about that individual's academic progress and/or disability related needs.

A student must meet the requirements of each course they enroll in. It is important to separate personal skills and behaviors from academic requirements. A student with a disability should be graded utilizing the same criteria for all students.

Accommodations That Are Reasonable

Some reasonable adjustments in teaching methods are:

- Adapted course materials (large print, books on tape, Braille, etc.)
- Adaptive instructional equipment and/or devices (computers, readers, voice interactive systems, etc.)
- Note takers, readers
- Permission to tape record lectures
- A proctor to read exam questions
- Additional time on exams
- Adaptive equipment such as a print enlarger or augmentative communication devices
- Scheduling classes (appropriate course load)
- Permission for use of service animals

Accommodations That Are NOT Reasonable

With regard to disabilities, in the context of higher education, there are three kinds of accommodations that are *not* considered reasonable:

- It is not a reasonable accommodation if making the accommodation or allowing participation poses a direct threat to the health or safety of others.
- It is not a reasonable accommodation if making the accommodation means making a substantial change in an essential element of the curriculum (educational viewpoint) or a substantial alteration in the manner in which the university or law school provides its services.
- It is not a reasonable accommodation if it poses an undue financial or administrative burden.

Some myths, assumptions, and requests that are NOT considered reasonable:

- Whatever accommodations I say I need will be provided.
- Any absences will automatically be excused if I am sick or it is disability related.
- If I have a problem then later notify the instructor or the Associate Dean for Academic Affairs that I need accommodations, I can redo and retake assignments and test so the results can be adjusted.
- Colleges will be violating the law if they don't give me one-on-one tutoring.
- As long as I attend class and do the homework, I will pass the class.
- The accommodations I need will be the same in all classes.
- I can take only half of the normal test. The tests will have to be shorter for me and all I need to do is ask for that modification.
- I can find a tutor and the college will pay for the tutoring.
- If I need more testing to verify my disability, the college will provide the testing.
- I can have unlimited time for testing or completing written assignments.
Pandazides v. Virginia Board of Education, 804 F. Supp. 794 (E.D. Va. 1992).

Oklahoma City University School of Law reserves the right to request independent evaluations before granting or extending a request for a reasonable accommodation. In addition, the Law School reserves the right to deny a request if there is not adequate documentation, the documentation is not current, the request did not meet the deadline, or the accommodation sought is not supported by the data in the assessment or documentation.

IX. Attendance

Legal education is participatory education and the American Bar Association accreditation standards mandate that regular and punctual attendance is required for the juris doctorate degree. If you have a chronic condition that may interfere with attendance, you may request waiver of an attendance policy up to the point where absences interfere with the essential nature of the course requirements. Such requests will be handled on a case-by-case basis. Any request must be accompanied by documentation and the absences can only be excused if they are documented to relate to the chronic condition. However, course requirements cannot be fulfilled when absences become too excessive and interfere with the essential nature of the course requirement.

X. Confidentiality

Information and records about individual disabilities are treated as confidential information under applicable federal and state laws and are only provided to individuals on a need-to-know basis and/or when authorized by the student.

Information regarding disability is considered highly confidential, is maintained in separate, secure files with limited access, and is shared on a need-to-know basis. Faculty are not prohibited from asking the student for additional information if they believe they could better assist the student and maximize learning. The information regarding a student's disability will

be shared by the Student Disability Services Coordinator or Associate Dean for Academic Affairs, on a limited basis, and then only when there is a compelling reason for such disclosure.

All documentation of disabilities will be held in confidence. Disability documentation provided by a physician, psychiatrist, psychologist or other recognized professional is not subject to free access under the Family Educational Rights and Privacy Act of 1974 (FERPA).

XI. Deadlines

Accommodations will not be processed that are not in compliance with the application deadline.

A. Classroom Accommodation

First-year students needing classroom accommodations are urged to submit requests four weeks prior to the beginning of classes. All requests from students who matriculate in the fall *must* be submitted by the fourth week of classes. All requests from Summer Alternate Admissions students must be submitted by the second week of summer classes. For continuing students, requests and supporting documentation for classroom accommodations must be submitted a month before classes begin for the appropriate semester.

Classroom accommodations include accommodations granted for graded timed exercises, such as pop quizzes, in-class assignments, and examinations administered during a regular class session. If a student needs a classroom accommodation, all documentation must be submitted sufficiently in advance to allow processing of the request even if the graded timed exercise occurs within the beginning weeks of the semester. If a professor announces that a graded timed exercise will be given, it is the student's responsibility to promptly submit documentation to enable review of the request.

B. Examination Accommodations

Examination accommodations refer to accommodations for examinations administered during the Law School Examination Schedule. Requests and the supporting documentation for exam accommodations must be submitted by the end of the seventh week of the fall or spring semester in which accommodations are sought or by the end of the third week of the summer semester in which accommodations are sought.

C. Temporary Impairment

Students may suffer from acute conditions or injuries that require immediate accommodations. The Associate Dean for Academic Affairs, upon consultation with a member of the Special Accommodations Committee, may grant reasonable accommodations for such circumstances. If the impairment is known or suspected sufficiently in advance of exams, students must apply by the established deadline. A request for accommodations due to temporary impairment should be supported by documentation from a physician. If the temporary impairment precludes immediate documentation, medical documentation must be provided

within a reasonable time or by the deadline established by the Associate Dean or Committee member. Learning disabilities, ADD, or ADHD are not eligible for the classification of temporary impairment.

D. Unusual Circumstances

Some students may know that they have a disability but may not realize the need for an accommodation until they begin a particular law school class. A student who fails to apply for accommodation within the deadlines set forth above, may apply within 10 days of discovering the unusual circumstances that create the need for accommodation. In their personal statement, the student must set forth the unusual circumstances justifying out-of-time relief. All required documentation as outlined above must be submitted.

E. Extension of Deadline

The Special Accommodations Committee may extend the applicable deadline when the Committee finds that the student has in good faith attempted to meet the applicable deadline by filing his/her application and by completing all required testing within sufficient time to comply with the deadline and the delay was caused by the failure of the medical or testing professional to submit the documentation of the disability in a prompt fashion. Under these circumstances, the Committee may, upon request by the student, extend the deadline to allow the health care or testing professional to submit the documentation.

XII. Effective Date

The effective date of the new rules promulgated by the Special Accommodations Committee shall be April 13, 2016.