

UNIVERSITY at BUFFALO SCHOOL of LAW



**COMMITTEE ON LAW STUDENTS
WITH SPECIAL NEEDS**

**POLICY AND GUIDELINES
FOR
LAW STUDENTS WITH DISABILITIES**

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I. Statement of General Policy¹

It is the policy of the University at Buffalo School of Law, in compliance with Section 504 of the Rehabilitation Act of 1973 and Titles I and II of the Americans with Disabilities Act of 1990 (ADA) regarding academic adjustments, to provide educational program accessibility to otherwise qualified individuals with disabilities.

Enrolled students with disabilities will be provided with reasonable and necessary modifications² that do not fundamentally alter the academic program of the Law School or place an undue financial or administrative burden on the Law School. Individual students will be provided with such reasonable and necessary modifications on the basis of specific information and assessment data documentation provided by qualified professionals.

Students with disabilities who require modifications in any other program or activity of the SUNY Buffalo may request reasonable modifications through the SUNY Buffalo's Office of Accessibility Resources, 60 Capen Hall, (716) 645-2608, fax (716) 645-3116. <http://www.buffalo.edu/accessibility/>. We are unable to make modifications outside of the Law School and its curriculum.

¹ This Statement of General Policy is limited to students with disabilities and does not address obligations of the Law School or the University regarding employees with disabilities.

² The regulations implementing Section 504 of the Rehabilitation Act, at 34 C.F.R. §104.41 et. seq. and Title II of the Americans with Disabilities Act use the term "modification" instead of the term "accommodation."

II. Definitions

1. **A person with a disability** is an individual who has a physical or mental impairment that substantially limits one or more major life activities; (ii) has a record of such impairments; or (iii) is regarded as having such impairment.³
2. **An otherwise qualified law student with a disability** is an individual with a disability who meets the academic and technical standards requisite to admission or participation in the Law School's educational program and activities.⁴ The qualifications for admission to the Law School are stated on the Law School website.⁵ The qualifications for participation in the Law School's educational programs and activities are stated in the General Academic Requirements and Policies.

III. Admissions

Applicants are not required to indicate on the Law School's application form that they have a disability. An indication on the LSDAS form that the applicant took an accommodated LSAT will not be the basis for discrimination. If the applicant wishes to have the disability considered as a factor in the admissions process, providing appropriate

³ 34 C.F.R. §104.3(j). The term "person with a disability" is substituted for "handicapped persons" as defined under Section 504 of the Rehabilitation Act. Such terms, and terms such as "individual with a disability" and "disabled person", may be used interchangeably. See also 42 U.S.C. §12102(2).

⁴ 34 C.F.R. §104.3(k) (3). See also 42 U.S.C. §12131(2).

⁵ <https://www.law.buffalo.edu/admissions/apply-to-law-school.html>

documentation of the disability may be necessary. Applicants may provide documentation on a voluntary basis. Information provided to the Admissions Committee or its designees does not become part of the law student's Admissions or Records and Records file and are kept confidential, except to the extent necessary to provide modifications needed by the applicant in the Admissions process. The Law School Admissions Committee will use such information only to evaluate whether past performance difficulties reflected in the applicant's academic record should be considered in light of the applicant's disability.⁶

After the admission of any applicant, the Law School invites and encourages students with disabilities to voluntarily self-identify for the purpose of verifying the disability and documenting the need for reasonable and necessary modifications in the Law School program. In an effort to have modifications in place when the student commences study, the Law School will attempt to determine what modifications are necessary.

IV. Policies and Procedures for Enrolled Students

A. Identification and Verification of Disability

Law students with disabilities who require modifications must identify themselves to the Vice Dean for Social Justice Initiatives at 614 O'Brian Hall, (716) 645-6603, saran@buffalo.edu. Law students with disabilities seeking reasonable modifications should include a description of their disability with current documentation from an

⁶ 34 C.F.R. §104.42.

appropriate professional. The description should include the student's current telephone number and address and when applicable, current (recent) documentation provided should contain additional supporting information that would aid the student and the Vice Dean for Social Justice Initiatives in identifying effective services and academic adjustments. "Some examples are: treatment plans, medications and their impact on patient functioning, triggering mechanisms, activities or conditions to be avoided or modified, safety information, mitigating measures, etc." ⁷ Information provided to Vice Dean does not become part of the law student's Records and Records file and are kept confidential, except to the extent necessary to provide modifications needed by the law student.

The comprehensive assessment must provide data to support the request for any academic modification and/or modification. In the event that a student requests an academic adjustment or modification not supported by the data in the assessment, or if the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate modifications, the Law School has the discretion to require supplemental assessment of the physical disability. The student must bear the cost of this supplemental assessment. If the Law School requires additional assessment to obtain a second professional opinion then the Law School shall bear any cost not covered by any third party payer.

B. Determination of Reasonable Modifications (accommodations)

Modifications for law students with disabilities are individualized to reasonably accommodate a student's disability. Modifications are provided pursuant to an Accessibility

⁷ <http://www.ub-disability.buffalo.edu/document.php>.

Plan developed individually in consultation with the student who voluntarily discloses and documents her or his disability.

Each law student seeking modifications for a disability must to submit current (recent) documentation of her or his disability to the Vice Dean for Social Justice Initiatives, including assessments completed by appropriately credentialed professionals; a history of academic accommodations or modifications received in post-secondary institutions or employment; and a statement of the requested modifications. Law students who indicated the existence of a disability in their application for admission should not assume that the Law School is on notice of their accommodation needs.

The Vice Dean for Social Justice Initiatives will review all documents submitted with the assistance of other appropriate Law School and University personnel, as necessary, to verify a disability and to determine, in consultation with the student, the reasonable and necessary modifications the Law School will provide.

Law students who are taking courses outside the Law School and who require modifications due to their disability must obtain these modifications through the SUNY Buffalo's Office of Accessibility Resources,⁸ or the disability services office of the other school they are attending. The Law School is unable to provide any modifications for courses taken outside the Law School.

⁸ <http://www.ub-disability.buffalo.edu/>, 25 Capen Hall, (716) 645-2608.

C. Course Modifications

Academic modifications (accommodations) in Law School courses are designed to meet the student's documented needs related to his or her disability as long as they do not fundamentally alter the nature of the Law School curriculum or create an undue financial or administrative burden. Modifications are not intended to remediate academic deficiencies or rehabilitate impairments. Students should refrain from requesting modifications for which they do not have a currently documented need.

Procedure: Law students needing course modifications should make a written request to the Vice Dean for Social Justice Initiatives well in advance of the start of classes. Requests for modifications must be made at least three weeks before classes start, although some modifications will require more time for implementation. Students should select their courses as early as possible, to ensure that modifications are able to be implemented by the beginning of classes. Accessibility Plans are developed to make the reasonable course modifications required by the student's documented disability. Please direct any questions regarding modifications or Accessibility Plans to the Vice Dean for Social Justice Initiatives.

Students receiving modifications will meet upon request with the Vice Dean to evaluate the effectiveness of the modifications in place. Students should immediately report any dissatisfaction with a modification to the Vice Dean. Additionally, modifications are subject to review and possible termination in the event of any change in the nature of the student's disability or the student's failure to utilize properly the services provided.

The two possible modifications described below are solely to illustrate the type of modifications that might be offered. Because each law student with a disability has unique needs, the modifications provided will reflect the terms of a student's individualized Accessibility Plan.

1. Modification of Written Class Materials

Procedure: For students whose disability requires modification of class materials (enlarged, Braille or in electronic format) the modification of materials is free. Students must purchase the materials and then provide the receipt showing the title and purchase to the Vice Dean for Social Justice Initiatives. The Vice Dean then requests the title directly from the publisher. Please note that in some cases, a student can purchase an electronic copy online.

Time Needed: Requesting an electronic book generally takes approximately a week from submission of the receipt. However, the publishers do note that it could take up to several weeks during busy times. Requesting enlarged, professor produced class materials may take up to a week.

2. Notetakers and electronic recording of classes

Procedure: The use of notetakers or electronic recording of classes will be provided only for students who have a currently documented, disability-related need to accommodate their disability. The Law School will not provide notes or other electronic recording of class session for classes that the student misses due to matters unrelated to the student's disability, such as a short-term illness, job interview or conflicting obligation. Classes may be recorded for students who will miss class due to a long-term illness or hospitalization related to their disability; if **prior authorization** is obtained from the professor for that course and the Koren Audio-Visual Department, (5th floor Law Library) is able to arrange the taping.

Notes and/or recordings of classes provided as a modification shall not be sold and/or shared with other students.

Time needed: With prior authorization, students will be responsible for photocopying the class notes and returning the original to the note taker, if they are not already in electronic format. If the student is physically unable to photocopy, the Law School will photocopy them. The notes should be brought to the office of the Vice Dean for Social Justice Initiatives, 614 O'Brian Hall. The Law School will make every effort to return the notes to the student within two days after they are submitted. Arrangements for recording of classes requires forty-eight hours' notice to the Koren AV Center.

D. Physical Accessibility within the Law School

Procedure: If a Law School class or sponsored activity is scheduled in a location that is inaccessible to a student with a disability; the student should identify the accessibility problem to the Vice Dean for Social Justice Initiatives. The Vice Dean will try to have the location made more accessible or, if this is not possible, to have the class or activities moved to an accessible location.

E. Examination and Paper/Project Modifications

Procedure: **Students requiring examination modifications due to their disability should submit a written request (e-mail is acceptable) for examination modifications to the Vice Dean for Social Justice Initiatives by the deadline stated in the Examination Policy and Schedule. It may not be possible to arrange accommodations if they are not requested at least three weeks prior to the start of the examination period. Students enrolled in summer school should submit their examination modification requests by the end of the third week of summer school classes.** Modifications requested must be consistent with the student's disability as

documented by an appropriate professional. It is the student's responsibility to request modifications in a timely manner. Failure to request modifications in a timely manner may create a situation where a modification is an undue administrative or financial burden on the Law School or University.

The Vice Dean for Social Justice Initiatives may, in her discretion, reschedule an exam or extend a deadline on a course paper or project beyond the date originally agreed upon in the Accessibility Plan. Such extensions or rescheduling will be done **only** when the student provides additional documentation from an appropriate professional that this particular modification is necessary due to the student's disability. Requests for changes in examination dates and times that are not related to student's disability must be made with a Request for a Change of Examination form available in Records and Registration, 304 O'Brian Hall. Extensions cannot be granted beyond one month from the due date for examinations.

V. Confidentiality

Students with disabilities who do not require modifications from the Law School need not disclose their disabilities to the Vice Dean for Social Justice Initiatives. For students who choose to disclose their disabilities and provide documentation to the Law School, all information regarding the student's disability and modifications are treated as confidential information under applicable federal, state, and university laws and policies.⁹ Information about a student's disability is only provided to those individuals who require such information to implement requested and needed modifications and to individuals with

⁹ See FERPA 34 C.F.R. Part 99.

a legitimate educational interest. Faculty members who are informed of a disability are advised that this information is confidential.

VI. Grievance Procedure

Student with disabilities who are not satisfied with their modifications and/or Accessibility Plan should discuss the matter immediately with the Vice Dean for Social Justice Initiatives. Students dissatisfied with the response of the Vice Dean may submit a letter of appeal to the Academic Standards and Standing Committee.¹⁰ The letter should specify the nature of the disagreement and the desired resolution. Using a substantial evidence standard, the chair will review the matter to determine whether the student's Accessibility Plan provides a reasonable modification of her or his disability.

¹⁰ The Chair of the Law School's Academic Standards and Standing Committee is the Vice Dean for Student Affairs, 314 O'Brian Hall, (716) 645-6223.

Students dissatisfied with the decision of the Committee Chair may appeal in writing to the Dean of the Law School. Using a substantial evidence standard, the Dean or his designee will review the matter to determine whether the student with a disability was provided with reasonable modifications.

Please visit the websites listed below for more information on Disability Services:

<http://www.nalswd.org/>

National Association of Law Students with Disabilities has a website including a blog with jobs, scholarships and legal news

http://www.americanbar.org/portals/lawyers_with_disabilities.html

The American Bar Association Lawyers with Disabilities group

<http://naadattorneys.org/>

The National Association of Attorneys with Disabilities

<http://www.blindlawyer.org/>

The National Association of Blind Lawyers

<http://www.americanbar.org/groups/disabilityrights/resources.html>

The American Bar Association Commission on Disability Rights has information for law students with disabilities, including mentor programs and a link to bar examination accommodation information for every state.

<https://www.ada.gov/>

The United States government provides a web portal to federal information and regulations pertaining to disability access.

<http://www.ncd.gov/>

The National Council on Disability is a federal agency reporting to the Congress and President on issues and developments pertaining to the rights of Americans with Disabilities.

<http://ahead.org>

Association on Higher Education and Disability (AHEAD) is a membership organization of professionals from various fields of practice to improve opportunities for individuals with disabilities in higher education.