



## SPECIAL ACCOMMODATIONS GUIDELINES

# SEEKING DISABILITY ACCOMMODATIONS

## A. General Statement

It is the policy of St. Thomas University School of Law to provide reasonable accommodations for our students. We will make every effort to provide reasonable and necessary accommodations for students with disabilities in conformity with state and federal law. We are, however, unable to provide accommodations that are unduly burdensome or which fundamentally alter the Law School's educational program.

## B. Admissions

### 1. LSAT Requirement

In the admissions process, because extensive accommodations are provided for taking the LSAT, waiver of the LSAT is unlikely to be granted. An indication on the LSDAS report that an applicant took an accommodated test will not affect the admissions decision.

## C. Disclosure of Disability

Applicants are not asked to indicate on the application whether they have a disability but may do so for purposes of requesting an accommodation. A student seeking an accommodation after being admitted must make such request as soon as possible. The Law School will need adequate time for evaluating documentation, working out the specific accommodation, arranging scheduling in barrier-free classrooms, making arrangements including funding for auxiliary services, and arranging accommodations for Law School Orientation. The Law School may not be able to satisfy last-minute requests for some accommodations.

Students who seek accommodations or alterations in standard academic procedures because of a disability, physical impairment or mental impairment must contact the Office of Student Affairs as soon as possible after enrollment at St. Thomas University School of Law. It is the responsibility of the student requesting such accommodation to do so in a timely fashion in accordance with the requirements as set forth below.

Students need not make their disabilities known unless they want to request an accommodation. If seeking an accommodation, the student has the affirmative duty to inform the School of the disability and request the accommodation. The information about a student's disability is treated as confidential under applicable federal and state laws and Law School policies. This information is only provided to individuals who are privileged to receive such information on a need-to-know basis. Faculty members who are informed of a student's disability are advised that this information is confidential.

Once a student's request has been granted, it is the responsibility of the student to request a modification of the accommodation should such modification be needed.

#### **D. Accommodation Sought:**

##### **1. Class Condition Modifications**

Academic modifications may include reduced course-loads, extending the amount of time for graduation, and modification of the classroom environment. However, only modifications that do not fundamentally alter the nature of the program and that are not unduly burdensome are required by law.

Requests for class condition modifications should be made to the Office of Student Affairs. The student requesting accommodation should submit an "Accommodation Request Form" as soon as possible. In appropriate cases, the accommodation will be made in consultation with faculty or other administrators.

When and whether an accommodation can be made will depend on the timeliness of the student's request, the nature of the accommodation sought, and the sufficiency of the documentation provided.

##### **2. Exam Condition Modifications**

If a student is seeking accommodations with regards to administration of final examinations, he or she must make a request for final exam accommodations no later than **Friday of the 4<sup>th</sup> week of the applicable fall or spring semester and no later than the 2<sup>nd</sup> week in the summer term.** No accommodations can be granted on minimesters or short duration courses unless the accommodations have already been approved.

Exam condition modifications may include additional time to take the exam, time allowed for rest breaks, being allowed to eat or drink during the exam, or taking the exam at a time other than the regularly scheduled time. Certain exam modifications may depend on the format of the exam. For example, if the student has difficulty writing, but does not have difficulty reading, the need for additional time would be affected by whether the exam was to be in a multiple choice format or an essay format. Generally, no additional time is granted in circumstances when the exam is in a "take home" format or for papers that are to be completed throughout the semester.

All exam modification requests are to be directed to the Office of Student Affairs. Students are to submit an "Accommodations Request Form." Because of the time needed to consider and arrange these requests, students must make their first request no later than Friday of the 4<sup>th</sup> week of the term (or 2<sup>nd</sup> week in the summer). A request that is submitted late will be considered for the next semester. If a student submits inadequate or incomplete documentation then he or she will be advised of the

deficiency and give an opportunity to cure the deficiency. Failure to timely cure the deficiency will cause the request to be treated as a late request and roll-over for consideration in the next semester. Once a final determination is made to grant an accommodation for test taking, the accommodation is automatically renewed each semester.

### **E. Documentation Policy**

The Law School requires appropriate documentation of disabilities whenever a student requests an accommodation. Such requests must be submitted to the Office of Student Affairs with a report from the evaluating professional. The report must describe the disability, the limitations that the disability poses for the student, the prognosis, results of any test performed, and the suggested accommodation or range of accommodations. In addition, the documentation must satisfy the below requirements.

#### **1. Verification of Disability**

A student with a "disability" must provide professional testing and evaluation results from a qualified professional which reflect the student's diagnosis and description of the specific disability. 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 the disability. The cost of the supplemental assessment shall be borne by the student.

Documentation supporting a request for accommodation should include the following:

- a. It must be prepared by a professional qualified to diagnose the applicable disability, including but not limited to, a licensed physician or psychologist;
- b. It must include the testing procedures followed, the instruments used to assess the disability, the results, and interpretation of the results;
- c. It must reflect the individual's present achievement level, be as comprehensive as possible, and be dated no more than five years prior to the student's request for accommodation;
- d. It must contain detailed recommendations for accommodations; and,
- e. It should discuss how medications, if prescribed for the student, affect the disability and/or the recommended accommodations.
- f. For students requesting accommodations based on Attention Deficit/Hyperactivity Disorder (ADD/ADHD) the law school requires documentation consistent with that required by the Florida Bar. Please see supplement A for the required documentation and format.

- g. For any other disability, students are directed to the website for the Florida Board of Bar Examiners and should provide the kind of documentation described there for the type of disability. If any student is unsure of what kind of documentation is required he or she should consult with the Assistant Dean for Student Affairs, as soon as he or she has decided to seek accommodations.
- h. If any student sought and acquired accommodations on the L.S.A.T. and desires accommodations in law school he or she should meet with the Assistant Dean for Student Affairs and provide the documentation from the L.S.A.T.

#### **F. Accommodation Decision and Appeals**

The Office of Student Affairs may grant, deny in whole or part, or modify a student's request. The Office of Student Affairs will provide the student an Accommodation Agreement form for the student to sign. If the student disagrees with the denial of an accommodation requests or with the accommodation offered by the Office of Student Affairs, the student may appeal the decision to the Associate Dean for Academic Affairs.

To appeal the decision of the Office of Student Affairs, a student must file a written appeal with the Associate Dean for Academic Affairs within one week of receipt of the decision of the Office of Student Affairs. The student may also submit to the Associate Dean for Academic Affairs any other documentation in support of his or her appeal. Upon receipt of the student's appeal, the Associate Dean for Academic Affairs shall request that the Office of Student Affairs forward all relevant documentation. The Associate Dean for Academic Affairs shall then make a determination regarding the student's appeal. The decision of the Associate Dean for Academic Affairs is a final determination by the law school administration and may not be appealed further.

#### **G. Exam Accommodations for Disabled Students**

Students will be provided notice of the time and place of their accommodated testing by the Registrar's office. This notice will be e-mailed to the student no later than 2 weeks before the start of examination period. In the event a student does not receive such notice the student should seek this information from the Registrar. Generally, students with accommodations will have their examinations on the same day as the unaccommodated examinations but space limitation makes this infeasible at times.

Students who take any medication timed for efficacy during examination must be especially vigilant to make themselves aware of the time their examinations begin.

Students with accommodated testing that allows for additional time **must still start their examination at the designated time.** Failure to report to take the

examination at the designated time may cause the student to be precluded from that examination or to a modification of the total time allowed.

**H. For the Purpose of the Procedure the Following Definitions apply:**

1. **Disability** is a physical or mental impairment that substantially limits one or more of the major life activities of the applicant. In the law school examination setting, the impairment must limit an applicant's ability to demonstrate, under standard testing conditions, that the applicant possesses the knowledge, skills, and abilities tested on the law school examination.
2. **Physical impairment** is a physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body's systems.
3. **Mental impairment** is any mental or psychological disorder such as intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, or any specific learning disability.
4. **Major life activities** include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
5. **Reasonable accommodation** is an adjustment or modification of the standard testing conditions, or an appropriate auxiliary aid or service, that ameliorates the impact of the applicant's disability without doing any of the following:
  - a. fundamentally altering the nature of the law school learning and testing environment; or
  - b. imposing an undue burden on the St. Thomas University; or
  - c. jeopardizing examination security; or
  - d. provide the accommodated student an unwarranted advantage over his or her classmates.
6. **Qualified professional** is a licensed physician, psychiatrist, psychologist, or other health care provider who has appropriate training in the field related to the applicant's disability.

**I. Short Term Physical Injury or Impairment**

If a student has a sudden, unexpected physical injury or impairment (e.g. breaks his or her arm) that requires non-permanent accommodations, then he or she should consult immediately upon the occurrence with the Assistant Dean of Student Affairs. An on-going chronic condition, that is treatable and that does not qualify as a "disability" is not the basis for accommodations. (e.g. If a student

has treatable carpal tunnel syndrome and has chosen not to seek or acquire treatment, he or she is not provided any special accommodations.)

**J. Bar Examination Accommodations**

Please be advised that the Law School's decision to grant an accommodation is not a determination that the same or similar accommodation will be granted for the bar examination. State bar examiners may apply more stringent criteria and require a significant amount of time to decide whether to grant an accommodation. Students should check with the bar examiners for the jurisdiction in which they will sit for the bar examination far in advance of the bar examination and make sure to provide current documentation.

## ACCOMMODATION REQUEST FORM

***Instructions:*** Please type or print and submit to the Office of Student Affairs as early as possible.

**Deadline for Examination Requests is as followed:** Fall 2016 – September 9, 2016; Spring 2017 – February 3, 2017; and Summer 2017 – June 2, 2017

Name: \_\_\_\_\_

Social Security #: \_\_\_\_\_ Month/ Year of Entry: \_\_\_\_\_

Phone # (Cell): \_\_\_\_\_ (Home): \_\_\_\_\_

Other Phone Contact \_\_\_\_\_

Disability: (describe)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Current Method of Controlling/Treating Disability:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Accommodation requested (be as specific as possible):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submit form and Documentation to:

John F. Hernandez, Assistant Dean for Student Affairs  
St. Thomas University School of Law  
16401 NW 37<sup>th</sup> Avenue  
Miami Gardens, Florida 33054



ST. THOMAS  
UNIVERSITY

SCHOOL OF LAW

16401 NW 37<sup>th</sup> Avenue

Miami Gardens, FL 33054

(305) 623-2301

<http://www.stu.edu/lawschool>