



Disabilities Resources Policies Manual

Drahmann Academic Advising and Learning Center
Benson Memorial Center
Santa Clara University

Revised September 2008

Disabilities Resources Policy Manual

**John B. Drahmann Academic Advising and Learning Resources Center
Santa Clara University**

Disabilities Resources is located in the Drahmann Center, Benson Room 214. Walk-in office hours are Monday through Friday from 9:00 a.m. – 4:00 p.m.

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408-554-4111

Director of Disabilities Resources

Robin Cole
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Coordinator of Accommodations

Accessibility Problems

**PLEASE REPORT ANY PHYSICAL ACCESIBILITY PROBLEM TO
DISABILITIES RESOURCES**

Santa Clara University seeks to respect each person's dignity and desire for personal growth and accomplishment and is committed to achieving equal educational and employment opportunities for qualified persons with disabilities. No qualified person with a disability shall be excluded from participating in any University program, nor be denied benefits of any University program, or otherwise be subject to discrimination. The University will make every reasonable effort to remove existing barriers, whether physical, programmatic or attitudinal and to ensure that new barriers are not erected. Santa Clara University is committed to providing access for qualified students, faculty, staff, and visitors to University programs. This non-discrimination policy applies to all qualified participants in employment, access to facilities, student programs, activities and services.

Implementation Document

Santa Clara University Procedures On Disability Access Requests

This amended policy creates the SCU Access Compliance Board chaired by the Disability Resources Coordinator, and charges the Board with the task of identifying and coordinating the process whereby on campus members with concerns about disability access can make their concerns known. Members of the SCU Access Compliance Board are: The Disabilities Resources Coordinator, the Campus Architect, the Assistant Director of Human Resources or designate, the Chief Information Officer, a designate from the Provost, a disabled student, the Director of Benson Memorial Center, and the Registrar. The Director of Affirmative Action is an Ex-officio member of the Board. The Access Compliance Board hereby issues new procedures that change the current process for qualified disabled students, staff, faculty and guests to seek access to equipment, programs, services and information. Disabled SCU members are considered to be those faculty, staff and students who have submitted documentation to be officially screened, evaluated and qualified as disabled pursuant to the reasonable accommodation policy found in the SCU ADA/Section 504 Compliance Plan and have been granted reasonable accommodations or academic adjustments. Guests are granted accommodations on a reasonable basis.

The Access Compliance Board recognizes that SCU has been guided by the Santa Clara University ADA/Section 504 Compliance Plan adopted by Father Locatelli on July 16, 1996. Since the adoption of this plan the University community has developed a significant awareness of disability access issues. The Access Compliance Board now seeks to empower SCU members to further familiarize themselves with campus resources and the role they play in assisting qualified disabled members on campus.

Therefore, qualified disabled SCU members with specific access issues are now directed under the new procedures to contact directly any of the appropriate action offices below for assistance with access issues affecting them:

- | | |
|--------------------------------------|---|
| a. Student Issues | Disabilities Resources Director
<i>Ann Ravenscroft, 554-4111</i> |
| b. Facilities Maintenance and Repair | Facilities Director
<i>Jeff Charles, 554-4706</i> |
| c. Special Events ADA Issues | Event Planning Office
<i>Karrie Grasser, 554-6912</i> |
| d. Technology ADA Issues | Chief Information Officer
<i>Ron Danielson, 554-6813</i> |
| e. Parking ADA Issues | Director of Campus Safety
<i>Charles Arolla, 554-4161</i> |
| f. Personnel ADA Issues | |

- g. Facility modification for ADA access Director of Planning and Projects
Don Akerland, 554-4743

For most accessibility issues on campus the Disabilities Resources Coordinator is the focal point for 504/Academic issues for students as well as for staff and faculty facilitating student access issues. Students, staff, and faculty can contact the Disabilities Resources Coordinator or the appropriate action office mentioned above. When appropriate, the Disabilities Resources Coordinator will follow-up to ensure necessary action is complete and advises the user identifying the issues of the status of the action that was taken with regard to their stated concern. In order to protect the disability confidentiality issues for students in the event that direct contact with the appropriate action office is neither desired nor advisable the Disability Resources Coordinator is the focal point for 504/academic issues.

In order to protect the disability confidentiality issues for qualified disabled faculty and staff in the event that direct contact with the appropriate action office is neither desired nor advisable, the Assistant Director of HR or his/her designate is the focal point for ADA accommodations/access issues.

The appropriate action offices are expected upon request to deliver the necessary equipment, programs, services or information to qualified disabled users. Questions about the “reasonableness” of accommodations should be brought to the Access Compliance Board. In the case of students, any potential denial of stated requests by the appropriate action office shall be reported immediately to the Disabilities Resources Coordinator. In the case of staff and faculty, any denial of stated requests by the appropriate action office shall be reported immediately to the Assistant Director of Human Resources or his/her designate. These offices will strictly observe disability confidentiality issues on a need to know basis.

Alternatively, in cases of emergencies and where the nature of the request made by/for a disabled person seems inappropriate, unreasonable, or is out of the ordinary, and before any denials are made, action offices should immediately contact the Office of Affirmative Action for consultation, and to determine if additional resources might be available to make it possible to accommodate the request.

Reports of alleged violations to SCU’s access policy or confidentiality should be directed to the Office of Affirmative Action, including cases of alleged discrimination on the basis of disability and cases where students, faculty and staff feel disability access has been denied or improperly delivered.

This Implementation Document represents a procedural addendum to the SCU disability policy revised on December 14, 2001, which amended in part (specifically, Section 504 references) the July 16, 1996 ADA/Section 504 Compliance Plan.

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Santa Clara University does not discriminate on the basis of race, color, national and/or ethnic origin, sex, marital status, sexual orientation, disability, religion, veteran's status, or age in the administration of any of its educational policies, admissions policies, scholarship and loan programs, athletics, or employment related policies, programs, and activities; or other University administered policies, programs, and activities.

Policies Manual

Revised September 2008

**Disabilities Resources
Santa Clara University**

The policies contained in this manual serve as the guidelines under which Disabilities Resources (DR) delivers services to students with disabilities on the campus of Santa Clara University. The policies were developed to assure that students receive the best services possible as well as equal access to programs and facilities. Throughout this manual Disabilities Resources may be referred to as DR.

Santa Clara University and DR reserve the right to change policies without prior notice. As changes or updates occur, DR will make every effort to update this book and provide alternative formats in a timely manner.

Alternative Formats

A desk copy of this manual is available in alternate formats including enlarged print, 3.5" computer disk and compact disc. The desk copy is at the Disabilities Resources Center, Benson Room 214. Students, staff, and faculty wishing to read the manual at another location on campus may borrow the book by leaving a valid student or staff ID card at the front desk. A copy of a specific policy or procedure is available, if requested, in photocopy or in alternate format.

The Policies Manual is also available on the World Wide Web and will be periodically updated at <http://www.scu.edu/advising>.

An Overview of DR Services

Disabilities Resources (DR) at Santa Clara University has facilitated services to students with disabilities since 1972. In 1992, the center began serving faculty and staff members with disabilities to ensure compliance with the Americans with Disabilities Act (ADA) of 1990. DR currently serves approximately 170 students with disabilities.

The staff of DR is available as a resource and works to create an accessible and cooperative learning environment at SCU. DR believes the formula for success is inclusion and equal opportunity through teamwork.

Mission Statement

The office of Disabilities Resources in the Drahmman Academic Advising and Learning Resources Center has been designated by the University to ensure students with disabilities equal access to all academic and University programs. This goal is met through the provision of academic accommodations, support services, self-advocacy skill training, and disability-related educational programming for the University community.

Goals

To accomplish its mission, DR has established five broad goals:

1. To **deliver** effective academically related services to students which support their scholarly pursuits.
2. To **advocate** for the needs and interest of students, as well as to enrich and **educate** the campus community about our values and the services we offer.
3. To **promote** and **foster** an accepting, accessible campus environment in all the programs and services the University offers.
4. To **empower** students with disabilities to advocate on their own behalf, and to enrich students with the skills to be productive citizens.
5. To productively **administer** the resources available to Disabilities Resources, as well as ensure that quality customer service is our model.

Required Documentation Guidelines

The following guidelines are provided to ensure that documentation of disability submitted to Disabilities Resources (DR) is appropriate to both verify disability and to support requests for accommodations, academic adjustments, and/or auxiliary aids. It is the policy of Santa Clara University to provide appropriate accommodations to students who have documented disabilities meeting the eligibility requirements of the Americans with Disabilities Act of 1990. All documentation is reviewed on an individual, case-by-case basis.

To establish eligibility for services, students must present documentation that meets the following criteria:

1. A licensed professional qualified in the appropriate specialty area must determine diagnosis. The diagnosis must be based upon history, patient and family interviews, testing, medical or neurological examination, learning disabilities assessment, and/or clinical observation. Specific diagnostic classifications such as DSM-IV should be supplied where appropriate.
2. Documentation must include an evaluation of the impact on the individual of both the diagnosed condition and any prescribed medications. This evaluation must include an explanation of the current functional limitations of the disability and address how the impairment substantially limits one or more of the individual's major life activities.
3. The documentation should include specific detail regarding the disability (ies) and the manner and degree in which any current functional limitation (s) impede performance (e.g., reading, writing, walking, speaking, seeing, and abstract reasoning). In order for the professional staff in DR to make appropriate recommendations for academic adjustments, specific detailed information on current limitations must be provided.
4. All documentation must be submitted on letterhead from a physician or professional verifying disability.
5. The most comprehensive documentation will include a description of both current and past medications, auxiliary aids, assistive devices, support services, and accommodations, including their effectiveness in ameliorating functional impacts of the disability. A discussion of any significant side effects from current medications or services that may impact physical, perceptual, behavioral or cognitive performance is helpful when included in the report. While accommodations provided in another setting are not binding on the current institution, they may provide insight in making current decisions.

6. 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.
7. The Americans with Disabilities Act of 1990 covers (1) individuals who have mental or physical impairment that substantially limits a major life activity such as walking, seeing, breathing, and working; (2) individuals who have a record of such an impairment, such as cancer in remission; (3) individuals regarded as having a disability (e.g. a non-impairing facial disfigurement); (4) individuals having an association with a person with a disability (e.g. a spouse, child, or parent). Indicate whether condition is short-term (less than 90 days), or long-term (more than 90 days).

Documentation for AD/HD

It is the policy of Santa Clara University to provide appropriate accommodations to students who have a documented disability of Attention Deficit Disorder, or Attention Deficit with Hyperactivity Disorder (AD/HD). To establish eligibility for services, students must present documentation that meets the following criteria:

1. The diagnosis must be done by a professional, who is qualified to make it. The diagnosis should be based upon the history, patient and family interviews, testing, medical or neurological examination, and/or clinical observation. Reference should be made to published criteria, such as the DSM-IV. Qualified professionals are presumed to be psychologists, neurologists, or psychiatrists, who have training and experience in the diagnosis and treatment of ADD and AD/HD.
2. Documentation should include an evaluation of the impact of both the diagnosed condition and any prescribed medication on the student's functioning ability. The evaluation should address whether the impairment substantially limits one or more of the individual's life activities.
3. The documentation should include recommendations for specific academic adjustments so that Disabilities Resource staff can determine which accommodation will be appropriate in the university setting. The recommendations should show that the academic adjustments (accommodations) address the individual's particular functional-educational limitations.

Guidelines for Evaluation

Students attending Santa Clara University who are requesting academic accommodations and services from Disabilities Resources as a student with AD/HD should be aware of the following guidelines:

The diagnostic criteria as specified in the Diagnostic and Statistical Manual of Mental Disorders-Fourth Edition (DSM-IV) are used as the basic guideline for the determination of Attention Deficit/Hyperactivity Disorder (AD/HD) diagnosis. The qualified professional making the AD/HD diagnosis must provide Disabilities Resources with the following information before it is considered a disabling condition at Santa Clara University.

DSM-IV Criteria

A Santa Clara University student warranting an AD/HD diagnosis needs to meet basic DSM-IV criteria including:

1. Sufficient number of symptoms (delineated in the DSM-IV) or inattention and/or hyperactivity-impulsivity that have been persistent and that have been “maladaptive.” The exact symptoms should be described in detail.
2. Evidence that symptoms of inattention and /or hyperactivity-impulsivity were present during childhood.
3. Evidence indicating that current impairment from the symptoms is present in two or more settings. There must be clear evidence of clinically significant impairment within the academic setting. However, there must also be evidence that these problems are not confined to the academic setting.
4. A determination that the symptoms of AD/HD are not a function of some other mental disorder (such as mood anxiety, personality disorder, psychosis, substance abuse, borderline cognitive ability, etc.).
5. Indication of the specific AD/HD diagnosis subtype; predominantly inattentive type, hyperactive-impulse type, or combined type.

Required Documentation

AD/HD documentation submitted to Disabilities Resources needs to include the following information:

1. Self-report of current and past problems is insufficient to establish a basis for reliable AD/HD diagnosis. Although an in-depth interview is the essential feature of any AD/HD evaluation, other information should be examined to provide a comprehensive evaluation including interviews with significant others and examination of past school records, evaluation reports, job evaluations, transcripts, etc. How the above mentioned information supports an AD/HD diagnosis should be fully described.
2. AD/HD evaluation is primarily based on in-depth history consistent with a chronic and pervasive history or AD/HD symptoms beginning during childhood and persisting to the present day. The evaluation should provide a broad, comprehensive understanding of the applicant’s relevant background including family, academic, social, vocational, medical, and psychiatric history. There should be focus on how AD/HD symptoms have been manifested across various settings over time, how the applicant has coped with the problems, and what success the applicant has had in coping efforts. There should be a clear attempt to

- rule-out other potential explanations for the applicant's self-reported AD/HD difficulties.
3. Objective personality/psychopathology tests are not essential if not indicated. However, they can be helpful to describe the applicant's emotional status and rule out other psychological problems. If not used, there should be a clear explanation why they were not deemed necessary to rule out other potential explanations for reported AD/HD symptoms.
 4. AD/HD questionnaires and checklists (Wender-Utal, BAADS, etc.) are helpful to quantify self-reported AD/HD symptoms, but can not be used to the exclusion of interview and collateral information describing and documenting past and current symptoms.
 5. Cognitive test results can not be used as the sole indication of AD/HD diagnosis independent of history and interview. However, these test findings often augment the AD/HD evaluation and should be reported. They are particularly necessary to rule out intellectual limitation as an alternative explanation for academic difficulty, describe type and severity of learning problems, and assess the severity of cognitive deficits associated with AD/HD (inattention, working memory, etc.). In general, the applicant who has completed high school or an undergraduate college degree, reporting academic distress secondary to AD/HD symptoms, should demonstrate at least average or above-average intelligence.
 6. The evaluation should indicate a concern with reliability, particularly the reliability or self-report information. There should be some indication that the information provided is reliable, is valid, and has not been unduly influenced by the student's motivation to achieve a specific goal.

In order to qualify for special services from Disabilities Resources as a SCU student with AD/HD disability, the student must provide:

1. Submit a brief essay explaining how his/her AD/HD condition affects them in a classroom and testing environment, the testing accommodations required and how the accommodation would put him/her on an equal basis with other students.
2. Submit a qualified professional's statement and evaluation resulting from an examination that has been conducted within the last five (5) years and after the applicant's eighteenth (18th) birthday (so that testing is current in light of remediation and treatment efforts by the student). The professionals report must include: how the diagnosis qualifies as a "disability"*, how this person's AD/HD affects the student's ability to learn in class/take classroom examinations etc., what steps have been taken to ameliorate the AD/HD symptoms, what accommodations are recommended.

* The evaluator needs to be aware that a diagnosis does not necessarily indicate that a disability is present. A disability involves impairment in a major life activity (such as learning and working). Consequently, if the applicant actually exhibits no impairment in a major life function, a disability is not present. This is of particular note in cases of individuals diagnosed with AD/HD who exhibit above average academic performance in the past without needing accommodations who are currently requesting accommodations. In such cases, there should be detailed explanation of why accommodations were not utilized in the past, but are being requested at this time.

Documentation of Learning Disabilities

The following guidelines are provided in the interest of ensuring that documentation is appropriate to verify eligibility and to support requests for accommodations, academic adjustments, and/or auxiliary aids.

A. Testing must be comprehensive.

I. The diagnostic interview

Because learning disabilities are most commonly manifested during childhood, educational history about learning difficulties in elementary, secondary, and postsecondary education may be included. An evaluation report must also include a comprehensive diagnostic interview by a qualified evaluator who addresses relevant background information to support the diagnosis. Such information may include:

- Developmental history
- Academic history including results of prior standardized testing, and notable trends in academic performance
- Family history
- Psychosocial history
- Medical history, including the absence of a medical basis for the present symptoms
- History of prior and present psychotherapy and pharmaceutical therapy
- Discussion of any dual diagnosis of alternative or co-existing mood, behavioral, neurological, and/or personality disorders
- A description of the present learning problem(s)

II. The Neuro-psychological or Psycho-educational Evaluation

The neuro-psychological or psycho-educational evaluation for the diagnosis of a specific learning disability must be submitted on letterhead of the qualified professional and it must provide clear and specific evidence of a learning disability.

It is not acceptable to administer one test, nor is it acceptable to base a diagnosis on only one of the several sub-tests. Objective evidence of a substantial limitation to learning must be provided. Minimally, domains to be addressed must include the following:

a) Aptitude

A complete battery is required with all sub-tests and standard scores. This may include, but is not limited to, the following: Wechsler Adult Intelligence Scale-Revised (WAIS-R); Woodcock-Johnson Psycho-educational Battery-Revised Part I Tests of Cognitive Ability; the Stanford-Binet Intelligence Scale: Fourth Edition. The Slosson Intelligence Test-Revised and the Kaufman Adult Intelligence Test do not constitute adequate intelligence test measures.

b) Information Processing

Specific areas of information processing (e.g. short- and long-term memory, sequential memory, auditory and visual perception/processing, and processing speed) must be assessed. Acceptable instruments include the following; the Detroit Tests of Learning Aptitude-3 (DTLA-3), information from sub-tests on the WAIS-R and Woodcock-Johnson Tests of Cognitive Ability. Other instruments relevant to presenting learning problems may be used in conjunction with one or more of the aptitude tests named above.

c) Achievement

A complete battery is required with all sub-tests and standard scores. The battery must include current levels of academic functioning in reading (decoding and comprehension), mathematics, and written language. Acceptable instruments include, but are not limited to, Woodcock-Johnson Psycho-educational Battery-Revised: Tests of Achievement; Wechsler Individual Achievement Test (WIAT); Stanford Test of Academic Skills (TASK); Scholastic Abilities Test for Adults (SATA); or specific achievement tests such as the Test of Written Language-2 (TOWL-2); Woodcock Reading Mastery Test Revised; or the Stanford Diagnostic Mathematics Test. The Wide Range Achievement Test-Revised (WRAT-R) is not a comprehensive measurement of achievement, and therefore is not acceptable if used as the sole measure of achievement. The Nelson-Denny is not a sole appropriate diagnostic measure of reading achievement. It is a useful screening instrument when administered under standardized conditions, but it should not be used as a basis for diagnosis.

B. Testing must be current.

In most cases, current means testing that has been conducted within the past three or testing that includes adult normed evaluations. Because the provision of all reasonable accommodations and services is based upon assessment of current impact of the student's disabilities on his/her academic performance, it is in a student's best interest to provide recent and appropriate documentation. In the case of adults tested after age of 21, testing more than five years old will be re-evaluated.

C. The report must include a specific diagnosis.

a) Quality documentation 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. While diagnostic codes from the Diagnostic Statistical Manual of the American Psychiatric Association (DSM) or the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization are helpful in providing this information, a full clinical description will also convey the necessary information.

b) The report must indicate what steps were taken to evaluate the impact of second language issues to rule out the possibility that second language difficulties are a cause of the academic problems.

D. Actual test scores must be provided.

Standard scores must be provided for all normed measures. Percentiles are also acceptable; grade equivalents are not acceptable unless standard scores and/or percentiles

are also included. The assessment must show evidence of discrepancies and intra cognitive differences. The particular profile of the student's strengths and weaknesses must provide a rationale for the accommodations recommended.

E. Tests used to document eligibility must be technically sound.

The tests used must be reliable, valid, and standardized for use with an adult population. The test findings should document both the nature and severity of the learning disabilities.

F. A description of and rationale for requested accommodations must be provided.

The diagnostic report must include specific recommendations for accommodations and relevant recommendations regarding the curriculum, as well as testing considerations. A detailed explanation must be provided as to why each accommodation is recommended and should be correlated to specific test results or clinical observations. If any accommodation or auxiliary aid was provided in the past, it should be discussed; including information about specific conditions under which the accommodations were used (e.g. standardized testing, final exams, national board examination) and whether or not they benefited the student. For example, if the diagnosed condition is a learning disability, what is the processing disorder, and what is the relationship between the disorder and the requested accommodation? Any school plan (e.g. IEP or 504 plan) is not sufficient in and of itself, but can be included as part of a more comprehensive assessment battery as described in this document.

If no prior accommodations have been provided, the qualified professional and/or student should include a detailed explanation as to why no accommodations were used in the past and why accommodations are needed at this time.

G. A qualified professional must conduct the evaluation.

Professionals conducting assessment and rendering diagnoses of specific learning disabilities must be qualified to do so. Experience working with an adult population is essential.

Deaf and Hearing Impaired Student Services

Policies and Procedures for Students

Disabilities Resources (DR) of Santa Clara University provides communication support services for Deaf and Hard of Hearing students who are registered with DR. These services include note takers, sign language interpreters, oral interpreters, and real-time captioners. The following are policies for provision of services:

1. Requirements to Receive Services

Deaf students must meet with the Disabilities Resources coordinator each quarter/semester to obtain interpreting and notetaking services. A student who is newly arrived on campus must bring to the initial meeting an audiogram done by a licensed audiologist or medical doctor verifying the hearing loss. At this meeting, students must sign a Statement of Agreement to confirm that they have read and understood these policies.

Real-time captioning may be authorized in lieu of sign language interpreters for deaf students who do not use sign language or are not proficient enough to keep pace with classroom lectures. Transcription of the lectures may or may not also be authorized. These accommodations will be assigned on a case-by-case basis by a DR coordinator in accordance with standard DR and University policy.

2. Interpreting Service Priority

Sign language interpreting services will be allocated according to the following priorities:

- a. Classroom (earliest requests are given first priority)
- b. Classroom required activities
- c. Student/Professor meetings
- d. Campus Activities

Requests for interpreting services outside of the regular classroom hours must be submitted in writing **at least two weeks in advance** and approval will depend on whether interpreters are available. Interpreter services for non-classroom related activities are billed to the University ADA account established for this purpose. DR will provide interpreters for off campus events only if the event is a class requirement.

3. Interpreter Absences

If an interpreter is ill, or has an unexpected urgent family emergency, he or she **MUST** call DR as soon as possible and speak directly to the coordinator or a staff person to specify which classes and assignments will be missed.

Interpreters requesting substitutes for reasons other than illness or emergencies must get prior approval from the DR coordinator. As consistency of interpreting is critical, requests for substitutes will be approved only for compelling reasons and when an appropriate substitution can be found. All substitute requests must be written on a substitute request form and submitted **two weeks** in advance. More than two unapproved absences may result in termination of employment. An interpreter who has an unapproved absence from a class may not return to that class without first meeting with the coordinator.

Should an interpreter not appear for an assignment, the student should contact the coordinator as soon as possible. If available, a replacement will be sent. All student and interpreter no shows will be documented.

4. Student Absences or Class Cancellations

Students must notify the DR coordinator if scheduled interpreting services will not be needed. If the student is cancelling for reasons other than illness, the student must notify the department at least **48 hours in advance**. Any cancellation (for any reason, other than sudden illness) that comes into the department less than one hour before class time will be counted as a “no show” and documented as such. A student who does not show up for a class and has not called in must discuss the reason with the coordinator.

After three “no shows”, interpreting services will be cancelled. To reinstate the services, the student **MUST** arrange a meeting with the coordinator to explain why these absences are occurring and to determine how they will be avoided in the future.

5. Late Arrival

When the student is not present at the beginning of class, the interpreter will wait outside the classroom for a time period equal to five minutes for every half-hour of the class period. Should the student not arrive within the designated time, the interpreter must call the coordinator or the office manager of DR to seek reassignment. If no reassignment is possible, the interpreter will still be paid for the assignment.

STUDENT STATEMENT OF AGREEMENT

I understand if I intend to miss a class, I must notify Disabilities Resources at least 48 hours in advance, or if I am ill, I must notify DR at least one hour before class begins. I understand if I miss a class without notifying DR I may lose interpreting services. I understand that the interpreter will wait five minutes of each half-hour of class for me to arrive and will wait for me outside the class. I understand that if I use captioning services, the hard copy or disk produced from this service is not to be sold or given to anyone except the professor or speaker.

I have read the Deaf and Hard of Hearing Services Policies and I understand my responsibilities.

Signature _____ Date _____

Other Disabilities

There are a large number of students on campus who are registered with Disabilities Resources and have illnesses or medical conditions that do not fit into any of the major disability groups outlined in this handbook. These students, however, are covered by Section 504/ADA. Their illnesses or conditions can affect their energy level, memory, mobility, speech, vision, and/or muscular control. In some cases, the degree may even vary from one day to the next because of the nature of the medical condition, medication received, or therapy. Illnesses may not follow a set course and are often progressive, which can cause emotional issues for the student.

A partial list of these, often times hidden, disabilities include:

AIDS	Cerebral Palsy	Heart Disease	Renal-Kidney Disease
Allergies	Chronic Pain	Hemophilia	Respiratory Disorders
Arthritis	Diabetes Mellitus	Lupus	Sickle-Cell Anemia
Asperger Syndrome	Multiple Sclerosis	Stroke	Cancer
Epilepsy	Muscular Dystrophy	Tourette's Syndrome	

Because of medical involvement in many of these conditions, some students may be absent from class frequently, and may need similar accommodations to those discussed elsewhere in this handbook. Other students will need no accommodations.

Common side effects of medications include fatigue, memory loss, shortened attention span, loss of concentration, and drowsiness. Often times, the degree of impairment varies from time to time for a variety of factors.

Course Substitution and Second Language Requirement

Petition for Substitution on the Basis of a Certified Disability

The following guidelines are to be used in recommending and supporting the request made by students registered with DR for substitution of the Core Curriculum second language requirement.

1. The student must meet with the Coordinator of DR and provide verification of a disability in compliance with the DR policy on verification of a disability. For a request for a substitution of a requirement to be considered, the disability shall be documented by testing and certified by DR. The certification must establish that the student has a disability that will prevent him or her from being able to satisfy the requirement.
2. Regardless of the existence of a disability, a student must make a bona fide effort to fulfill the Core Curriculum requirement in a second language in the prescribed ways. If, after genuine efforts have been made, a student is unable to satisfy the requirement for reasons related to a disability, the student may initiate, with the advice of DR, a request for an alternate method of fulfilling the requirement. The request should be made after the course in question has been attempted or after the inability to complete the requirement has become apparent.
3. The student will take a letter from DR to the department in which the student attempted to complete the Core Curriculum Requirement in a second language, i.e., the chair of the Department of Modern Languages and Literatures or the chair of the Classics Department, and will copy the notice to the Director of the Core Curriculum. The notice shall indicate that the student has registered with DR and has been certified as having a disability that precludes the student's fulfilling the second language requirement in the prescribed manner; it will also support the student's request for an alternate means of fulfilling the requirement.

The notice will include a statement that there is a reasonable expectation that the alternate means will be made available, and that a denial of the substitution might be discriminatory against the disabled student.

4. The student will then meet with the chair of the department in question to discuss and determine an acceptable alternate means of fulfilling the requirement. This will ordinarily take the form of a number of non-language courses offering acquaintance with the culture of whose language the student had attempted the study. The number and nature of the courses will be determined in light of the second language requirement of the student's degree program, any language

- courses already successfully completed, and the courses available in the time remaining prior to the student's anticipated graduation.
5. Since the second language requirement is a part of the Core Curriculum, any exception to the requirement is at the discretion of the Core Curriculum Director. The chair of the cognizant department will forward the proposed alternate means of fulfilling the second language requirement to the Core Director for review, possible modification, and final approval. Once the Core Director has approved a proposed substitution, he or she will so notify the department chair, the Student Records Office, the Drahmman Center, and the student in question. The approval substitute courses then become part of the student's graduation requirements.
 6. **NOTE: Requests for substitutions must be made at least three quarters prior to planned graduation date.**

Academic Dishonesty Policy

Academic Dishonesty in DR is defined as:

- Copying, in part or in whole, from someone else's test
- Using or consulting, during an examination, any sources or materials not authorized by the instructor
- Purposely allowing another student to copy from your paper during a test
- Lying to an instructor or University official to improve your grade
- Removing tests from the testing facility without the approval of DR and/or instructor
- Forging signatures on official DR forms

Consequence of Academic Dishonesty

Academic and/or administrative sanctions may be applied in cases of academic dishonesty. Should a student be caught cheating, or attempting to cheat, the following will apply:

1. The exam will be immediately stopped and any sources or materials will be removed.
2. The professor will be notified immediately via phone, and a follow-up letter detailing the incident with attached materials will be forwarded to the professor.
3. DR will also notify the judicial review officer in the Office of Student Life and Leadership. A student record will be established and maintained in that office to identify the student.
4. The professor initially is responsible for determining the type of academic sanction to be applied in accordance with the department chair.
5. In accordance with the California Code of Regulations, title 5, Division 5, Chapter 1, Subchapter 4, Article 2, sec. A (Cheating or plagiarism in connection with an academic program at a campus).
6. The student has the right to appeal the sanction to the DR coordinator or to the judicial review officer in the Office of Student Life and Leadership.

Accommodations for Examination in the Classroom

Students who require accommodations for examinations in the classroom must already have the appropriate documentation on file and have met with a DR coordinator (to receive their approval and recommendations). Disabilities Resources has asked students to arrange this accommodation with individual professors and departments. DR continues to administer exams for those students who are in wheelchairs, in need of a scribe, or have dual disabilities requiring double time extension for exams. Students approved to take exams with Disabilities Resources are required to complete a Test Request Form, present it to faculty, and return it to Disabilities Resources TWO WEEKS prior to the exam. This is needed in order to reserve rooms and proctors.

1. When a student presents the appropriate forms or paperwork (e.g. a signed Test Accommodation Form) to the faculty, it indicates that the student has met with a DR coordinator who has reviewed the disability verification and approved the listed accommodation.
2. It is recommended that students advise faculty of any needed accommodations at the beginning of the quarter, or as soon as practical, but in normal cases, no fewer than ten working days prior to the needed accommodation. Such notice is required regardless of who administers the accommodation, be it the faculty member or DR staff. In the event DR administers the exam, students are advised to allow sufficient time for the faculty member to sign the authorization form and for the student to return the form to DR. As noted above, such notice must be received no fewer than ten working days prior to the needed accommodation.
3. Faculty in receipt of test forms may contact DR to inquire whether the accommodation has been authorized.
4. Students who required accommodations of the physical environment (e.g. furniture, lighting, elevators, etc.) must make their needs known to the appropriate academic department, DR staff member or to the Facilities Department in a timely manner.
5. Information about an individual's disability is confidential and cannot be shared for any reason without a specific written release signed by the student. It is not appropriate to discuss disability issues in the presence of other students or faculty.
6. Accommodations include, but are not limited to, the following:
 - Enlarged or audio taped course materials, handouts, syllabi and exams
 - Audio taping of a lecture
 - Sign language interpreters for a lecture
 - Student note takers for a lecture
 - Extended time for tests
 - Relocation of a class to a more accessible site
 - Adaptive computer equipment for tests
 - Modified testing formats or alternative means of evaluation
 - Assistive listening devices in class

- Readers or scribes
- Lab assistant

Scheduling for Examinations in the Classroom

Students using test accommodations through Disabilities Resources are responsible for taking their exams at the same time as the class exam scheduled by the professor. However, there may be times when the extended time causes a scheduling conflict and a student must take the exam at a different time or on a different day.

Reasons for a scheduling change may include:

1. Back-to-back classes
2. Disability related issues (e.g. medical treatments)

A coordinator and the class instructor will decide all other reasons on a case-by-case basis.

1. Scheduling exams at a later date to allow for extended study time is prohibited.
2. Scheduling exams for convenience is prohibited.
3. Disabilities Resources reserves the right to review future requests for test accommodations if any of the above, or a combination of the above, are violated or abused.

Copy Card Use

Copy card usage is limited only to note takers who have completed paperwork with the DR office and are officially taking notes for registered students with disabilities who are enrolled in the same course.

If a copy card is needed for purposes other than note taking, the student must meet with the Disabilities Resources coordinator.

Furniture Policy

1. Students requesting accommodation through the use of accessible furniture must be registered with Disabilities Resources and provide documentation from their treating physician verifying they are unable to use existing furniture. Documentation must specify both the medical condition and disability requiring furniture and the way in which the furniture accommodates their need(s). Eligibility for this service is determined on a case-by-case basis.
2. Students must notify the DR coordinator in charge of accommodations three weeks in advance of their need for specific furniture to evaluate the request and provide the accommodation.
3. DR will notify the Facilities Department to move the furniture to the appropriate location or purchase the furniture, if necessary, in a timely manner.
4. Should the University need to purchase furniture for the student, DR will make every effort to procure a facsimile of the requested item.
5. DR will inform faculty regarding the placement of the specific furniture in the classroom and priority use by the student with the disability during class/lab hours.
6. Due to University purchasing procedures, furniture is ordered through specific vendors; this may cause a delay in the receipt of the item. When placing orders, DR will work diligently with the purchasing office to help ensure prompt delivery.
7. Students must bring their own cushions or orthopedic supports as needed to use in a chair (the University is not responsible for items left in the classroom).
8. Accessible furniture provided by DR is not prescriptive in nature and should be considered only as a means to improve classroom access.

Note Taker Services

1. Students requesting the services of a note taker are required to be registered with Disabilities Resources.
2. Students must meet with a DR coordinator each quarter/semester the service is needed.
3. The student is responsible for notifying the professor regarding the need for a note taker by presenting a Note Taker Request Form to the professor during office hours.
4. It is the student's responsibility to confirm that a note taker has been found. If the professor has not made an announcement in class during the first week of classes, please contact DR immediately. If the student does not alert DR, DR will assume that the student does not need notes for the class.
7. It is the student's responsibility to speak with Disabilities Resources immediately if there is a problem with the notes. If the student is missing class notes, it is the student's responsibility to alert Disabilities Resources of the specific dates that notes were missing.
8. DR will provide NCR paper for students who request it. Any other arrangements for note exchange are between the student and the note taker.
9. Copy cards may be used by note takers taking notes for DR students.
10. It is expected that the copy card be returned to Disabilities Resources after EACH use and that note takers log their copies each time.
11. It is mandatory that students using note takers attend all class sessions. Note takers are not to be considered a substitution for the student's attendance.
12. A student who is unable to attend a class because of a disability related to illness or emergency, or for an extended time, must notify the note taker. If the note taker is not notified of the absence, the note taker is not required to provide notes.
13. Disabilities Resources reserves the right to discontinue note taker services if any of the above policies or any combination of the above policies is violated or abused.
14. Note takers are expected to submit notes within 48 hours for a Monday, Tuesday, or Wednesday class, and within 96 hours for a Thursday or Friday class.

Books on Tape Policy

1. Students requesting the services of Books on Tape must be registered with Disabilities Resources and present documentation of print disability (ies).
2. Students must meet with a coordinator each quarter/semester the service is needed. Students should make every attempt to identify the textbooks to be used for classes six weeks **BEFORE** the quarter/semester begins so that books may be ordered in a timely manner.
3. Within one week after registering for classes, the student is **REQUIRED** to bring to DR a completed RFB&D Student Request Form.
4. Disabilities Resources will contact Recordings for the Blind and Dyslexic and will try to obtain recordings from them. If the recordings are available, it takes several weeks for them to come in. The student should periodically call DR (408) 554-4109 to determine the status. These recordings are on loan, and at the end of the quarter/semester they **MUST** be returned to DR before any recordings will be provided for the next quarter/semester.
5. It is the student's responsibility to speak to DR if they feel there is a problem with a recording.

Reviewing Student Files

In accordance with the Family Education Rights and Privileges Act of 1974, a student has a right to review and inspect his or her records. A student file will be made available within forty-five (45) days of receipt of a written request. If an accommodation for a disability is required, it should be requested in the written request. Students will be asked to call and make an appointment so that space can be made available for reading the file.

A student may make notes while reading the file, but photocopies **will not** be provided of any of the contents of the file. A DR staff member will be present during the time that the student is reading the file.

If the student believes that something in the file gives inaccurate or misleading information, the student may request in writing that a hearing be held about this objection, and a hearing will be arranged in accordance with University procedure. DR will NOT release any information to parents of students UNLESS a pink consent for the release of information form has been completed.

Service Animal Policy and Guidelines

Date of addendum to policy: May 4, 2006

Approved by: Access Compliance Board

Policy

Santa Clara University seeks to accommodate qualified persons with disabilities who need the assistance of service animals. The University is simultaneously mindful of health and safety interests of its general community. These guidelines are aimed at meeting these concerns. Disabilities Resources, located in the Drahnann Center, is responsible for implementing this policy. Success requires the cooperation of all students, staff and faculty.

Definitions

"Disability", as defined by the ADA, means a sensory, mental or physical condition or impairment that is medically cognizable or diagnosable, and that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, breathing, working and learning.

"Service Animal" means any dog guide, signal dog, or other animal individually trained to work or perform tasks for the benefit of a person with a disability, including, but not limited to, guiding persons with impaired vision, alerting persons with hearing loss to intruders or sounds, and aiding persons with impaired mobility, a health impairment, a seizure disorder or persons with psychiatric disabilities.

I. Verification of Disability and Need For A Service Animal

A requesting person must provide Disabilities Resources verification that he or she has a disabling condition or impairment, as per Santa Clara University's Disabilities Resources Policy Manual, and that a service animal is needed so that the person may use the University's facilities and/or services. The person's health care provider must submit a signed letter, on professional letterhead, that outlines the following:

- a. The nature of the disabling condition or impairment, with whatever information the University may reasonably need to ensure compliance with the law; and
- b. The provider's professional opinion that the person needs the requested animal to use the University's facilities and services, the function of the animal, and whatever rationale or further statement the University may reasonably need to understand the basis for the professional opinion.

A requesting person should provide Disabilities Resources appropriate documentation at least 30 days before prospective housing will be needed for the service animal. Disabilities Resources will review the documentation and seek to arrange a meeting with a University Housing representative, the person requesting that a service animal be housed in University Housing, and a Disabilities Resources staff person. Service animals may not reside in University Housing without expressed approval of University Housing.

II. Service Animals at Santa Clara University

A qualified person with a disability who utilizes a service animal must be registered with Disabilities Resources. The service animal must also be licensed in the city of residence. Proof of licensing must be provided to Disabilities Resources.

- a. A person who has a service animal on campus is financially responsible for property damage caused by his or her service animal.
- b. All service animals to reside in University Housing must meet the following weight restrictions: at least 8 pounds, but not more than 125 pounds.

III. Responsibility of Persons Who Have Service Animals

The care and supervision of a service animal is the responsibility of the person who is allowed to use the animal's service. The person must maintain control of the animal at all times. The person is responsible for ensuring the clean-up of all animal waste and service animals must be on a leash at all times.

Vaccination: Each service animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies, distemper, and parvovirus. Dogs must wear a rabies vaccination tag and license, as prescribed by California law.

Health: Every year each person with a service animal to be housed in a University residence hall or apartment (University Housing) will annually provide to Disabilities Resources a certificate from a licensed veterinarian attesting to the good health of the service animal. The University has continuing authority to direct that a service animal receive veterinary attention.

IV. Educating the University Community

A service animal is allowed to accompany the person at all times and in all locations; however, it is the responsibility of the person to notify the general public and communicate expectations of behavior around the service animal. Examples of these notifications are as follows:

- a. Do not touch or feed a service animal unless invited to do so;
- b. Do not deliberately startle a service animal, and;
- c. Do not separate or attempt to separate a service animal from its handler.

V. Removal of Service Animals

A service animal may be removed from University grounds or facilities if its behavior is disruptive (e.g. barking or displaying aggressive behavior). If such behavior persists, the person may be directed to refrain from bringing the animal into public campus areas until the problem is remedied. Ill and/or unclean service animals are not permitted in public campus areas. The person with such an animal may be required to remove the animal.

VI. Areas Off Limits to Service Animals

The University may prohibit the use of service animals in certain locations due to health or safety restrictions, where service animals may be in danger, or where their use may compromise the integrity of research, e.g., work in the life sciences. Such restricted locations may include, but are not limited to, the following areas: research laboratories, classrooms with demonstration/research animals, wood shops and metal/machine shops, electrical shops, medical and veterinary surgical areas, mechanical rooms, custodial closets, and nuclear research areas. Exceptions to restricted areas may be granted on a case-by-case basis by contacting Disabilities Resources and the appropriate department and/or laboratory representative. However, Disabilities Resources will make the final decision based on the nature of the research and the best interest of the service animal.

Speech to Text and Scribe Services

1. Students requesting the services of speech to text or a scribe must be registered with Disabilities Resources and present documentation of mobility issues or other disability factors which prevent them from completing course assignments in a timely manner. Eligibility for this service is determined on a case-by-case basis.
2. Each quarter/semester the service is needed, students must meet with the DR coordinator to request assistive technology access.
3. Disabilities Resources reserves the right to review requests for speech to text and scribe services if any of the above, or a combination of the above, are violated or abused.

Priority Registration

Disabilities Resources shall determine whether a student shall be granted priority registration. All students registering with DR will be considered for priority registration based on disability-related criteria. Priority registration is not to be a blanket accommodation for all disabled students, but must be justified by a professional evaluation of individual needs.

Dispute Resolution Procedure

Though Disabilities Resources staff enjoy a reputation of fairness, compassion, and integrity, the possibility always exists for disagreements about disability determination, appropriateness of accommodations, or service quality. In the event a disagreement arises, first discuss your concerns with the Disabilities Resources Coordinator. Be prepared to consider alternative solutions and perspectives. If your communication does not alleviate the situation, please follow the procedures outlined below.

In the event of a seemingly insurmountable disagreement between staff/faculty and a consumer of Disabilities Resources services, consumers are encouraged to make use of the following internal sequential levels of appeal and dispute resolution.

1. The first level of resolution involves written contact with the Director of Disabilities Resources. The Director will gather details from each person involved in the dispute, meet individually or as a group with those involved, and ultimately seek a resolution or provide an official office position on the disagreement.
2. Should the dispute remain unsettled following intervention by the Director of Disabilities Resources, the second level of resolution involves written contact with the ADA Compliance Officer. Like the Director of Disabilities Resources, the ADA Compliance Officer will gather background information regarding the dispute and issue findings, recommendations and provide an official university position on the matter.

Resources

ASSOCIATIONS

Health Resource Center
One DuPont Circle, Suite 800
Washington, DC 20036
e-mail: health@ace.nche.edu

AHEAD (Association on Higher Education and Disability)
P.O. Box 21192
Columbus, Ohio 43221
e-mail: ahead@postbox.acs.ohio-state.edu

JAN (Job Accommodation Network)
P.O. Box 6080
Morgantown, West Virginia 26506-6080
<http://janweb.icdi.wvu.edu/kinder/>

BOOKS & ARTICLES ON THE ADA

Bruyere, S.M., & O'Keefe, J. *Implications of the Americans with Disabilities Act for Psychology* (New York: Springer/American Psychological Association, 1994).

CCC High Tech Center Training Unit (draft 1999). *Distance Education Accessibility Guidelines*. Ca CCC.

Frierson, J. *Employer's Guide to the Americans with Disabilities Act (2nd ed.)* (Washington, DC: BNA Books, 1995).

Gephart, G.J. (editor). *Testing Accommodations in Higher Education: Complying with the ADA and Section 504* (Horsham, PA: LRP, 1998).

Gordon, M. & Keiser, S. (editors). *Accommodations in Higher Education under the Americans with Disabilities Act (ADA)* (New York, 1998).

Latham, P.H. & Latham, P.S., Legal Rights. In S. Goldstein (Ed.), *Managing attention and learning disorders in late adolescence and adulthood: A guide for practitioners* (New York: Wiley, 1997).

Means, C.D. "Accommodations for attention deficit disorder." *Rebus Report* (1994), 5-6.

Rothstein, L.F. *Higher Education and the ADA* (St. Paul, MN: Westgroup, 1997).

Scott, S.S. "Determining reasonable academic adjustments for college students with learning disabilities." *Journal of Learning Disabilities*, 27 (1994), 403-412.

Springfield Technical Community College. *Guide to etiquette and terminology for working with individuals with disabilities*, 1995.

INTERNET RESOURCES

Americans with Disabilities Act Document Center

U.S. Department of Justice ADA Homepage

<http://usdoj.gov/crt/ada/adahom1.htm>

EDLAW Homepage

<http://www.edlaw.net>

Fedlaw-Disabilities

<http://www.legal.gsa.gov/legal6a.htm>

Fed World

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

EASI (Equal Access to Software and Information)

<http://ww.isc.rit.edu/~easi/>

ERIC Clearinghouse on Disabilities and Gifted Education

<http://www.abanet.org/disability/reporter/home.html>

Evan Kemp Associates

Solutions@disability.com

National Technical Information Service

<http://www.ntis.gov/health/3he1142.htm>

U.S. Department of Education Homepage

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

U.S. Department of Education Office of Civil Rights: Publications

<http://www.ed.gov/offices/OCR/ocrpubs.html>

School of Law

Policy and Procedures for the Provision of Academic Accommodations to Students with Disabilities at Santa Clara University School of Law **Please Note: All aforementioned policies apply to Law School**

MISSION STATEMENT

Santa Clara University seeks, within a tradition of Catholic Jesuit education, “to excel in educating men and women in competence, conscience, and compassion.” The School of Law, in fulfilling the mission of the University, maintains an educational program “designed to qualify its graduates for admission to the bar and to prepare them to participate effectively in the legal profession” through the acquisition of professional skills and education in the ethical and social responsibilities of the profession.

The School of Law admits to its educational program only students qualified to undertake the study of law, and who can reasonably be expected to complete the educational program and successfully acquire the professional skills necessary for the practice of law.

The School of Law actively encourages applications from individuals with disabilities who are qualified to undertake and complete a program of professional legal education. The School of Law recognizes that there are a number of disabilities that may make completion of law school more difficult but that do not compromise the ability to meet the standards of that profession. It is therefore committed to providing academic accommodations and assistance to encourage successful completion of the law school program in ways that provide students with disabilities equal opportunity for professional development and advance their acquisition of education, skills, and training required to practice law.

Santa Clara University does not discriminate on the basis of race, color, national and/or ethnic origin, sex, marital status, sexual orientation, disability, religion, veteran’s status, or age in the administration of any of its educational policies, admissions policies, programs and activities, or other University-administered policies, programs, and activities.

LEGAL REQUIREMENTS AND DEFINITIONS

Section 504 of the Rehabilitation Act of 1973, 29 U.S. C. section 794, and the Americans with Disabilities Act, 42 U.S.C. section 12101, et seq., require that academic adjustments and/or auxiliary aids be provided to qualified individuals with disabilities.

A. A person with a disability is any individual who:

1. has a physical or mental impairment that substantially limits one or more

- major life activities;
 - 2. has a record of such an impairment
 - 3. is regarded as having such an impairment
- B. A qualified person with a disability is:
- 1. A person or persons protected by law including those who would be able to meet the academic and technical standards required for admission or participation in an educational program
 - 2. The determination of whether a particular individual is a qualified person with a disability requires an individual assessment in light of the need for academic accommodation of known physical and mental conditions, and the requirements of the program
- C. The requirements of the law school program include:
- 1. Successful performance on the Law School Admissions Test and satisfactory completion of at least three full years at an accredited undergraduate program in accordance with the School of Law's admission standards;
 - 2. The ability to:
 - a. evaluate and reason from one or more sets of legal doctrines;
 - b. receive, process, and evaluate complex and conflicting fact patterns;
 - c. communicate professional conclusions effectively;
 - d. demonstrate these skills in ways that facilitate professional assessment on a par with other students and at a level consistent with professional competence;
 - e. adequately perform these skills within contexts and time constraints that reflect academic and professional expectations and demands.
- D. Academic accommodations are those accommodations and/or auxiliary aids necessary to provide students with disabilities equal opportunity for professional development, and advance their acquisition of the education, skills, and training required to practice law. Accommodations will be considered unreasonable to the extent that they:
- a. fundamentally alter or substantially modify the nature or mission of professional legal education at the School of Law
 - b. Impose undue financial or administrative hardship on the School of Law and the University
 - c. Lower academic, professional, or other essential performance standards.

Disability Policies

1. Admissions

The school of Law does not discriminate on the basis of disability. Any information concerning an applicant's disability provided during the admissions process is strictly voluntary and will be kept in accordance with state and federal laws relating to confidentiality. No limitations are placed on the number or proportion of persons with disabilities who may be admitted or enrolled in the School of Law.

2. Educational Program

The School of Law will provide academic accommodations necessary to afford equal opportunity and full participation in all School of Law programs for qualified students with professionally verified disabilities. In order to facilitate the verification of disabilities and the determination of appropriate accommodations before the student enrolls, the School of Law encourages voluntary self-disclosure by students with disabilities as soon as possible after admission.

3. Administration

The dean of the School of Law is the senior administrative officer responsible for law school policies affecting students with disabilities. With the advice of the appropriate faculty committee, and the administrative staff responsible for implementing policy, the dean ensures that these policies are both educationally sound and responsive to the needs of students with disabilities.

RECORDS AND PRIVACY

- A. The records relating to academic accommodations based upon disability are confidential and will be maintained separately from academic records. The records will reside within Disabilities Resources. The records will include the documentation submitted to verify the disability.
- B. All documents produced by licensed professionals and consultants in the performance of services for the University are the property of the University.
- C. Access to such records outside of the director of Disabilities Resources or his or her designate, licensed professionals who advise, consult, and/or render an opinion, and the dean of the School of Law or his or her designate shall require a signed waiver by the student.

VERIFICATION OF DISABILITIES FOR ENROLLED STUDENTS

A. Verification of physical or mental disabilities

A student who discloses a physical or mental disability must provide current professional verification certified by a licensed psychologist, audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other licensed professional who is qualified in the diagnosis of the disability.

Students are encouraged to contact Disabilities Resources for more specific information about documentation requirements.

If the initial verification is incomplete or insufficient to determine the present extent of the disability and appropriate accommodations, the School of Law through Disabilities Resources, may request supplemental assessment of physical or mental disability.

B. Verification of specific learning disability

A student who discloses a specific learning disability must provide a current psychoeducational evaluation that states clear and specific evidence that a learning disability does exist. The evaluation should also include a detailed description of how this impairment significantly limits a major life activity in an educational setting.

Documentation verifying the learning disability must:

1. Be prepared by a professional qualified to diagnose a specific learning disability, including but not limited to a learning disability specialist or psychologist;
2. Include the testing procedure followed, the instruments used to assess the disability, the test results, and a written interpretation of the test results by the professional;
3. Indicate an aptitude-achievement discrepancy, learning processing deficit and a statement declaring that the student has a specific disability;
4. Include a summary of specific academic accommodations due to the student's functional-educational limitation that affects a major life activity in an educational setting.

Documentation verifying a student with attention deficit/hyperactivity disorder must:

1. Be prepared by a qualified professional with comprehensive training and relevant experience in differential diagnosis and the 111 range of psychiatric disorders.
2. Be current, comprehensive, and include relevant psycho-educational testing.
3. Include a specific diagnosis, an interpretative summary, and specifically state how this impairment significantly limits a major life activity in an educational setting.

C. Documentation

To allow for proper assessment of a student who requests accommodations for a specific learning disability, the documentation must include the results of all professionally administered tests or evaluative instruments. If the initial documentation fails to support the request for accommodation, or if it is incomplete or otherwise insufficient to determine the extent of the disability, the School of Law through Disabilities Resources may request supplemental assessment of the disability.

D. Verification of temporary disability

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 describing the accommodations deemed necessary. Although a temporary disability does not fall within Section 504, the School of Law will provide reasonable accommodation for such disability when appropriate.

The initial review and recommendation of accommodations will be performed by the law school assistant dean for student services. The assistant dean will review all documents submitted to verify a temporary disability and will conduct a personal interview if necessary to explore the needs of the student in the law school setting.

After considering the verification documents, and if necessary the results of the personal interview, the assistant dean will arrange for the appropriate accommodation.

A student seeking an accommodation for a temporary disability may appeal the accommodation decision of the law school assistant dean for student services to the dean of the School of Law in writing within 10 days of the date of the assistant dean's decision. Upon appeal, the decision of the dean of the School of Law is final and may not be appealed to the Faculty Judicial Committee.

E. The student shall pay for all professional verifications

DETERMINATION OF ACADEMIC ACCOMMODATIONS

A. Determination of academic accommodations for medical, physical, mental, and learning disabilities

1. The School of Law will provide accommodations only following a written request by a qualified individual with a disability to Disabilities Resources.
2. The initial review and evaluation of documentation along with recommended accommodations will be performed by a licensed professional hired by Disabilities Resources and agreed to by the School of Law.
3. The licensed professional will review all documents submitted to verify a disability and will conduct a personal interview if necessary to explore the needs of the student in the law school setting.
4. Students will be asked to submit a history of academic accommodations received in post secondary educational institutions or in places of employment. Such history of accommodation is subject to verification by Santa Clara University.
5. Accommodations that may have been appropriate in other academic contexts may not necessarily be "reasonable" in the context of professional legal education.
6. After considering the verification documents, the results of the personal interview if needed and the history of academic accommodations, the medical professional will make a recommendation to Disabilities Resources which will propose to the law school assistant dean for student services a recommendation concerning an appropriate academic accommodation.
7. The assistant dean for student services in consultation with Disabilities Resources staff may approve or disapprove the recommendation in writing. If the recommendation is disapproved, the student may follow the appeal policy set forth in Section VII. In addition, if an academic accommodation was denied on the basis of undue financial hardship to the University, the student may elect to pay for that accommodation.
8. All approved accommodations must be set forth in a written "Student Accommodation Schedule" and will be made available to the student in an

- accessible format. Implementation of the accommodation will be coordinated through the law school assistant dean for student services to evaluate the effectiveness of the accommodation.
9. Services for students who improperly procure an accommodation will be immediately terminated and the student will be subject to disciplinary action under both the School of Law and the University Student Conduct Codes.
 10. Subject to applicable rules of confidentiality, the law school assistant dean for student services may provide information on the accommodation given to the student to appropriate administrative staff and faculty when necessary to arrange for implementation of the accommodation.

B. Academic accommodations designed to provide equal opportunity to student with disabilities will be made in the following areas:

1. Academic program: Adjustments in this category include those accommodations necessary to enable a student to enroll in, study for, attend, and participate in classes, and may include modification of course load.

Academic requirements for retention, advancement, or graduation are integral parts of the academic program, and are imposed as part of the accrediting and professional certification process. Altering the requirements of the academic program in terms of courses required, hours required for graduation, residency obligations, and minimal performance levels would constitute an undue hardship on the School of Law and the University.

2. Timed examinations: Examination accommodations will be made without compromising the mission and educational program of the School of Law. Any accommodation in the conduct of examinations which alter the form of the examination will be made only in consultation with the faculty member or instructor of the course for which the accommodation is sought.
 - a. The maximum amount of additional time allowed on any timed law school examination will not normally exceed time plus one half, excluding take home examination.
 - b. Students completing a take home examination will not normally be given additional time beyond that specified by the professor administering the take home examination.
 - c. Skills training exercises, clinics, externships, and internships must be performed within the time constraints professionally imposed.
3. Distraction-Free Environment: The School of Law will make reasonable attempts to reduce distractions as an accommodation to students with relevant disabilities.
4. Oral Examinations: Examinations, in which the student is allowed to respond orally, rather than in writing, will not ordinarily be permitted. To the extent that oral examinations are allowed as an academic accommodation, the student answers will be transcribed and submitted for evaluation on the same basis as other written submissions.
5. Access to Work-Product of Instructors: Academic freedom, privacy, fairness, intellectual property rights, and the integrity of the educational program may

- warrant denial of accommodation requests that seek access to the faculty member's private notes, outlines, or other papers prepared by the faculty member and not generally made available to all students.
6. Extension of the examination period: the law school regularly provides for "make up" days and rescheduling of examinations in cases of illness, temporary disabilities, and other situations. Students with disabilities who present scheduling issues will be handled on the same basis. Requests to have examinations administered to an individual after the established examination period will not be granted absent an extraordinary showing.
 7. The School of Law must have a timely claim of disability in order to provide reasonable accommodations. To verify the claimed disability and to arrange for the requested disability as set forth above, claims of disability must be made at least six weeks prior to the requested accommodation. Claims of disability made less than six weeks prior to the requested accommodation will be considered, and reasonable accommodation provided where possible within the limited time available. Nonetheless, the shortness of time to complete the verification process and to arrange for accommodations may affect the ability of the School of Law to implement the requested accommodation.
 8. Accommodations cannot be given for unknown conditions. The results of course examinations or other evaluative devices administered to students who have not disclosed a claim of disability prior to the time of the examination or evaluation are deemed final. More particularly:
 - a. Course examinations or evaluative devices will not be reinterpreted or reevaluated by an instructor or the administration of the School of Law in light of a disability made or disclosed after the examination or performance evaluation.
 - b. Requests for reexamination in a course already completed and evaluated through examination or other evaluative method would alter the fairness and reliability of the evaluative system, and undermine the core of the law school's academic mission. Requests for reexamination will impose an undue hardship on the School of Law and the University.
 9. Auxiliary Aids: The School of Law and the University through Disabilities Resources will provide appropriate educational auxiliary aids and services designed to enable qualified students to participate fully in the academic program.

APPEALS

- A. A student may appeal the academic accommodation decision of the assistant dean for student services to the Law School Disabilities Review Committee within 10 days of the date of the decision. The appeal should be delivered to the dean's Office. The appeal will be forwarded to the Review Committee. Each year the dean will appoint a Law School Disabilities Review Committee which shall be composed of two faculty members and one student member. The dean shall designate one of the faculty members as chair of the committee.
- B. On appeal, the Law School Disabilities Review Committee will **meet within 10 days if school is in session. When an appeal is made during the summer and**

- committee members are not available on campus, the Review Committee will meet within 10 days of the start of the fall semester.** The committee will review the student's written petition and any other supporting documentation submitted. The Review Committee will also review the recommendation of the Assistant Dean and may consult with the University ADA/504 Consultant. The committee shall make an adequate record of its deliberations and shall render **in a timely manner** findings of fact, conclusions, and if appropriate, remedies.
- C. The dean will in writing affirm, reverse, or modify the review committee's decision.
 - D. A copy of the dean's decision will be sent in an accessible format to the student, the assistant dean for student services, the members of the review committee, and the University ADA/504 compliance officer.
 - E. Upon appeal, the decision of the dean of the School of Law is final and cannot be appealed to the Faculty Judicial Committee.

Grievances

- A. All grievances under this policy will be handled in accordance with the procedures set forth in the Santa Clara University Policy on Nondiscrimination.
- B. More information about the University's policy and grievance procedures is available from the Office of the Dean of Students for the University.