

## VI.

### STUDENTS WITH DISABILITIES

#### A. General Statement

It is the policy of Thomas M. Cooley Law School to provide reasonable accommodations in conformity with state and federal law for students who are qualified to pursue a law degree. Cooley is not required by law, however, 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 requirement is unlikely to be granted. An indication on the LSDAS report that an applicant took an accommodated test will not affect the admissions decision.

##### 2. Disclosure of Disability

Applicants are not asked to indicate on the application whether they have a disability but may do so for purposes of accommodation. Disclosure of a disability during the application stage is purely voluntary and will not be a factor in the admission decision.

#### C. Accommodations for Students with Disabilities

It is Cooley policy to provide appropriate academic adjustments, auxiliary aids and services, or exam modifications (which the law school commonly calls "accommodations") to qualified students with disabilities as determined on a case-by-case basis through a meaningful interactive process that includes input from the student and that gives appropriate consideration to the student's request. The purpose of this process is to ensure that the consideration of accommodations for students with disabilities is raised, evaluated, and determined in a manner consistent with Section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving federal financial assistance, with the Americans With Disabilities Act as may be applicable, and with the Michigan's Persons With Disabilities Civil Rights Act.

##### 1. Request for Accommodation: Beginning the Interactive Process

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 to the extent possible 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.

Students with a disability may request an accommodation under the procedures set forth in this Student Policy Manual. To request an accommodation, students must complete and submit the necessary accommodation request forms and other necessary documentation to the Office of Enrollment and Student Services via one of the following persons: in Lansing, the Coordinator of Student Services and Diversity located on the 8th floor of the Cooley Center; in Ann Arbor, the Enrollment Coordinator located on the first floor; in Auburn Hills, the Enrollment Coordinator located on the second floor; and in Grand Rapids, the Enrollment Coordinator located on the second floor. Students must also schedule an appointment to meet with the Enrollment and Student Services representative at their campus before the stated deadline so their needs can be adequately discussed. Mere submission of students' medical documentation to the Enrollment and Student Services department at their campus does not constitute a request for accommodation, because Cooley does not know from medical documentation alone what type of accommodation the student desires. Once the need for an accommodation is properly raised by the student by submitting the necessary accommodation request forms, the Law School engages with that student in an interactive process to evaluate the need, review appropriate supporting documentation, identify and assess the range of academic accommodations, and determine what accommodation, if any, will be provided. The decision on a student's request for accommodation will be made by the Coordinator of Student Services and Diversity in consultation with the student pursuant to the provisions of this chapter of the Student Policy Manual.

## **2. General Procedures and Deadlines for Requesting an Accommodation**

A student seeking an accommodation for a disability should request the accommodation as soon as possible. It is the student's responsibility to request the accommodation in a timely fashion by completing and submitting the necessary accommodation request forms and other necessary documentation to the Office of Enrollment and Student Services as mentioned above. The Law School will need adequate time for evaluating documentation, working out the specific accommodation, arranging scheduling in barrier-free classrooms, making arrangements for auxiliary aids or services, and arranging accommodations for Orientation. The Law School may not be able to satisfy last-minute requests for some accommodations.

As noted in section 3 below, students who are making their first request for course exam accommodations must do so no later than Friday of the 4th week of the semester. Likewise, requests for mid-term exams, Advanced Writing, and the Intro to Law quiz must be made by Friday of the 4th week. Requests for Research and Writing quiz must be made by Friday of 10th week. Students seeking a renewal of a course exam accommodation must do so each semester by Friday of the 10th week of the semester. The Law School will respond on a case-by-case basis to late requests. The Law School may not be able to satisfy late requests for some accommodations.

Students who seek accommodations or alterations in standard academic procedures because of a physical, learning, emotional, or mental disability must contact the Office of

Enrollment and Student Services as soon as possible after enrollment at the Law School. 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.

In some cases where only minor accommodations are required (such as requesting to sit in the front row because of a visual or hearing impairment), the student can make a request of the faculty member but must also notify the Office of Enrollment and Student Services in writing of that request.

After a student's accommodation request has been granted, it is the student's responsibility to request any needed change in the accommodation.

### **3. Procedures and Deadlines Applicable to Specific Types of Accommodations**

Accommodations for students tend to occur in one of three types: academic adjustments, auxiliary aids and services, and course exam modifications.

#### **a. Academic Adjustments**

Academic adjustments (sometimes also called academic modifications) may include reduced course-loads, extending the amount of time for graduation, and tape-recording lectures. However, only adjustments that do not fundamentally alter the nature of the program and that are not unduly burdensome financially or administratively are required by law. While the Law School must provide justification for refusing to allow a reasonable requested accommodation, higher education institutions are given substantial deference in establishing their academic requirements.

Requests for academic adjustments must be made to the Office of Enrollment and Student Services in the manner set forth above. Students requesting this type of accommodation must submit the appropriate accommodation request forms by the end of the second week of classes in the semester during which the accommodation is sought. In appropriate cases, the adjustment will be made in consultation with faculty or other administrators.

#### **b. Auxiliary Aids and Services**

Auxiliary aids and services may include interpreters, note takers, readers, assistance with photocopying and library retrieval, and other support services in connection with the academic program. Services for personal use are not provided. Provision of special equipment (such as Kurzweil reading machine or an image enlarger) to be used at Cooley may also constitute an additional auxiliary service.

Students seeking auxiliary aids or services must direct their requests to the Office of Enrollment and Student Services in the manner set forth above. For certain services such as interpreters, readers, and note-takers, the Office of Enrollment and Student Services may request that the student seek eligibility for such services from the appropriate state agencies, private agencies, or other low-cost or no-cost services. The Office of Enrollment and Student Services

will work with, and will request the cooperation of, the student in obtaining such services. Because obtaining these services can be time consuming and costly to the Law School or the providing agency, students are urged to seek assistance as early as possible after enrollment.

Occasional assistance in the library may be obtained by making a request to the library staff. Students who require more extensive assistance or assistance on a regular basis must request it by filing the appropriate accommodation request forms with the Office of Enrollment and Student Services in the manner set forth above as soon as possible. Many times, a classmate may volunteer to provide this help. The Office of Enrollment and Student Services will work with the Law Library staff to facilitate appropriate assistance.

### **c. Course Exam Modifications**

Exam modifications may include additional time to take the exam, time allowed for rest breaks, use of a reader or amanuensis, being allowed to eat, 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.

Students who seek an exam modification must direct their requests to the Office of Enrollment and Student Services in the manner set forth in these procedures. Students are to submit their requests on the appropriate accommodations request forms.

Because of the time needed to evaluate and respond to these requests, students are urged to submit their requests as soon as possible after arriving at Cooley. Students should make their first exam modification request no later than Friday of the 4th week of the semester. Requests for readers or other assistance should be made sooner if possible to ensure that there is adequate staffing. Exam accommodation requests must be renewed each semester and must be made by the 10<sup>th</sup> week. Depending on the nature of the disability, new or updated documentation may be required. As set forth previously, the Law School will need adequate time for evaluating documentation, working out the specific accommodation, arranging scheduling in exam classrooms, and making arrangements for examination auxiliary aids or services. The Law School may not be able to satisfy last-minute requests for some accommodations.

## **4. Documentation Policy**

The Law School requires appropriate and specific documentation of disabilities whenever a student requests an accommodation. Accommodation requests must be submitted to the Office of Enrollment and Student Services with a health care provider's statement. The statement must be detailed and must describe the disability, the limitations that the disability poses for the student, the expected duration of the disabling condition, results of any tests performed, and the suggested accommodation or range of accommodations. Medical documentation provided for the student's disability will not be accepted if prepared by a member of the student's family.

If the initial verification is incomplete or inadequate to determine the present extent of the disability and appropriate accommodations, the Law School may require supplemental documentation of the disability. The cost of obtaining the supplemental documentation is to be borne by the student. If the Law School requires an additional assessment for the purposes of obtaining a second professional opinion, the Law School will bear the cost of obtaining that second opinion.

For more information on how to establish student eligibility to receive an accommodation for a disability (physical, emotional or mental disability, attention deficit disorder/hyperactivity disorder, or learning disability), the specific documentation the Law School requires to verify the disability, and the criteria the Law School uses to evaluate the documentation provided to it, contact the Office of Enrollment and Student Services.

**D. MPRE and Bar Exam Certification Letters**

Students who plan on applying for exam accommodations for the MPRE and for bar examinations are usually required to provide an accommodations certification letter from their law school. The Law School will not issue such letter or complete any certification forms unless the student has met with the Academic Resource Center and had his or her accommodation application reviewed and approved.

Due to the time-sensitive nature of the MPRE and bar examination accommodation application process, students are advised to start this process early (at least two semesters before taking either exam), so the Academic Resource Center can adequately review and approve the student's application before the deadline.

**E. Procedure to Appeal Accommodation Decision or to Address Complaint of Alleged Disability Discrimination**

**1. Section 504 Disability Coordinator**

Applicable federal law requires the Law School to designate as a Disability Coordinator the person or persons who hold the responsibility to coordinate the school's efforts to comply with the requirements of Section 504. At Cooley, the Disability Coordinator with respect to students is the Coordinator of Student Services and Diversity, whose office is within the Division of Enrollment and Student Services and is located in the Cooley Center building on the Lansing Campus. Among other duties, the Coordinator of Student Services and Diversity makes the decision to grant, deny in whole or in part, or modify a student's request for disability accommodation.

Students who disagree with the accommodation offered by the Coordinator of Student Services and Diversity may appeal that decision under section 2 below. Students who seek review of a decision, action, inaction of Cooley other than an accommodation decision may do so by following the grievance procedure set forth in section 3 below.

## **2. Accommodation Decision and Appeal**

Because informal resolution of disagreements over accommodations is preferable to formal process, students who disagree with the accommodation offered by the Coordinator of Student Services and Diversity should first discuss the accommodation decision with the Coordinator of Student Services and Diversity or designee as part of the interactive process. If informal resolution is not reached through discussions or is not practicable, a student who disagrees with the accommodation offered may appeal that decision to the Associate Dean of Enrollment and Student Services, whose office is located on the 8th Floor of the Cooley Center in Lansing. The appeal must be in writing and submitted within ten business days after the accommodation decision. This 10-day deadline may be waived by Cooley for good cause. The appeal should be as specific as possible regarding the facts and circumstances surrounding the accommodation request and the support for it, the decision under appeal, and the remedy sought. The Associate Dean of Enrollment and Student Services will review the matter and will issue a written decision, which decision is final.

## **3. Complaints of Discrimination Based on Disability**

Applicable federal law requires the Law School to adopt grievance procedures for the prompt and equitable resolution of complaints alleging disability discrimination or other action prohibited by Section 504. Any complaints that students, employees, or qualified members of the public may wish to submit regarding any aspect of their rights under Section 504 are to be brought pursuant to these procedures.

The purpose of these procedures is to ensure that all complaints of discrimination based on disability are thoroughly and fairly investigated by the relevant departments at Cooley. Cooley will conduct a fair and impartial investigation of all allegations of discrimination, with due regard for the rights of all parties. Retaliation against any individual who has filed a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is unlawful and in violation of Cooley policy.

### **a. Informal Resolution Process**

Persons who believe they are aggrieved on account of discrimination based on disability should first seek resolution of the matter through informal discussion with the appropriate Cooley official who is responsible for the decision, action, or inaction at issue. Cooley designates three offices as a resource to advise students, employees, and qualified members of the public as to who is the appropriate official to contact to address the problem:

Coordinator of Student Services and Diversity, whose office is located on the 8th floor of the Cooley Center in Lansing;

Director of Human Resources, whose office is located on the 2nd floor of the Cooley Center in Lansing; and

Executive Assistant to the President and Corporate Secretary, whose office is located on the 10th floor of the Cooley Center in Lansing.

Once the appropriate official to contact has been identified, persons who believe they are aggrieved should contact that person, provide the facts, discuss the matter, and request a specific remedy. The official may grant the relief requested, offer some other relief, or offer no relief.

## **b. Complaint Process**

If after informal discussions a student, employee, or qualified member of the public is unable to achieve a resolution of the matter and believes that he or she has been discriminated against on the basis of disability, he or she may file a written statement constituting a formal complaint.

The statement should be as specific as possible regarding the decision, action, or inaction that precipitated the complaint, including the date, place, persons involved, circumstances, efforts made to resolve the matter informally, and the specific relief sought.

### **(1) Where to File Complaint**

Students should submit the complaint to the Coordinator of Student Services and Diversity, whose office is located on the 8th floor of the Cooley Center in Lansing.

Employees should submit the complaint to the Director of Human Resources, whose office is located on the 2nd floor of the Cooley Center in Lansing.

Qualified members of the public should submit the complaint to the Executive Assistant to the President and Corporate Secretary, whose office is located on the 10th floor of the Cooley Center in Lansing.

Complaints specifically involving one of these three offices may be submitted to either of the other two offices. Complaints incorrectly submitted to one office will be transferred to the appropriate office. For instance, if the complaint comes from a student who is also a Cooley employee and the complaint pertains to the student's role as an employee rather than as a student, the complaint will be submitted to the Director of Human Resources.

### **(2) Investigation and Decision**

Once received, the complaint will be referred to the appropriate Cooley official, who will investigate and decide the matter in writing. The Cooley official may meet with the complainant and others involved and review relevant documents, facilities, or things to determine the merits of the grievance and decide whether the school will grant the relief requested, grant some other relief, or grant no relief. In conducting this investigation, the Cooley official may forward a copy of the complaint to other persons who are the subject of or relate to the grievance, interview

witnesses, meet with concerned parties, consult with experts, receive oral or written statements, inspect facilities, review documents, and make other appropriate inquiries.

After completing the investigation and deciding the matter in writing, the Cooley official will forward a copy of the decision to the complainant and to the referring office, which will see that the complaint, decision, and other materials as warranted are placed into the appropriate student or employee file, or other file, as the case may be. As a guideline, the decision should be rendered within 45 days of the filing of the grievance, if possible. If a decision or other resolution is not possible within 45 days, the Cooley official will inform the complainant of the status of the investigation.

### **(3) Appeal of Decision**

If after receiving the decision the complainant still believes he or she is aggrieved on account of discrimination based upon disability, the complainant may appeal the decision. The appeal must be in written form and should be submitted to the office to which the complaint was submitted. That office will refer the matter to the original decision maker's supervisor or to another appropriate Cooley official as warranted under the circumstances. The appeal should set forth as specifically as possible the reason the decision below was incorrect and the specific relief sought.

The official deciding the appeal will investigate by reviewing the original complaint and the decision below and conducting such other investigation as deemed appropriate, which, as with the initial investigation below, may include meeting with the complainant or other persons, reviewing documents and facilities, and consulting with experts. Upon completion of the investigation, the official to whom the appeal is assigned will decide in writing whether the school will grant the relief requested, grant some other relief, or grant no relief.

After deciding the appeal, the Cooley official will forward a copy of the decision to the complainant and to the referring office, which, as before, will see that the appeal, decision, and other materials as warranted are placed into the appropriate student or employee file, or other file, as the case may be.

### **(4) Implementation of Decision**

The Cooley official who renders the final decision will forward a copy of the decision to the appropriate office at Cooley for implementation of the decision as warranted.

## **4. Questions About Grievance Procedure; Exceptions to Procedure**

Questions about this grievance procedure should be addressed to the Coordinator of Student Services and Diversity, the Director of Human Resources, or the Executive Assistant to the President and Corporate Secretary. Exceptions to these procedures may be granted by the President or the General Counsel.