

IV. POLICY AND PROCEDURE FOR THE PROVISION OF SERVICES TO STUDENTS WITH DISABILITIES

Effective July 2017

SUMMARY

This summary is provided as a supplement to the Policy and Procedures for the Provision of Services to Students with Disabilities. Please read the entire policy for complete information.

- I. Students who are interested in making a request for disability accommodations must make any request for accommodations in writing and submit the request to the Assistant Dean for Student & Diversity Services.
- II. Requests for accommodation must be made as soon as the need for accommodation is known to allow sufficient time for review, approval, and implementation of any appropriate accommodation.
- III. Accommodation requests must be accompanied by an appropriate certification of the disability by a qualified health care professional.
- IV. All non-emergency requests for final exam accommodations or rescheduling due to a disability should be made thirty (30) calendar days prior to the last day of class. This requirement includes requests for all physical disabilities, learning disabilities, psychiatric disabilities, and psychological disabilities that occur prior to that date. Requests must be made in writing, include appropriate certification from a qualified health care professional, and be submitted to the Assistant Dean for Student & Diversity Services.
- V. Accommodations may only be made on a prospective basis.
- VI. Receipt of prior accommodations in another educational or employment setting does not ensure that an individual will receive the same, or any, accommodations in law school.
- VII. The Assistant Dean for Student & Diversity Services shall make the initial determination as to appropriate accommodation(s) in response to a student request, and shall provide the student with written notice of the decision. If a student is dissatisfied with the initial decision, the student may use the dispute resolution procedure outlined and explained in the full policy which follows.
- VIII. Each student receiving an accommodation is responsible for meeting periodically with the Assistant Dean for Student & Diversity Services to evaluate the effectiveness of the accommodation.

Contact Information and For Questions Regarding This Policy:

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San Diego, CA 92101
(619) 515-1575

Vice President of Student Life
225 Cedar Street, 2nd Floor
San Diego, CA 92101
(619) 515-1567

For Section 504 Grievance Questions or Complaints or Dispute Resolution Procedure Questions:

General Counsel
225 Cedar Street, 4th Floor
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I. INTRODUCTION

It is California Western School of Law's (the School) policy that enrolled students who disclose a disability and seek accommodation be given reasonable accommodations in full compliance with applicable law.¹ Furthermore, the School is firmly committed to the goal of making reasonable accommodations designed to provide overall educational program accessibility for otherwise qualified persons with disabilities.² By ensuring access to qualified students with disabilities, the School believes that the legal profession will benefit from the skills and talents of these individuals.

The School seeks to accommodate qualified students with disabilities on an individualized basis. Such students will be given reasonable accommodations based on the specific information and assessment data provided by a qualified professional. Reasonable accommodations do not include measures which are demonstrated to fundamentally alter the academic program of the School. Academic requirements that the School shows are essential to the program of instruction will not be regarded as discriminatory. The Assistant Dean for Student & Diversity Services provides information as to the existence and location of services, activities and facilities that are accessible to, and usable by, persons with disabilities and administers the program for accommodations under the direction of the Vice President of Student Life.

The Vice President of Student Life is the senior administrative officer responsible for campus policies affecting qualified students with disabilities. With the advice of the appropriate administrative officers responsible for implementing policy, the Vice President of Student Life ensures that these policies are both educationally sound and responsive to the needs of students with disabilities.

II. DEFINITIONS

- A. A person with a disability is any person who: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such impairments; or (3) is regarded as having such impairment.³
- B. A physical or mental impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

¹ The term "accommodation" as used throughout this Policy is intended to be interchangeable with the term "academic adjustment" as used within the meaning of the regulation implementing §504. See 34 C.F.R. §104.44.

² These legal obligations are codified at 29 U.S.C. §794, Section 504 which states in pertinent part: "No otherwise qualified individual in the United States, ..., shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This policy will be interpreted in a manner consistent with applicable state and federal law.

³ 34 C.F.R. §104.3(j). The terms "Persons with Disabilities," "Handicapped Persons," and "Disabled Persons" are used interchangeably to mean "Handicapped Person" as defined under Section 504 of the Rehabilitation Act, as amended by The Americans with Disabilities Act Amendments Act of 2008, P.L. 110-325, Sept. 25, 2008 ("The ADA Amendments Act"), Section 7 (conforming amendments). See also the Americans with Disabilities Act of 1990, P.L. 101-336, July 26, 1990, Section 3(2) (definition of disability), as amended by the ADA Amendments Act, Section 4 (disability defined and rules of construction); 28 C.F.R. § 35.108(a)(i)(effective October 11, 2016).

neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, circulatory, hemic and lymphatic, skin and endocrine; mental impairment means any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities, including attention deficit hyperactivity disorder.⁴

- C. Major life activity means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, writing, communications, interactions with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems.⁵
- D. A qualified person with a disability is a person who meets the academic and technical standards required for admission and participation in the School's educational program and activities.⁶

III. ADMISSIONS POLICY AND PROCEDURES

A. Admissions Policy

The School's Policy of non-discrimination on the basis of disability extends to the Admissions process. The School will not make preadmission inquiry as to whether an applicant is a person with a disability. Any information concerning an applicant's disability provided in a personal statement or interview during the admissions process shall be on a voluntary or optional basis and shall be maintained in accordance with state and federal laws relating to confidentiality. The School may, however, consider this information only for the purpose of overcoming past performance difficulties that the applicants may have experienced due to disabilities as reflected in their academic records.⁷ No limitations will be placed on the number or proportion of persons with disabilities who may be admitted or enrolled.⁸

All admissions decisions will apply the same standards of evaluation to persons with disabilities as applied to other applicants.

B. Post-Admission Inquiries

After an applicant has received a letter of admission to the School, the School invites voluntary self-identification by students with disabilities for the purposes of discussing individual needs, making timely requests, verifying the disability and identifying the reasonable accommodations that the School may provide to the student.

⁴ 28 C.F.R. §35.108(b)(1) [Effective October 11, 2016].

⁵ 29 U.S.C. §705(9) and the ADA Amendments Act, Section 4 (disability defined and rules of construction); 28 C.F.R. §35.108(b)(3)(c)(1)(i) and (ii) [Effective October 11, 2016].

⁶ 34 C.F.R. §104.3(1)(3).

⁷ 34 C.F.R. §104.42(b)-(c). The School seeks a diverse student body and is particularly interested in challenges that applicants have faced and overcome, and thus invites applicants, on a voluntary basis, to provide such information in their personal statements or during an admissions interview.

⁸ 34 C.F.R. §104.42(b)(1).

IV. POLICY AND PROCEDURES FOR ENROLLED STUDENTS

The School is committed to providing accommodations and services to students with documented disabilities who self-identify and seek accommodations. Any student requesting or receiving accommodations should carefully review all the School's policies and procedures. These policies and procedures are available through the Assistant Dean for Student & Diversity Services located on the first floor of the 350 building, on the School's website, and in the Student Handbook. It is strongly recommended that students meet with the Assistant Dean for Student & Diversity Services prior to enrollment or early in their first trimester. Early requests for accommodation will permit adequate time to arrange and implement any appropriate accommodations. Students requesting any accommodation should be aware that they have obligations and responsibilities pertaining to any request for accommodation, as set forth by this policy.

A. Policy of Non-Discrimination Based on Disability

To afford equal opportunity to participate in and benefit from all School programs and activities, the School shall ensure the following:

1. Students with disabilities shall have the opportunity to participate in School programs or activities, such as scholarly publications, interscholastic competitions, and internships, if they otherwise qualify for such programs or activities.
2. No officially registered student organization shall discriminate in its membership practices on the basis of disability.
3. The School will not provide assistance to non-registered organizations or persons who discriminate against students on the basis of disability.
4. The School will provide reasonable accommodations to qualified students with disabilities, as necessary. However, all students will be required to meet the School's academic standards, with or without any reasonable accommodation.
5. The School shall provide personal advising, academic advising, and career services without discrimination on the basis of disability. For example, qualified students with disabilities will not be counseled toward more restrictive career objectives than are other students without disabilities who have similar interests and abilities.
6. In providing financial assistance to qualified students, the School may not provide less assistance, limit eligibility for assistance, or otherwise discriminate on the basis of disability.
7. The location of programs within the physical plant will provide equal access to mobility and visually impaired students to the extent required by law. In the design of new construction or renovation of existing buildings and facilities, the School will comply with all applicable laws.

B. Privacy and Confidentiality of Records

Medical information about a student, including information about the existence and nature of a qualified student's disability, will be kept confidential as is reasonably possible. However, it is sometimes necessary for the Assistant Dean for Student & Diversity Services to provide disability information to School personnel in the consideration and facilitation of, and accommodations for, qualified students with disabilities. As a general rule, only the members of the Vice President for Student Life's Office and the Assistant Dean for Student & Diversity Services Office have specific information about a student's disability so that reasonable and appropriate accommodations can be determined. Disability information is given to other School personnel only when necessary for such personnel to carry out their responsibilities while providing accommodations or otherwise complying with relevant disability-related policies.

The Assistant Dean for Student & Diversity Services must have the written consent and authorization of a student with a disability to share information with anyone other than the appropriate School personnel.

The School shall maintain confidential records within the Office of Student & Diversity Services relating to any accommodations based upon disability. The records shall include the documentation submitted to verify the disability. All records are kept for five years after the student's date of last attendance.

All documents produced by consultants in the performance of services for the School shall be, and shall remain, the property of the School.

B. Procedure for Verifying Disabilities

1. Verification of Psychological Disabilities

In defining a disability as primarily psychological in nature, our policies employ the definition of mental disorders as described in the most current edition of the *Diagnostic and Statistical Manual of Mental Disorders* (5th edition, DSM-V), Washington, DC, American Psychiatric Association.⁹

While mental disorders may be a source of discomfort, distress, or disability, a student who has a mental disorder may not necessarily require accommodation. A determination of eligibility for such services shall be made by the Assistant Dean for Student & Diversity Services. In making such a determination, the Assistant Dean may consult with a licensed professional who may review, at a cost borne by the School, the student's request and documentation.

2. Verification and Documentation of Physical and Psychological Disabilities

Professionals conducting assessments and rendering diagnoses of physical and mental disorders must be qualified to do so. Qualified diagnosing professionals for physical disorders include, but are not limited to, physicians, nurse practitioners, audiologists, speech pathologists, and other licensed medical professionals. Qualified diagnosing professionals for psychological disorders would include, but are not limited to licensed psychologists, psychiatrists, and neurologists, or other professionals with training and expertise in the diagnosis of mental disorders. Such documentation should be submitted with the professional's letterhead attached, and contain the professional's signature and license number. Documentation must be current and reflect the student's present level of functioning of the major life activity affected by the disability. The documentation should provide responses to the following questions:

- a. What were the assessment or evaluation procedures used to make the diagnosis?
- b. What are the major symptoms of the disorder currently manifested by the student that relate to any limitations pertaining to the student's education, including level of severity?
- c. What are the current functional limitations imposed by this disorder that relate to the student's education?
- d. What is the expected duration of the limitations?
- e. When did you last see this individual?

⁹ When this policy was updated, the most current edition of the *Diagnostic and Statistical Manual of Mental Disorders* was the 5th edition released in 2013.

The student shall provide the verification documentation to the Assistant Dean for Student & Diversity Services. The cost of obtaining the professional verification shall be borne by the student. Periodic updates from the healthcare provider may be requested.

If the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate accommodations, the School will provide written notice explaining what additional information is required. The cost of any supplemental documentation or assessment that may be necessary to ensure adequate verification shall be borne by the student. If the School requires an additional assessment for purposes of obtaining another professional opinion, then the School shall bear any cost not covered by any third party payer.

3. Verification of Learning Disability

A student with a learning disability must provide detailed copies of all professional testing and evaluation results which reflect the individual's present level of processing information and present achievement level. Particularly, documentation must reflect evaluation within the prior three years and be scored using an adult scale. The cost of obtaining professional verification shall be borne by the student. Documentation verifying the learning disability must:

- a. Be prepared by a licensed professional qualified to diagnose a learning disability, including, but not limited to, a licensed physician, learning disability specialist, or psychologist;
- b. Include a description of the testing procedures followed, including a list of all assessment tools and a written interpretation of all test results by the professional (conclusions regarding the disability are not sufficient without the basic testing or diagnostic data);
- c. Reflect the individual's present level of functioning in the achievement areas of (where relevant): reading comprehension, reading rate, written expression, writing mechanics and vocabulary, writing, grammar, and spelling;
- d. Reflect the individual's present level of functioning in the areas of intelligence and processing skills; and
- e. Demonstrate a substantial limitation to learning or another major life activity.

The assessment must provide data that support the request for any accommodation. If the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate accommodations, the School will provide written notice explaining what additional information is required. The cost of any supplemental documentation or assessment that may be necessary to ensure adequate verification shall be borne by the student. If the School requires an additional assessment for purposes of obtaining another professional opinion, then the School shall bear any cost not covered by any third party payer.

4. Attention Deficit Hyperactivity Disorder (ADHD)

A student with ADHD must provide documentation to the Assistant Dean for Student & Diversity Services that indicates a current (no more than three years old) diagnosis of ADHD that is based on age-appropriate (upon entrance to the School) diagnostic evaluations administered by trained and qualified (i.e., certified or licensed) professionals (e.g., psychiatrists, psychologists, or neuropsychologists). The diagnostic report must include:

- a. Diagnostic interview addressing relevant historical information including: age at initial diagnosis; past and current academic achievement; evidence of behaviors that significantly impair functioning in two or more settings; discussion of

- medication; history and effectiveness of accommodations in past education settings; and, if no history of accommodations exists, rationale as to why they are essential at this time;
- b. A description of the procedures used to diagnose the disability (include a list of all instruments used in the assessment);
 - c. Discussion of the testing results and behavior, including the symptoms that meet the criteria diagnosis. If the student was evaluated while on medication, the description should indicate the effect this may have had on performance;
 - d. DSM-V diagnosis; and
 - e. Diagnostic summary statement that includes the following information:
 - (i) Clear statement that ADHD does or does not exist, including a rule-out of alternative explanation for behaviors. Terms such as “appears,” “suggests,” or “has problems with” in the diagnostic summary statement do not support a conclusive diagnosis.
 - (ii) Clear statement specifying the substantial limitations to one or more major life activities and the degree of severity. If the limitations are in learning (e.g., reading, written expression), an appropriate psycho-educational evaluation must be administered to document ability/achievement discrepancies.
 - (iii) Recommendations regarding medications.
 - (iv) Recommendations for accommodations, including rationale.

If the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate accommodations, the School will provide written notice explaining what additional information is required. The cost of any supplemental documentation or assessment that may be necessary to ensure adequate verification shall be borne by the student. If the School requires an additional assessment for purposes of obtaining another professional opinion, then the School shall bear any cost not covered by any third party payer.

5. Transitory and Minor Disability

The School may, under unusual circumstances and on a case by case basis, provide reasonable academic accommodations for a transitory and/or minor disability.

All accommodations are prospective. No retroactive accommodations are provided.

Students seeking accommodations on the basis of a transitory and minor disability must provide written documentation verifying the nature of the condition, stating the expected duration of the condition, and describing the accommodations deemed necessary. Such verification must be provided by an acceptable professional health care provider who is qualified in the diagnosis of such conditions.

The assessment or verification of disability must reflect the student’s current level of disability, and shall be no older than 60 days. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate accommodations, the School will provide written notice explaining what additional information is required. The cost of any supplemental documentation or assessment that may be necessary to ensure adequate verification shall be borne by the student. If the School requires an additional assessment for purposes of obtaining another professional opinion, then the School shall bear any cost not covered by any third party payer.

C. Procedure for Requesting Accommodations

A student is responsible for requesting disability accommodations and for providing the requested documentation to the Assistant Dean for Student & Diversity Services. The Assistant Dean will promptly evaluate the request and make a determination about reasonable accommodations for a qualified student with disabilities. A student is eligible to apply for accommodations if the student has been admitted or enrolled at the School.

The process for requesting accommodations is initiated by obtaining the *Request for Information from Students with Disabilities Form* available from the Office of Student & Diversity Services, and submitting the completed form to the Assistant Dean for Student & Diversity Services. It is also strongly suggested that the student schedule a personal meeting with the Assistant Dean for Student & Diversity Services to ensure that the student understands what types of information may be required in order to verify the disability and document the request for accommodations, and to begin the interactive process of determining the most appropriate accommodations, if any, for the student.

Early disclosure allows for sufficient time to approve and implement accommodations. All accommodations are prospective. No retroactive accommodations are provided.

All non-emergency requests for final exam accommodations should be made thirty (30) days prior to the last day of classes.

A student may submit a history of accommodations received in any educational institutions or in places of employment. Such a history of accommodations is subject to verification by the institution or place of employment that facilitated the accommodations. Receipt of prior accommodations does not ensure the student will receive the same or any accommodations in the law school setting.

Upon receipt of the student's disability documentation, the Assistant Dean for Student & Diversity Services will review such documentation to assess whether it is sufficient to meet the School's criteria for establishing a disability and supporting the student's request for accommodations. Within seven (7) business days of receipt of all required materials,¹⁰ the Assistant Dean for Student & Diversity Services will review such materials, engage in an interactive process to determine any available accommodation options, perform a diligent assessment of those options, and make an initial determination (the "initial determination") which will be communicated in writing to the student including the action to be taken with respect to each requested accommodation.

D. Dispute Resolution Procedure

If the student disagrees with the initial determination, including any determination about what documentation may still be required to support the request for accommodations, or has other disputes about the provision of accommodations in classes in which the student is currently enrolled or could reasonably be expected to be enrolled within the upcoming trimester, the student should schedule a review meeting with the Assistant Dean for Student & Diversity Services. Any such meeting shall be held, if feasible, within five (5) business days of receipt of the initial determination. This review meeting is optional and the student may choose to forego this step and file an appeal as indicated below. However, it is strongly suggested that the student meet with the Assistant Dean for Student & Diversity Services to resolve the matter informally. If the student schedules this review meeting, the meeting tolls the seven (7) business

¹⁰ This seven (7) day period may be extended for good cause upon written notice to the student and Vice President of Student Life.

day appeal period described in the next paragraph below and the appeal period will begin to run from the date of the review meeting.

A student who disagrees with the initial determination, or has other disputes about the provision of accommodations, may file an appeal with the Vice President of Student Life. This appeal should be in writing and specify, with particularity, the reasons for disagreeing with the initial determination. The student may submit new information or documentation with the appeal. This appeal must be filed within seven (7) business days of the later of (1) the date of the initial determination, or (2) the date of the review meeting described in the paragraph above.¹¹

The Vice President of Student Life will review the written appeal and the student's disability documentation submitted in support of the request for accommodations, and may consult with the relevant parties, other School employees, or disability specialists. The student is encouraged, though not required, to meet with the Vice President of Student Life to discuss the student's appeal ("optional meeting"), which meeting shall be held, if feasible, within three (3) business days of the date of receipt of the appeal. The Vice Dean for Academic Affairs will make a determination on the appeal ("final determination") within seven (7) business days of the date of receipt of the appeal,¹² which final determination will be communicated in writing to the student. If the student disagrees with the final determination, the student may file a formal grievance pursuant to paragraph N, below.

E. Overview of Reasonable Accommodations

1. Academic Requirements - Accommodations in this category include those necessary to ensure that academic requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability, and may include changes in the length of time permitted to complete degree requirements, and a modification in course load requirements. Academic requirements that can be demonstrated as essential to the School's program of instruction need not be changed.
2. Course Examinations - Accommodations made so that examinations or other procedures for evaluating students' academic achievement shall include methods of evaluating students to ensure that the evaluation results represent the student's achievement in the course, rather than reflecting a student's impaired sensory, manual or speaking skills (except where such skills are the factors that the test purports to measure). Any accommodations in the conduct of examinations which alter the administration of the examination can be made in consultation with the Assistant Dean for Student & Diversity Services.
3. Auxiliary Aids - The School shall either provide or assist qualified students in acquiring educational auxiliary aids designed to enable them to participate fully in an academic program. The assistance provided may include contacting existing resources, such as State and community agencies, private charitable organizations, and individual volunteers. The School is not responsible for providing services of a personal nature, such as attendants.

¹¹ This seven (7) day period may be extended for good cause upon written notice to the Vice Dean for Academic Affairs.

¹² This seven (7) day period may be extended for good cause upon written notice to all interested parties.

F. Detailed Description of Possible Accommodations

All qualified students with disabilities are encouraged to meet with the Assistant Dean for Student & Diversity Services, either prior to enrollment or early in the first trimester, to discuss appropriate accommodations and academic adjustment requests.

1. Reduced Course Load as an Accommodation

Some students, because of the specific impact of their disability, may require a reduction in course load. First year students who believe that their disability requires such an accommodation must make a written request to the Assistant Dean for Student & Diversity Services through the Procedure for Requesting Accommodations described above at part D. The Assistant Dean for Student & Diversity Services, in consultation with the Vice President of Student Life, will review the request and apprise the student of the decision within seven (7) business days. Because of the unique nature of the first year curriculum, course load reductions will be handled on a case-by-case basis and will only be approved in extreme and compelling circumstances.

Upper division students who believe that their disability requires a reduced load should discuss the matter with the Assistant Dean for Student & Diversity Services.

2. Note Taking Accommodation

Some qualified students with disabilities are unable to take adequate notes in a classroom situation due to their disability. As is the case with all accommodations, professional documentation of disability must support the need for note taking services. Students requesting or receiving this service should be aware of the following information:

- a. A student must make a formal request for a note taker as part of the request for accommodation;
- b. Once the need for a note taker has been determined, the Assistant Dean for Student & Diversity Services will obtain a note taker for each course where note taking is necessary;
- c. The office of Student & Diversity Services typically sends course notes as an e-mail attachment to students' official school e-mail address.
- d. In the event the student drops a course, or changes to a different section, it is the student's responsibility to immediately notify, in writing, the Assistant Dean for Student & Diversity Services.
- e. The receipt of notes cannot be in lieu of going to class. If a student who receives notes as an accommodation for disability frequently misses classes where notes are provided, the administration may take action (see "Attendance Policies").

3. Priority Registration for Courses

The Assistant Dean for Student & Diversity Services may, in extraordinary cases, make special arrangements with the Registrar's Office for qualified students with disabilities to register early if the specific impact of such disabilities necessitates priority registration. Should the student believe that his or her disability requires such an accommodation, the student must make a written request to the Assistant Dean for Student & Diversity Services through the Procedure for Requesting Accommodations described above at part D.

4. Exam Accommodations

Requests for reasonable accommodations for exams will be reviewed when made through the Procedure for Requesting Accommodations described above at part D. Any adjustments and accommodations in the conduct of exams which alter the administration

of the exam shall be made in consultation with the Assistant Dean for Student & Diversity Services.

All non-emergency requests for final exam accommodations are requested to be made thirty (30) days prior to the last day of classes. This includes requests for all permanent physical disabilities, psychiatric disabilities, learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD) disabilities and temporary disabilities that occur prior to that date.

All examinations taken with accommodations are under the supervision of the Assistant Dean for Student & Diversity Services. All correspondence regarding exam accommodations, exam dates and times, and exam locations, should be directed to the Assistant Dean for Student & Diversity Services.

Students with disabilities taking accommodated exams are subject to standard rules and regulations governing examinations. The only exceptions to the rules and regulations are the specific accommodations approved by the Assistant Dean for Student & Diversity Services and/or the Vice President of Student Life. In addition, some of the administrative procedures differ from the general exam process. Therefore, all students must be thoroughly familiar with the following information about examinations:

- a. Students are strongly discouraged from discussing their exam accommodations with professors and other students. This is to protect the anonymous exam process.
- b. Professors give specific instructions as to what can and cannot be brought into the examination room. The proctors, therefore, know what students can and cannot have with them. Under no circumstances shall any student taking an accommodated examination bring unauthorized material or personal belongings into the exam room.
- c. Any breaks shall be taken within the exam period, unless otherwise stated as a separate exam accommodation.
- d. No extension of time will be given if a student is late for the examination. If a student arrives more than thirty (30) minutes after the scheduled starting time, the Vice President of Student Life may reschedule the exam should there be an extraordinary and compelling excuse.
- e. Should the student become ill and unable to sit for the examination, the student must first notify the Vice Dean for Academic Affairs, or Vice President of Student Life and the Assistant Dean for Student & Diversity Services. Any decision about a change in time or date can only be made by the Vice President of Student Life or Vice Dean for Academic Affairs.

5. Other Accommodations

Accommodations not listed may be requested based on individual need and supporting written documentation.

G. Periodic Meetings

Each student receiving academic accommodations shall meet periodically with the Assistant Dean for Student & Diversity Services to evaluate the effectiveness of accommodations. Students shall immediately report in writing any claimed dissatisfaction with an accommodation to the Assistant Dean for Student & Diversity Services. The Assistant Dean for Student & Diversity Services will advise the student of the Dispute Resolution Procedure set forth in part E, above.

Accommodations are subject to review, revision and possible termination upon any change in the nature of the disability or the student's failure to properly utilize the services provided.

H. Improperly-Procured Accommodations

Services for students who improperly procure accommodations under this policy will be immediately terminated and the student may be subject to disciplinary action under the Honor Code.

I. Administrative Discretion

Subject to applicable rules of confidentiality, the Assistant Dean for Student & Diversity Services shall provide information to appropriate administrative staff and faculty when necessary to arrange for efficient administration of accommodations.

J. Disqualified Upper Division Student Appeal¹³

Upon receipt by the Office of Student Life of a petition for readmission (submitted in accordance with Academic Policy 7.50) from an upper division student who identifies himself or herself as disabled, the petition will be supplemented by a report from the Assistant Dean for Student & Diversity Services providing, in a summary, chronological form, any available information regarding the nature of the disability, the extent to which it affects the student's ability to participate or perform in the academic program, the accommodations requested by the student, those granted, if any, and any other information contained in the student's file relevant to the petition.

K. Post-Graduation Policy and Services

- a. The School will assist students in documenting accommodations received during law school as an aid in requesting accommodations for bar examinations. However, receipt of any accommodation at the School does not ensure that the student will receive the same or any accommodations for the bar. A written request, along with the appropriate forms from the bar examiners, must be submitted to the Assistant Dean for Student & Diversity Services in a timely manner.
- b. The Career and Professional Development Office will aid all graduates, with or without disabilities, in developing career opportunities after the completion of studies at the School.
- c. The School has a policy of non-discrimination on the basis of disability in all alumni activities which are a part of the official program of the School or which involve the participation of applicants or enrolled students.

L. Prospective and Retroactive Accommodation

All accommodations are prospective only. That is, an accommodation is provided only for work done or activities undertaken after a student has applied for an accommodation under these policies and provided the required detailed documentation and there has been a full opportunity for the School to review the material, or any additional testing or assessment has been completed, and a final decision regarding accommodation has been made.

No retroactive accommodations are provided. That is, the work completed before an accommodation is formally requested, processed and granted is not reconsidered or adjusted. The absence of an accommodation before such accommodation is requested and reviewed is, for example, not a basis for appeal, readmission, or other special consideration.

For this reason it is imperative that a student who believes an accommodation might be appropriate consult with the Assistant Dean for Student & Diversity Services at the earliest possible time.

¹³ CWSL Statement of Academic Policies §7.50.

M. Hearing Process for Complaint of Disability Discrimination Under Section 504

- a. A student who alleges discrimination on the basis of disability shall file a complaint with the General Counsel within ninety (90) calendar days of the date of the alleged act of discrimination. This procedure shall apply only to Complaints under Section 504 of the Rehabilitation Act alleging discrimination on the basis of disability. For the dispute resolution process concerning requests for accommodations or disputes about the provision of accommodations in classes in which the student is currently enrolled, please see section IV, part E of this Policy.
- b. Upon receipt of a student complaint alleging discrimination on the basis of disability under section 504 of the Rehabilitation Act, the General Counsel shall review the complaint to ensure that it states a claim that is appropriate for the Hearing Officer. If it states an appropriate claim, the General Counsel shall refer the complaint to the school's Hearing Officer to make a final decision regarding the complaint. This referral shall be made within twenty-one (21) calendar days of receipt of the complaint. The complainant shall be advised of this referral and how to contact the Hearing Officer. If the student complaint does not state an appropriate claim, the General Counsel shall notify the student within twenty-one (21) calendar days of receipt of the complaint, including an explanation of why the complaint is not appropriate for the Hearing Officer.
- c. The Hearing Officer shall conduct an adequate, impartial, and reliable fact-finding process that ensures the dignity of the parties and affords the parties a full and fair opportunity to present their claims and defenses. At the complainant's request, the Hearing Officer may hold a public hearing at the School to facilitate the fact-finding process, so long as the complainant understands that any privacy rights, including FERPA rights, may then be waived. Unless the complainant requests a public hearing, any hearing shall be private. The parties have the right to representation and may present witnesses and documents in support of their position. However, the formal rules of evidence will not apply. The Hearing Officer is further empowered to hire professional consultants to aid the Hearing Officer in clarifying questions involving medical and/or educational issues in dispute.

The Hearing Officer will use best efforts to complete the fact-finding process within thirty (30) calendar days of the referral (but may extend the thirty (30) day period for good cause and upon notice to all interested parties). Within thirty (30) calendar days of completing the fact-finding process, the Hearing Officer will provide a copy of the written decision to all interested parties, and such decision shall include appropriate findings of fact and a determination of whether discrimination on the basis of disability has occurred. If the Hearing Officer finds that discrimination on the basis of disability has occurred, she will outline steps to be taken to resolve the complaint.

4. The decision of the Hearing Officer will constitute the final decision of the School. No other internal administrative appeals will be allowed.

O. Prohibition Against Retaliation

Neither the School, nor any faculty member, administrator, employee, agent, or student, will in any way retaliate against an individual who makes a request for accommodations, utilizes the dispute resolution process, files a complaint with the Hearing Officer, or files a complaint with the Office for Civil Rights, or exercises other rights protected by Section 504 or applicable law. Retaliation is a serious violation of this Policy and should be reported immediately to the General Counsel. Complaints of retaliation under this policy may be filed through the Section 504 Complaint procedure described above at part N. Any person found

to have retaliated against another individual for any action taken under this Policy will be subject to disciplinary action.

V. BUILDING ACCESSIBILITY

A. Entrances

1. 225 Cedar Street - The courtyard to this building has a ramped, main entrance. Access doorways are equipped with power assisted doors with lowered push buttons on the outside and inside of each door.
2. 290 Cedar Street - The main entry is accessible and is fitted with power-assisted push buttons on the interior and exterior of the entrance.
3. 350 Cedar Street - There is an accessible entrance to this building at the Cedar Street doorway. This entrance has a ramp and a power assisted door with lowered push buttons on the outside and inside of the door.

B. Elevators

1. 225 Cedar Street - The building is equipped with two elevators which access all four floors of the building, as well as three floors in the parking garage. The elevators are equipped with buttons with raised numbers, Braille symbols, and auditory signals. Both elevators are located in the northwest corner of the courtyard.
2. 290 Cedar Street - The building is equipped with two elevators which access all four floors of the building. The elevators are equipped with buttons with raised numbers, Braille symbols, and auditory signals. Both elevators are located in the west interior of the building.
3. 350 Cedar Street - The building is equipped with one elevator, which accesses the lower level and three floors of the building. The elevator is equipped with buttons with raised numbers, Braille symbols, and auditory signals. The elevator is in the westerly part of the lobby.

C. Restrooms

1. 225 Cedar Street - There are accessible restrooms with designated stalls in the southwest corner of each of the four floors in this building, and accessible restrooms in the Deli.
2. 290 Cedar Street - There are accessible restrooms on each floor in the northwest corner.
3. 350 Cedar Street - There are accessible restrooms on the lower level and floors one (1), two (2) and three (3).

D. Emergency Procedures

Detailed information about what to do in case of emergency may be obtained from the Office of Facilities Management on the Mezzanine level of the 350 Cedar Building, (619) 525-1487.

In the event of a fire, earthquake, or other disaster, an alarm will sound throughout the building. *If the building needs to be evacuated because of fire, wheelchair users on floors other than the ground level, should request assistance from persons around them and leave their chairs behind* because elevators will not be operating.

E. Parking

Students with certain disabilities that affect mobility may apply for a Handicapped Parking Placard from the City of San Diego. This placard allows one to park free at any metered or non-metered street space. There are two spaces reserved for the disabled in front of the 350 Cedar Building.

VI. INQUIRIES ABOUT FEDERAL LAWS PROTECTING PERSONS WITH DISABILITIES

Inquiries concerning the School's compliance with applicable disability laws may be directed to the Assistant Dean for Student & Diversity Services, California Western School of Law, 350 Cedar Street, San Diego, CA 92101-3046. In addition, inquiries or complaints regarding federal laws and regulations may be sent to the Office for Civil Rights, U.S. Department of Education, 50 United Nations Plaza, San Francisco, CA 94102.

VII. STUDENTS USING SERVICE/ASSISTANCE DOGS

Animals are not permitted on campus for any reason, except for assistance animals in service to the disabled.

Updated May 2017