



MEMORANDUM

COLLEGE OF LAW

Office of the Dean

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To: All Students
From: *Janet* Crain, Associate Dean of Students
Re: Accommodations for Disabled Students
Date: August 31, 2010

The University of Iowa College of Law provides classroom and examination accommodations to students with physical and medical impairments as well as learning disabilities. Appropriate services and modifications are determined on a case-by-case basis. Any student who seeks accommodations should schedule a meeting with me to discuss the request. Generally, a student must follow the procedures and submit documents listed below.

1. Students must submit written requests for accommodations on Accommodation Request forms.
2. Accommodation requests must be supported by a written verification report from a licensed professional or health care provider. Request and verification forms are available from the Dean's Suite.
3. Early receipt of requests and supporting documentation is essential to allow sufficient time for review, evaluation, and provision of accommodations pursuant to the Policy on Accommodations for Students with Disabilities found in the Student Handbook. For your convenience, I have attached a copy. Please review this Policy because the faculty revised it recently.
4. If accommodations have been approved for examinations, **requests to schedule accommodated exams must be submitted on Exam Request forms no later than 50 days before the fall exam period** or as soon as possible after announcement of any exams given during a semester.
5. Accommodations are prospective; retroactive accommodations to adjust deadlines or prior academic performance are not available. Therefore, students with documented disabilities may wish to complete request forms and submit timely verification reports even though not requesting immediate implementation of accommodations in the event there is need for some accommodation at a later time.
6. Students are notified in writing of action on requests for accommodations and for accommodated exam scheduling.
7. When appropriate the College of Law coordinates with The University of Iowa Student Disability Services on the provision of alternative media, assistive technology and other services.

Attachment

Policy on Accommodations for Students with Disabilities

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Policy on Accommodations for Students with Disabilities

A. General

1. The University of Iowa College of Law strives to provide equal access to all academically qualified students in compliance with the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 and does not discriminate against students on the basis of disability. Commensurate with the nature and extent of a student's disability, the College will provide students with disabilities reasonable accommodations consistent with federal law, state law, and University and College policy. Students may request accommodations for any University of Iowa sponsored curricular, co-curricular, or extra-curricular program, including those in the College of Law.¹

The College is committed to making all of its programs, activities and services accessible to students with disabilities.

2. Each request for an accommodation will be evaluated individually and must be supported by a current and specific assessment submitted by an appropriate professional. With respect to accommodations for law school examinations, the College will respect faculty discretion to decide how to test the knowledge and skills of students essential to their courses while preserving the fairness of exams for all students. Requests for exam accommodations that lower academic standards, fundamentally alter the academic program, or impose an undue burden will not be approved. The College and law students alike shall abide by this policy when addressing disability accommodations.

3. To resolve questions about exam accommodations in an appropriate orderly manner, the College should give students ample notice of this policy at the commencement of and throughout their studies; the faculty should make known to students at the earliest practicable time information about the formats of their exams and the conditions under which they will be given; and students who believe they may be entitled to exam accommodations should make their circumstances known to the Dean of Students of the College of Law at the earliest practicable time.

¹ The College of Law's co-curricular and extra-curricular programs include but are not limited to: Appellate Advocacy I, Trial Advocacy Board, Law Review, Law Review Editorial Board, Moot Court Board, Advanced Moot Court Competition, Van Oosterhout Baskerville Moot Court Competition, National Moot Court Competition, Client Counseling Board, Client Counseling Competition, Journal of Corporation Law, Journal of Corporation Law Editorial Board, Transnational Law & Contemporary Problems Journal, Transnational Law & Contemporary Problems Journal Editorial Board, Journal of Gender Race & Justice, Journal of Gender Race & Justice Editorial Board, Jessup International Moot Court Competition and Jessup International Moot Court Team.

B. Notice to Students of This Policy

The Dean of Students will notify the law school community of this policy at the beginning of every semester of study.

C. Entitlement to Accommodations for a Disability

For the purposes of this policy and in accordance with state and federal law, a student with a disability is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities. A student with such a disability may request a reasonable accommodation as defined below. If the disability puts the student at a disadvantage while participating in an academic program, such accommodations may relate to examinations, auxiliary aids, and services.²

A Reasonable Accommodation:

1. Remedies, or alleviates, a specific disadvantage that, as a result of the disability, a student will experience while participating in a College-sponsored activity or while taking an exam, and
2. Does not seriously undermine the ability of an exam to test the knowledge or skills essential to the course, does not result in the lowering of academic standards or a fundamental alteration in the academic program, and does not impose an undue burden, such as excessive expense for the University of Iowa.

D. Student Obligations

1. Student's Obligation to Request Accommodations

A student who believes that he/she has a disability warranting accommodation must complete and submit a written request for an accommodation to the Dean of Students. This request is required notwithstanding any request made during the admission process or with college administrators after admission to the College, or any communication with the University as an undergraduate.

2. Student's Obligation to Request Exam Accommodations

A student requesting an exam accommodation under this policy must submit a written request for the accommodation to the Dean of Students at least 50 days before the scheduled exam period. A later request may be made where there is good cause for failing to notify before the 50 day period.

3. Written Request for Accommodations

Requests for accommodations shall be made to the Dean of Students in writing using forms created for that purpose that are available in the office of the Dean of Students. The

² "Auxiliary aids and services" include, for example, note takers, preferential classroom seating, voice amplification, and books provided in an alternative format. 28 CFR § 35.104.

request shall describe and document the disability, describe its impact, and provide a rationale for the accommodation(s) requested. The forms used for this purpose shall be consistent with ADA policy and the forms prescribed for this purpose by the University of Iowa Student Disability Services.³

4. Establishing eligibility for an accommodation

The student has the burden of establishing the existence of a disability and the reasonableness of the requested accommodation.

E. Procedure for Securing an Accommodation

1. Dean of Students to meet with Student

After a student request has been filed, the Dean of Students shall consult with the student about possible accommodations.

2. Dean of Students to Consult with Experts

At least once during the academic year, the Dean of Students shall, without disclosure of the student's identity, consult with the appropriate University service - - such as Student Disability Services, University Counseling Service, or Student Health Service - - about each written student request for an academic accommodation. The Dean of Students may also consult other experts as needed, such as the student's physician or therapist. The Dean of Students shall determine and document the extent to which these specialists agree with the recommendations of the professional acting on behalf of the student.

3. Decisions About Auxiliary Aids and Services

Upon determining that a student has a disability that puts the student at a disadvantage during participation in an academic program, the Dean of Students shall be responsible:

- (a) for deciding whether a proposed accommodation would remedy, or help to remedy, the specific disadvantage the student would suffer during participation in the academic program as a result of the disability; and
- (b) for consulting as needed with appropriate individuals or entities about whether a proposed accommodation is reasonable, and
- (c) for deciding which proposed accommodation, such as a note taker, preferential classroom seating, voice amplification, or books provided in an alternative format, etc. is reasonable as defined in Section C and should be offered to the student.

³ The University's guidelines for such forms are available at <http://www.uiowa.edu/~sds/>

4. Decisions about Exam Accommodations

(a) The Dean of Students shall be responsible:

- (1) for deciding whether a proposed accommodation would remedy or help to remedy the specific disadvantage the student would experience on the exam in question as a result of the disability, and
- (2) for deciding whether a proposed accommodation is reasonable as defined in Section C, and
- (3) where the matter is in doubt, for consulting with the appropriate entities about whether a proposed accommodation is reasonable, and
- (4) for recommending to the faculty member an accommodation that is necessary and reasonable to meet the needs of the student.

(b) Consistent with the obligation to maintain the anonymity of the student as set out in Section F, the Dean of Students shall promptly notify the faculty member(s) concerned. The notice shall inform the faculty member(s) of:

- (1) the general nature and duration of the disability and its effect on the student in relation to the exams in question as documented by the professionals evaluating the student,
- (2) the accommodations requested by the student and the justifications offered in support of the request,
- (3) previous disability accommodations granted in law school or earlier in the student's academic career,
- (4) the accommodations suggested by the professional(s) who examined the student and the recommendation(s) of the Student Disability Service, the University Counseling Service, Student Health Service, and any other experts with whom the Dean of Students may have consulted on the case, and
- (5) the Dean of Students' preliminary accommodation recommendation.

(c) Faculty Review and Final Ruling

- (1) The faculty member shall evaluate the recommendation of the Dean of Students to determine if it would significantly undermine the capacity of the exam to test the knowledge and skills essential to the course, result in a lowering of academic standards, or if the accommodation would otherwise fail to be reasonable as

defined in Section C. If upon the basis of this evaluation, the faculty member dissents from the recommendation of the Dean of Students, the faculty member shall communicate and explain in writing to the Dean of Students the basis of his or her dissenting opinion and an alternate accommodation, if any, recommended by the faculty member.

- (2) Upon consideration of the entire record, including any recommendation of the faculty member, the Dean of Students shall make a final ruling on the student's accommodation request.

(d) Notification of Accommodation Decision

- (1) If the Dean of Students concludes either that the student does not have a disability that would cause the student to be disadvantaged in exam taking, or that the requested accommodation is not reasonable, the Dean of Students shall give the student a brief written statement of the reasons for the decision and place a copy of the statement in the student's confidential disability file.
- (2) If the Dean of Students recommends an accommodation, he or she shall give the student a brief written statement of the decision and place a copy of the statement in the student's confidential disability file. The Dean of Students shall also ensure that such accommodations are implemented.

F. Confidentiality

1. Information on a student's disability and any accommodation provided is confidential and shall be disclosed only when necessary to advance the student's educational interests.

2. The Dean of Students shall not disclose the identity of a student to any involved faculty member(s) unless the disclosure is inevitable due to the nature of the disability, the student consents to such disclosure, or good cause exists for the disclosure. In supplying information to a faculty member about a proposed accommodation, even though a student's identity may not be revealed, the Dean of Students may reveal the information specified in Section E, paragraph 4(b).

G. Procedures for Appeal

1. Timely Appeal Required

An affected student or faculty member who is dissatisfied with a final accommodation decision of the Dean of Students may, within seven working days, file an appeal to the disability review committee.

2. Review Committee

- (a) Each academic year, the Dean of the College of Law shall appoint a standing disability review committee consisting of three faculty members to provide general oversight of the operation of this policy and to review cases in which a student or faculty member is dissatisfied with the final decision of the Dean of Students concerning a requested accommodation.
- (b) If a student or faculty member seeks review of a decision concerning an accommodation:
 - (i) The committee shall affirm the final decision by the Dean of Students unless, in light of all of the information available to the Dean of Students, the Dean's decision is clearly erroneous under the reasonableness standard provided in Section C of this policy.
 - (ii) If the committee declines to grant an accommodation acceptable to the student or faculty member who sought review of the decision, it shall give the student or faculty member a brief written statement of the reasons for its decision. A copy of the statement shall be given to the Dean of Students to be placed in the student's disability file.

H. Records

The Dean of Students shall maintain a record of accommodation requests, arranged to minimize the possibility of disclosing particular students' identities, documenting:

- 1. for each semester, summer session, or interim session:
 - (a) the total number of requests for accommodations received, the number of requests for which some accommodation was made, the number for which no accommodation was made, and in the case of examination accommodations, the grade received by the requesting student on each exam (whether or not an accommodation was granted); and
 - (b) a classification of the data described in the preceding paragraph by general disability type, accommodation type, grades received in the case of examination accommodations, and the reasonably identifiable cost to the College of Law.
- 2. for each student requesting an accommodation:
 - (a) the general nature of the disability and its effect on the student;
 - (b) for each case on which an examination accommodation was requested:
 - (1) the course, faculty member, and semester, summer session, or interim session involved;
 - (2) what accommodations were requested by the student; and
 - (3) what accommodations, if any were approved, and their reasonable identifiable costs to the College of Law.

