

# Disability Policy and Procedures

## I. INTRODUCTION

Vermont Law and Graduate School, as an institution, assumes the ultimate administrative responsibility for ensuring compliance with the mandates of section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990. It is the responsibility of the Associate Dean for Diversity, Equity, and Inclusion to certify student disabilities and to recommend reasonable and appropriate accommodations in light of the nature of a student's disability and academic program requirements. The Associate Dean for Diversity, Equity, and Inclusion will serve as a liaison between and resource to the students and faculty.

- A. The School recognizes its legal obligation to make reasonable accommodations designed to provide overall educational program accessibility for otherwise qualified persons with disabilities. It is the School's policy that students with disabilities who have been admitted to the School through the normal admissions process and have thus been deemed qualified to undertake the academic program be given reasonable accommodations.
- B. To the extent deemed reasonably possible and readily achievable, the location of programs within the physical plant will provide equal access to mobility and visually impaired students.
  1. The School physical plant is an eight-acre complex of buildings, many of which were built at the turn of the century. Some areas within older buildings are inaccessible to mobility-impaired students or are difficult to access. All buildings are accessible on the first floor, either through a ground-level entrance or a ramp. Whenever a mobility-impaired student needs to meet with faculty or staff whose offices are in limited-access areas, the School will provide an alternative space for the meeting.
  2. Information concerning school facilities that are accessible to and usable by mobility-impaired students is appended to this policy.
- C. The School seeks to accommodate students with disabilities on an individual basis. Individual students are given reasonable and necessary accommodations based on specific information and assessment data documented by a professional from outside the School who, in the judgment of the School, is qualified to provide such information and assessment.
- D. While the School will strive to accommodate students as fully as possible, reasonable accommodations do not include measures that fundamentally alter the academic program of the School or that place undue administrative or financial burdens on the School.
- E. The faculty have the responsibility for maintaining the integrity of the academic program. When course accommodations are required for a student, the intent is to provide that student with equal access to the essential course content and to mitigate the impact of the disability on the student's learning and/or academic performance without compromising course or program integrity. Accommodations may involve modification of the way in which material is presented or how learning is evaluated; however, accommodations that compromise the essential integrity of the course shall not be required of faculty by Vermont Law and Graduate School. Faculty may not dispute the fact, nature, and/or extent of a disability that has been recognized by the Associate Dean for Diversity, Equity, and Inclusion. If faculty have questions or concerns about a particular student's accommodation, they should meet with the Associate Dean for Diversity, Equity, and Inclusion to discuss those concerns or questions. Faculty who are dissatisfied with the accommodations recommended may consult with the Associate Dean for Diversity, Equity, and Inclusion. Faculty are encouraged to share with the Associate Dean for Diversity, Equity, and Inclusion information about the course and/or program, so that the Associate Dean is best able to make appropriate accommodation recommendations. Faculty are to implement the accommodation as soon as possible, but in no case more than five academic days after the notification has been received. If no further consultation occurs between faculty, student, and the Associate Dean for Diversity, Equity, and Inclusion, Vermont Law and Graduate School assumes that accommodations will be provided as delineated in the notification. Time is of the essence in implementation of any academic accommodations. Delays in the negotiations or the implementation of accommodations can be construed as a form of discrimination.

## II. ADMISSIONS POLICY

- A. The School does not discriminate on the basis of disability. No limitations are placed on the number or proportion of persons with disabilities who may be admitted or enrolled.
- B. Any information concerning an applicant's disability provided during the admissions process is voluntary or optional and is maintained in accordance with laws relating to confidentiality.
- C. Students should not assume that because their application to the School indicates the presence of a disability that this information is known to the Associate Dean for Diversity, Equity, and Inclusion. New students should inform the Associate Dean for Diversity, Equity, and Inclusion, under the procedure in Part IV, below, of the need for accommodations well in advance of their first examination.

### III. POLICY OF REASONABLE ACCOMMODATIONS FOR ENROLLED STUDENTS

- A. The School will provide, as necessary, reasonable and readily achievable accommodations, including academic adjustments and auxiliary aids, to ensure otherwise qualified students with disabilities access to the School's services, programs, and activities. To the extent necessary to accommodate a student with a particular disability, and to the extent deemed reasonable and consistent with the academic program, course loads, course examinations, and other methods of evaluating academic achievement will be adapted and administered so as to minimize the effect of the disability and accurately measure academic achievement in the course.
- B. Accommodations will not be provided if they fundamentally alter the nature of the program or if they would be unduly burdensome either financially or administratively to the School.
- C. All accommodations are prospective; there are no retroactive accommodations for work completed before the submission of a request for accommodations and all required documentation.

### IV. PROCEDURE FOR REQUESTING REASONABLE ACCOMMODATIONS

- A. Identifying the Need for Accommodations: Students with disabilities who require accommodations are responsible for making these needs known to the Associate Dean for Diversity, Equity, and Inclusion in a timely fashion and for providing any required documentation.
  1. Students should not assume that because their application to the School indicates the presence of a disability that this information is known to the Associate Dean for Diversity, Equity, and Inclusion. A student seeking accommodation for a disability should make a direct request to the Associate Dean for Diversity, Equity, and Inclusion by visiting [vermontlaw.edu/accommodation](http://vermontlaw.edu/accommodation) and completing the online disability request form. Technical assistance with this form can be provided by the Office of the Associate Dean for Diversity, Equity, and Inclusion.
  2. In 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 may simply make a request of the faculty member. If requests for minor accommodations are not responded to adequately, the student should make the request to the Associate Dean for Diversity, Equity, and Inclusion.
  3. Students who do not require accommodations need not make their disabilities known.
  4. To ensure that accommodations may be implemented timely, it is strongly encouraged that students complete the online disability request form and schedule a meeting with the Associate Dean for Diversity, Equity, and Inclusion as soon as practicable upon their arrival on campus. Requests made two weeks or less before midterm exams or final exams may not be implemented in time for those exams.
- B. Verification of Disability:
  1. A student who makes a request for accommodation due to a physical, mental, or learning disability must provide current professional verification documentation to the Associate Dean for Diversity, Equity, and Inclusion.
  2. The cost of obtaining the professional verification will be borne by the student.
  3. The documentation required varies, depending on the nature of the disability.
  4. If the School requires an additional assessment for purposes of obtaining a second opinion by an appropriate professional of the School's choosing, then the School shall bear the cost not covered by any third party payer.
- C. Additional Information: Students seeking reasonable accommodations for a disability will be asked to submit to the Associate Dean for Diversity, Equity, and Inclusion a history of academic adjustments and accommodations received in postsecondary institutions or in places of employment. Such a history of adjustments and accommodations will be subject to verification.
- D. Verification of Temporary Disability: Students seeking accommodations on the basis of a temporary disability must provide documentation to the Associate Dean for Diversity, Equity, and Inclusion verifying the nature of the condition, stating the expected duration of the condition, and describing the accommodations deemed necessary.
  1. Verification must be provided by a professional health care provider who, in the opinion of the School, is qualified in the diagnosis of such conditions.
  2. The assessment or verification of disability must reflect the student's current level of disability, and shall be no older than 60 days.

3. The cost of the professional verification will be borne by the student.
  4. If the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate accommodations, the School will have the discretion to require supplemental assessment of a temporary disability. The cost of the supplemental assessment will be borne by the student.
  5. If the School requires an additional assessment for purposes of obtaining a second opinion by an appropriate professional of the School's choosing, then the School shall bear the cost not covered by any third party payer.
- E. Determination of Reasonable Accommodations: The Associate Dean for Diversity, Equity, and Inclusion has authority to decide whether accommodations will be granted in individual cases. The Associate Dean for Diversity, Equity, and Inclusion will review all documents submitted to verify a disability and may conduct a personal interview to explore the personal and academic needs of the student in the School setting.
1. A student must immediately report any dissatisfaction with an accommodation to the Associate Dean for Diversity, Equity, and Inclusion. After the accommodation has been put in place, each student receiving accommodations may meet upon request with the Associate Dean for Diversity, Equity, and Inclusion to evaluate the effectiveness of the accommodation.
  2. Accommodations will be subject to review and possible termination upon any change in the nature of the student's disability or the student's failure to properly utilize the services provided.
  3. 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 Vermont Law and Graduate School Code of Conduct.
  4. Subject to applicable rule of confidentiality, the Associate Dean for Diversity, Equity, and Inclusion shall provide information to appropriate administrative staff and faculty when necessary to arrange for efficient administration of academic adjustments and accommodations.
- F. Records and Privacy: Information concerning a student's disability and accommodations made is treated as confidential under applicable laws and School policies and is provided only to individuals who are privileged to receive such information on a need to know basis. Faculty members who are informed of a disability are advised that this information is confidential.
1. The School will maintain confidential records relating to accommodations based on disability within the Office of the Associate Dean for Diversity, Equity, and Inclusion. The records will include documentation submitted to verify the disability. The Registrar's Office will receive a copy of the Associate Dean's letter to the student detailing the accommodations that have been found reasonable and justified in light of the student's needs. Upon graduation or termination of enrollment, these records shall be archived apart from official educational records.
  2. All documents produced by consultants in the performance of services for the School will remain the property of the School.

## **V. GRIEVANCE AND APPEAL PROCEDURES**

- A. Students who request accommodations and believe that such accommodations have been impermissibly denied, should bring this matter to the attention of the Vice Dean for Faculty.
- B. If the Vice Dean for Faculty is unable to resolve the matter informally, or if the student is dissatisfied with the resolution, the Vice Dean for Faculty will ask the Dean to review the accommodation request and the accommodation will be granted or denied.
  1. The Dean may affirm, reverse, or modify the finding and/or recommendation of accommodation. The Dean may confer with the Vice Deans during this process.
  2. The appeal decision of the Dean is final.
- C. Students who believe that they have been discriminated against on the basis of their disability in matters other than an accommodation request should use the procedure described in the Vermont Law and Graduate School Policy Against Harassment, Sexual Harassment and Discrimination.

## **VI. ACADEMIC DISMISSAL AND READMISSION**

Students who are academically dismissed sometimes raise a disability as the basis for the academic difficulty. The burden is on the student to clarify why the disability was not brought to the attention of the administration, if it had not been previously, to explain why accommodations were not requested, or to explain why accommodations that had been provided were inadequate.

Readmission petitions should be discussed with the Vice Dean for Students. The Committee on Standards considers

and decides on such petitions.

#### **VII. 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.
- B. The Office of Career Services will assist all graduates, with or without disabilities, in developing career opportunities after the completion of studies at Vermont Law and Graduate School.

#### **VIII. DEFINITIONS**

- A. A “Person with a disability” means a person who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairments; or (3) is regarded as having such impairment.
- B. “Otherwise qualified person with a disability” means an individual with a disability who meets the academic and technical standards requisite to admission and participation in the School’s educational program and activities.

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