

# SOUTHWESTERN LAW SCHOOL

## L O S A N G E L E S

### **Policy Statement Regarding Students and Applicants with Disabilities**

**Revision history:** Formerly a part of the annually revised Student Handbook; established as a standalone policy August 2022; technical revisions made in May 2023.

**Related policies:** Policy to Prevent Discrimination, Harassment, and Retaliation; Academic Disqualification, Academic Probation, and Academic Improvement Program Policies; Academic Policies and Procedures; SCALE Program Policies; Examination Policy

**Scheduled Review Date:** June 2023 (Admissions Office; Career Services Office; Dean of Students and Diversity Affairs Office)

It is the policy and practice of Southwestern Law School to comply with the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act, and state and local requirements regarding students and applicants with disabilities. Under these laws, no qualified individual with a disability will be denied access to or participation in services, programs and activities of Southwestern Law School.

#### **A. General Statement**

Southwestern Law School does not discriminate based on disability in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Section 504 of the Rehabilitation Act. Denial of an accommodation and disability-discrimination complaints may be filed under this policy.

Complaints of disability discrimination can be directed to the Law School's Accessibility/504 Coordinator or to the U.S. Assistant Secretary of Education, or both. To make a report or complaint of discrimination please refer to the Southwestern Policy to Prevent Discrimination, Harassment and Retaliation found here: [www.swlaw.edu/Policy](http://www.swlaw.edu/Policy).

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Questions or complaints about Section 504 may be directed to the assistant secretary for civil rights:

Office for Civil Rights,  
San Francisco Office  
U.S. Department of Education  
50 United Nations Plaza  
San Francisco, CA 94102  
Telephone: (415) 486-5555  
Facsimile: (415) 486-5570  
Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)

Southwestern's policy regarding students and applicants with disabilities recognizes that disabilities include mobility, sensory, health, psychological, and learning disabilities. Southwestern will make every effort to provide reasonable accommodations to these disabilities; however, Southwestern is unable to make accommodations that are unduly burdensome or that fundamentally alter the nature or fundamental curricular components of the program.

While Southwestern's legal obligation relates to disabilities of a substantial and long term nature,<sup>1</sup> it is also our practice to provide accommodations when possible for temporary disabilities.

All Southwestern students are expected to conduct themselves in a professional and courteous manner towards all members of the Southwestern community.

## **B. Admissions**

### 1. The LSAT

In the admissions process, because extensive accommodations are provided through the Law School Admission Council (LSAC) for taking the LSAT, the LSAT requirement will not be waived.

### 2. The Application Form

Applicants to Southwestern may request a copy of Southwestern's Disability Policy but are not required to do so.<sup>2</sup> Applicants are not required to indicate on the application whether they have a disability. Indicating a disability on the application form does not serve to provide notice to Southwestern of an

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<sup>1</sup> Federal Law applies to individuals with a physical or mental impairment which substantially limits one or more major life activities, those with records of such impairments, and those who are regarded as having such impairments. These individuals must be able to carry out the essential requirements of the law school's program with reasonable accommodation.

<sup>2</sup> Applicants may contact the Admissions Office or Dean of Students and Diversity Affairs Office to make such a request.

applicant's need for accommodations during law school. Requests for accommodations in law school must be submitted to the Dean of Students and Diversity Affairs Office.

3. Students Wishing to Self-Identify in the Application Process

Applicants who wish to have their disability considered as a factor in the admissions process must identify at the time of application the nature of the disability and provide an explanation of why it is a factor. Please see the *Appendix* within this policy for information relating to documentation requirements and payment for documentation.

4. Reconsideration

It is not Southwestern's practice to reconsider applications that have already been rejected unless there was information that was not available at the time of the application through no fault of the applicant. For that reason, applicants are advised to make any disability known at the time of application if they wish to have the disability taken into account during the application process.

5. Accepted Applicants with Need for Accommodations

Students who are accepted for admission should contact the Dean of Students and Diversity Affairs Office as soon as possible regarding disabilities that might require accommodations during law school. Accepted applicants are required to identify disabilities requiring accommodations as early as possible in order to allow adequate time for evaluating documentation, working out the specific accommodations, working out arrangements including funding for auxiliary services, and arranging accommodations for Orientation. Last-minute requests for accommodations may not be able to be reasonably provided because of the time required to make such arrangements.

## **C. Enrolled Students**

1. Identifying the Need for Accommodation

Students with disabilities who require accommodations are required to make those needs known to the Dean of Students and Diversity Affairs Office as soon as possible. It is the responsibility of the student to make these needs known in a timely fashion and to provide appropriate documentation and evaluations in appropriate cases. Please see the *Appendix* within this policy for information regarding documentation requirements and payment for such documentation. Students should not assume that this information is known to the Dean of Students and Diversity Affairs Office because their application to law school indicates the presence of a disability.

Students who do not require accommodations need not make their disabilities known. The information on the student's disability and accommodations is treated as confidential information under applicable federal, state and Southwestern policies and is only provided to individuals who are privileged to receive such information on a need-to-know basis. Faculty and staff members who are apprised of a disability are advised that this information is confidential.

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 should feel free to simply make such a request directly to the faculty member. If requests for minor accommodations are not responded to adequately, the student should make the request to the Dean of Students and Diversity Affairs Office.

Students with disabilities should be aware that while reasonable accommodations are available, all students will be held to the same academic performance standards. Law school is stressful, and students whose disabilities justify accommodations such as a reduced course load have the obligation to request accommodation before academic failure. Problems such as exam anxiety and chronic lateness will not ordinarily be considered to be disabilities justifying accommodation.

i. Accommodations

Southwestern will make reasonable accommodations for documented disabilities. These accommodations may include, but are not limited to, course load modifications, exam accommodations, readers, interpreters, and notetakers. Such accommodation will not be provided if it fundamentally alters the nature of the program or would be unduly burdensome either financially or administratively. Students requesting accommodations are required to identify their need as early as possible to the Dean of Students and Diversity Affairs Office who will meet with the student to develop an appropriate accommodation plan. Requests for accommodations must be made as early as possible in order to allow adequate time for evaluating documentation, and working out specific accommodations and arrangements, including funding for auxiliary services. Late or last-minute requests for accommodations may not be able to be reasonably provided because of the time required to make such arrangements.

a. Academic Modifications

Academic modifications include reduced course loads, extending the amount of time for graduation, allowing part-time programming, and similar modifications. Only modifications that do not fundamentally alter the nature of the program and that are not unduly burdensome

financially or administratively are required by law. While Southwestern must provide justification for refusing to allow a requested accommodation, higher education institutions are given substantial deference in establishing their academic requirements.

Requests for academic modification should be made to the Dean of Students and Diversity Affairs Office. In appropriate cases, such as a reduced course load, the adjustment will be made in consultation with the appropriate faculty member or an administrator.

b. Auxiliary Services

Auxiliary services may include interpreters, notetakers, readers, assistance with photocopying and library retrieval, and other support services in connection with the academic program. Services for personal use are not provided. Purchase of special equipment (such as Dragon Naturally Speaking, a Kurzweil Reading Machine, an image enlarger, etc.) to be used at Southwestern may also constitute an auxiliary service.

Southwestern does not provide individual tutorial assistance tailored to the special needs of students with disabilities. Southwestern does have an academic support program that does not discriminate on the basis of a disability. The director of that program or the Dean of Students and Diversity Affairs Office may refer students with disabilities to faculty or administrators in order to obtain additional help in appropriate cases.

Students requiring auxiliary services should direct most requests initially to the Dean of Students and Diversity Affairs Office. For certain auxiliary services such as interpreters and readers, the Dean of Students and Diversity Affairs Office may request that the student seek eligibility for such services from the California Department of Rehabilitation, Vocational Rehabilitation Services, private agencies, or other low cost or no cost service providers. The Dean of Students and Diversity Affairs Office will work with the student in facilitating the obtaining of such services. The student is expected to fully cooperate in obtaining such services. Because obtaining these services can be time consuming and costly, students are urged to seek assistance as early as possible after being accepted.

Occasional assistance in the library may be obtained by making a request to the library staff. Students who require more extensive assistance and/or assistance on a regular basis should make this need known to the Dean of Students and Diversity Affairs Office as soon as

possible. The Dean of Students and Diversity Affairs Office will work with the library staff to facilitate an appropriate schedule of assistance.

ii. 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, a reduced distraction testing environment, or taking the exam at a time other than the regularly scheduled time. Students requesting certain exam modifications may be asked to ascertain the format of the exam in order to determine the appropriate modification. 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.

All exam modification requests related to disabilities are to be directed to the Dean of Students and Diversity Affairs Office. Because of the time needed to arrange these requests, students must make such requests no later than eight weeks before exams are to be taken if the request is a first-time request, or, if the need for accommodation becomes known to the student later than such time, as early as possible, but no later than three weeks before exams are to be taken. If students who have previously been granted accommodations request accommodations different than those previously granted or submit new or supplemental documentation to support an accommodation request, the student must submit the request no later than eight weeks before exams are to be taken.

To ensure that the student's request for accommodations can be evaluated and processed, students are strongly urged not to wait until the applicable deadline but to make their request for accommodation, new or otherwise, as early as possible. Requests for readers, scribes or other assistance should be made early to ensure that there is adequate staffing. Exam accommodation requests must be renewed each semester and must be submitted at least two weeks before the scheduled exam. Depending on the nature of the disability, new or updated documentation may be required. While the Law School will make its best effort to process a student's petition for accommodation if submitted beyond that deadline, petitions received less than two weeks prior to the start of the exam period may be denied if there is insufficient time to gather and review the appropriate documentation, evaluate possible accommodations, or to implement an accommodation.

Note: The Law School Admissions Council, National Conference of Bar Examiners, and the State Bar each make their own independent determination regarding the approval of exam accommodations for the Law School Admissions Test (LSAT), Multistate Professional Responsibility

Exam (MPRE) and Bar Examination. Approval of exam accommodations at Southwestern does not guarantee that the same accommodations will be approved by these other organizations and vice versa.

iii. Architectural Barriers

While most aspects of Southwestern's facilities are readily accessible, there may be accessibility issues that need pre-arrangement.

Parking There are several accessible parking spaces near the law school for individuals who have state-issued handicap parking designations.

Ramped Entrances Entrance into the law school is available by ramped access.

Accessible Restrooms Accessible restrooms can be found on every floor of the Westmoreland Building and throughout the Wilshire Building.

Classrooms All classrooms are accessible, but some may be easier to reach than others. For this reason, students with mobility impairments are requested to advise the Dean of Students and Diversity Affairs Office as early as possible in the registration process so that feasible adjustments can be made.

iv. Modification of Policies and Practices

Class attendance is deemed to be a fundamental aspect of legal education. For that reason, attendance policies for students with disabilities will generally not be waived. Students believing that their particular disabilities may lead to situations beyond Southwestern's general attendance policy should direct requests to the Dean of Students and Diversity Affairs Office. Because reduced course loads, extensions of time for graduation, and other accommodations are available, it would be extremely unusual that the attendance policy would be a necessary reasonable accommodation.

Students who believe that other policies and practices should be modified should direct these requests to the Dean of Students and Diversity Affairs Office.

v. Service Animals

Southwestern provides equal access and reasonable accommodation for individuals with disabilities to participate in any program, service, or opportunity provided by the law school, and complies with applicable laws related to service animals.

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Service animals are working animals, not pets. Service animals are permitted to accompany people with disabilities in all areas of campus where community members and visitors are allowed to go. All other animals, including support or comfort animals, are not permitted in law school buildings. Students must register their service animals with the Dean of Students and Diversity Affairs Office. For more information regarding service animals, contact the Dean of Students and Diversity Affairs Office.

#### **D. Academic Dismissal and Readmission**

Students who are academically disqualified sometimes raise a disability as the basis for the academic difficulty. While this may sometimes impact the determination for readmission, the burden is on the student to clarify why the disability was not previously brought to the attention of the Dean of Students and Diversity Affairs Office, or if it had, to adequately explain why accommodations were not requested if they had not been previously, or to explain why accommodations that had been provided were not adequate.

#### **E. Bar Examination and Multistate Professional Responsibility Examination (MPRE)**

Law students with disabilities who believe they will require accommodations to take the MPRE or state bar examinations should inquire early in their legal education about what will be necessary to obtain accommodations. Students are highly encouraged to meet with the Dean of Students and Diversity Affairs Office at least one year before taking the bar to discuss the accommodation request process for the bar. Information on how to contact bar examiners in all states is available in the law library, the Registrar's Office, the Dean of Students and Diversity Affairs Office, or online at <http://www.ncbex.org>. Many state boards of bar examiners will request that the law school provide information on accommodations received during law school. Such information will be provided by the Dean of Students and Diversity Affairs Office upon receipt of a written release from the student and will normally be provided within 10 working days after receipt of the written release.

#### **F. Career Services Office**

Southwestern Law School is a member of the National Association of Law Placement (NALP) and the Association of American Law Schools (AALS) and adheres to a policy of non-discrimination and harassment on the basis of race (including hairstyle and hair texture), ethnicity, color, religion, creed, ancestry, national origin, sex, gender (including pregnancy, childbirth, breastfeeding, or related medical conditions), sexual orientation, gender identity, gender expression, parental status, marital status, age (40 and over), disability (mental and physical), medical condition, citizenship status, military status or service, veteran status, genetic information, or any other classification protected by law in matters of admissions, employment, housing, or services, or in the educational programs (including retention of students) or activities Southwestern operates, as

required by: Title VI and Title VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1967; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; the California Fair Employment and Housing Act; and other federal, state, and local laws that prohibit discrimination, harassment, and retaliation. Southwestern also requires employers using its placement services and facilities to abide by these standards and to ensure that no such discrimination occurs in hiring, promotion, or compensation for work assignments.

If as a result of a job listing or on-campus recruitment, you believe you have been denied employment on the basis of discrimination, notify the Career Services Office, immediately.

NOTE: An exception to the Southwestern Law School Career Services Office non-discrimination policy and AALS bylaws is granted to representatives of the U.S. Department of Defense who discriminate on a basis not permitted by Southwestern Law School's non-discrimination policy or AALS bylaws. The exception is currently made to avoid the loss of funds that would otherwise be imposed under the Solomon Amendment (enacted by Congress in 1996).

## **G. Grievances**

Students who request accommodations and who believe that such accommodations have been impermissibly denied, or who believe that they have been discriminated against on the basis of their disability, should bring this matter to the attention of the Dean of Students and Diversity Affairs Office. The Dean of Students and Diversity Affairs Office will make every effort to resolve the situation. Students who still believe that they have been discriminated against and are unsatisfied with the accommodation should bring the matter to the attention of the Vice Dean(s). If the matter cannot be resolved informally, or if the student is unsatisfied with the resolution, the student may file a written grievance with the Dean. Upon receipt of the grievance, the Dean will appoint three full-time faculty members to constitute a grievance committee. The committee will develop its own procedures, provide an opportunity for the student to present the grievance, determine whether the grievance has merit in relation to this policy, and provide a written report to the Dean.

## **H. Appendix: Disability Documentation Policy**

*[The documentation requirements below have been adapted from State Bar of California and Law School Admission Council policies and procedures, as well as from policies at the University of California, Cornell University, Harvard University, the University of Houston, the University of Louisville, Michigan State University and Washington University in St. Louis, among others.]*

Southwestern Law School is committed to ensuring that all enrolled students who have a disability enjoy a full and satisfying law school experience. Under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, individuals with

disabilities are guaranteed certain protections and rights of equal access to programs and services. In an educational setting, students with appropriately, medically documented disabilities may be eligible for accommodations; however, the diagnosis of a disorder/condition alone does not automatically qualify an individual for accommodations under the ADA. Documentation in support of accommodations must indicate that the stated disability substantially limits some major life activity, and must reasonably and logically demonstrate the need for accommodations that directly address the disabling condition.

Accommodations will be provided at Southwestern where a clear and convincing rationale is made for the necessity of the accommodation, where it is not unduly burdensome to do so, and where the accommodations do not compromise or fundamentally alter the essential components, substance or requirements of a particular course or program of study. All students are held to the same academic performance and behavior standards. Accommodations are adjustments provided to "level the playing field" with respect to the current functional limitations of an enrolled student; they are not remedial in nature nor do they change or compromise academic standards. [For example, instruction in basic skills not acquired earlier in the student's education would be "remedial" (e.g., basic writing skills), while "accommodation" refers to the provision of services that ensure equal access to a student with a disability (e.g., providing extended examination time for a student who processes information more slowly than other students because of a learning disability).]

The provision of reasonable accommodations and services is based upon assessment of the impact of the student's disabilities on their academic performance at a given time in the student's life. It is important to recognize that accommodation needs can change over time; documentation must, therefore, verify the need for accommodations based on the student's current level of functioning within the law school setting. A prior history of accommodation does not in and of itself warrant the automatic provision of a similar accommodation.

Students who believe they have a current and essential need for disability accommodations are responsible for requesting accommodations and providing comprehensive, qualifying medical documentation to the Dean of Students and Diversity Affairs Office. Documentation must be provided well in advance of the date for which accommodations are being sought. If submitted documentation is incomplete, inadequate in scope or content, does not address the student's current level of functioning and need for accommodations, or does not follow these documentation requirements, Southwestern will request clarification and, if necessary, more information. This will delay the determination of accommodations. It is the student's responsibility to obtain such additional information or clarification. Documentation fees are borne by the student.

Accommodations are provided on an individual case-by-case basis. Given that many students may perceive that they might benefit from an accommodation (e.g., extended time for examinations), evaluators must provide a specific rationale and justification for the necessity of each accommodation. If no prior accommodation has been provided to

the student, the evaluator must include an explanation about why no accommodations were used in the past and why accommodations are needed now. A school plan such as an individualized education program (IEP) or 504 plan is insufficient documentation, but it can be included as part of a more comprehensive assessment battery. A letter from a physician or other professional may not be sufficient documentation. Southwestern reserves the right to request additional or updated documentation, even after a student has been granted academic accommodation.

The final determination for providing appropriate and reasonable accommodations rests with Southwestern. Reports should be typed, dated and signed, and appear on professional letterhead. The examiner's name and professional credentials, including license/certification information and jurisdictional information, should be clearly stated. Parents or other relatives are never appropriate evaluators, even if they are otherwise qualified. Southwestern reserves the right to submit disability documentation to an appropriate health care or other professional qualified to assist Southwestern in its review of both the initial documentation and any supplemental assessment(s) of the disability. If an additional assessment for purposes of obtaining a second professional opinion is required, Southwestern will bear costs not covered by any third party payor.

Please note below the specific documentation requirements for specific types of disabilities. Students may wish to provide these requirements to the professional performing their evaluation to ensure documentation is appropriate and adequate.

#### 1. Learning and Attentional Disabilities

Students must provide documentation that supports a history of a learning disability, Attention Deficit Disorder or Attention Deficit/Hyperactivity Disorder (AD/HD); evidence of current impairment; relevant testing that identifies how the disability currently impacts the student's academic abilities; identification of DSM-IV-TR or most current criteria; and a specific diagnosis in an interpretative summary based on a comprehensive adult-normed assessment process. Evaluations must evidence the student's current condition and should be no more than two (2) years old. Where supporting documentation substantiates the need for the requested accommodation, the Accessibility/504 Coordinator can evaluate whether some or all testing will be waived.

Documentation requirements include:

##### i. Diagnostic Information

A specific diagnosis for each learning or attentional disability, including a description of how each diagnosis was determined following DSM-IV-TR codes or most current criteria must be indicated. Diagnostic information should include, when relevant: information about family history, developmental history, medical history, relevant psychosocial history, primary language of the home, current fluency in English, history of

substance abuse, any history of psychological disorders, a thorough medication history, and a discussion of dual diagnosis where indicated. A thorough description of current presenting problems is always indicated. The evaluator should use direct language in a clear statement of the diagnosis, avoiding the use of such non-specific terms as "suggests," "probable," or "has problems with."

Individual "learning styles," "learning differences," "academic problems" and "test difficulty or anxiety," in and of themselves, do not constitute a learning disability. It is important to rule out alternative explanations for problems in learning such as cultural/language differences, poor study skills; or emotional, attentional or motivational problems that may be interfering with learning but do not constitute a learning disability. If the data indicate that a learning disability is not present, the evaluator should state that conclusion in the report.

Because AD/HD is typically first exhibited in childhood and manifests itself in more than one setting, relevant historical information is essential. Information should consist of more than a self-report, and it may be gathered from resumes, transcripts, report cards, teacher comments, tutoring evaluations, and/or past psychoeducational testing. A history of prior therapy and medication history also should be provided. Information obtained through clinical and diagnostic interviews should be included.

## ii. Clinical Assessment

The most common accommodations for learning disabilities and/or attentional disabilities are a reduced distraction testing environment for exams, seating in classes near the front of the classroom, and use of a notetaker during lectures. For these kinds of accommodations, the history and diagnostic information described in point A above is usually adequate. If, however, the student needs additional accommodation, comprehensive neuropsychological or psychoeducational testing must be included, providing information on how the disorder may impact the student's current academic abilities.

In cases of AD/HD, because of the challenge of distinguishing normal behaviors and developmental patterns of adolescents and adults (e.g., procrastination, disorganization, distractibility, restlessness, boredom, academic underachievement or failure, low self-esteem, and chronic tardiness or non-attendance) from clinically significant impairment, a multifaceted evaluation must address the intensity and frequency of the symptoms and whether these behaviors constitute an impairment in a major life activity. The evaluator must have considered possible alternative diagnoses, including medical and psychological disorders as well as educational or cultural factors, which could account for behaviors that appear like AD/HD symptoms. The evaluator must also assess for dual

diagnoses and co-existing mood, behavioral, neurological, or personality disorders that confound the diagnosis of AD/HD. Selected subtest scores from measures of intellectual ability, memory functions tests, attention or tracking tests, or continuous performance tests do not in and of themselves establish the presence or absence of AD/HD. Checklists and/or surveys can serve to supplement the diagnostic profile, but in and of themselves are not adequate for the diagnosis of AD/HD.

Selected examples of adequate testing include the following (List is not complete; more testing may be required):

a. Aptitude Testing

A complete IQ battery is required, including all subtests and standard scores. Acceptable measures include the Wechsler Adult Intelligence Scale; the Woodcock-Johnson Psychoeducational Battery: Tests of Cognitive Ability; the Kaufman Adult Intelligence Test; and the Stanford-Binet Intelligence Scale. The Slosson Intelligence Test-Revised, Raven's Progressive Matrices, Test of Nonverbal Intelligence, and the Kaufman Brief Intelligence Test do not constitute adequate aptitude test measures.

b. Achievement Testing

A complete achievement test battery is required, including all subtests and standard scores, assessed under timed and untimed conditions as appropriate to corroborate underachievement in specific academic areas. Acceptable measures include the Woodcock-Johnson Psychoeducational Battery-Revised: Tests of Achievement; Wechsler Individual Achievement Test; Stanford Test of Academic Skills; and the Scholastic Abilities Test for Adults. The Wide Range Achievement Test, the Peabody Individual Achievement Test, and the Nelson Denny Reading Test are not comprehensive measures of academic achievement and should not be used as sole measures in this area. The Nelson-Denny Reading Test (Comprehension subtest) or a comparable measure is required if requesting additional time on exams.

c. Information Processing

Specific areas of information processing must be assessed either as a part of the aptitude testing described above or using other tests. Examples include: working memory, processing speed, short and long-term memory, reasoning, auditory and visual perception/processing, executive functioning, and motor ability. Acceptable measures include the Wechsler Adult Intelligence Scale, and the Woodcock-Johnson Psychoeducational Battery: Tests of

Cognitive Functioning. Additional testing such as the Wechsler Memory Scale or the Learning Efficiency Test, or individual neuropsychological measures (Stroop Color-Interference Tests; Wisconsin Card Sorting Test; Trail-Making Test; Continuous Performance Test; etc.) designed to assist in corroborating the existence of processing disorders may also be appropriate. Other formal assessment measures may be integrated to help determine a learning disability and differentiate it from co-existing neurological and/or psychiatric disorders (i.e., to establish a differential diagnosis).

iii. Current Treatment (if applicable)

Current psychotherapy (type/length/frequency), and/or psychotropic medication (type/dosage/side effects) must be included.

iv. Functional Limitations

Documentation must indicate any functional limitations caused by the disorder, and whether the limitations are temporary or long-standing. Included in this report must be clear evidence of significant current impairment in social, academic, or occupational functioning, and symptoms which do not occur exclusively during the course of another physical disorder or psychiatric disability and are not better accounted for by another mental disorder (e.g. Mood Disorder, Anxiety Disorder, Dissociative Disorder, or a Personality Disorder).

v. Test Scores

Actual test scores must be provided. Standardized scores, percentiles and age equivalencies should also be provided. The data should logically reflect a substantial limitation to learning for which the student is requesting the accommodation. The tests used must be reliable, valid and standardized for use with an adult population. The test findings must document both the nature and severity of the learning disability. Informal inventories, surveys and direct observation by a qualified professional may be used in tandem with formal tests in order to further develop a clinical hypothesis.

vi. Accommodations Recommendation

Specific recommendations for academic accommodations based on significant functional limitations as evaluated must be included as well as the degree to which they impact the student in the law school context. The report must also explain in detail as to why each accommodation is appropriate. Accommodations will not be limited to nor bound by these recommendations.

vii. Evaluator Qualifications

For learning disabilities, qualified examiners include clinical and counseling psychologists, educational and school psychologists, neuropsychologists, learning disabilities specialists, or other relevantly trained and licensed professionals.

For attentional disabilities, the evaluation must have been completed by a qualified, licensed professional who has experience with adult AD/HD populations, including neuropsychologists, psychiatrists, and clinical psychologists.

## 2. Medical Disabilities

Students with disabilities that are *clearly visible* by outward manifestations of disability (e.g., quadriplegics) will be afforded accommodations that are clearly justified by the nature of their disability. Southwestern reserves the right to request disability-related documentation when a requested accommodation cannot be easily justified by the outward effects of the student's disabling condition. When such documentation is requested, the student will follow the documentation requirements below.

Southwestern will accept current diagnoses of medical disabilities that are based on appropriate diagnostic evaluations administered by trained and qualified (i.e., certified and/or licensed) professionals (e.g., medical doctors, ophthalmologists, psychologists, neuropsychologists, audiologists, etc.). Disability diagnosis categories include:

- Orthopedic disability
- Blindness or visual impairment
- Deafness or hard-of-hearing
- Acquired brain injury
- Other health-related/systemic disabilities.

Documentation requirements include:

i. Diagnostic Information

Documentation of physical conditions, e.g., motor impairments, sensory impairments, and "invisible impairments" (chronic conditions such as diabetes, cardiac problems, renal insufficiencies, etc.), must be described, in addition to a specific written diagnosis. Appropriate additional medical records, such as a summary of assessment procedures and scores, must be included. Documentation must be current, within one (1) year, with more current updates required as changing conditions warrant. Description of

current symptoms, fluctuating conditions/symptoms, and prognosis must also be included.

ii. Treatment

Current pharmacological (type/dosage/side effects) information must be included, as well as other medical or rehabilitative interventions and what impact, if any, these interventions might have on the student's academic progress.

iii. Functional Limitations

A clear statement specifying functional manifestations (i.e., substantial limitations to one or more major life activities and degree of severity) due to the disability and/or medications, for which the student may need accommodations, is required. Documentation should also indicate whether the limitations are temporary or long-term.

iv. Accommodations Recommendation

A recommendation for accommodations, including rationale, must be provided. If the accommodations recommendation is specific to limitations in learning (e.g., reading, mathematics, written expression), an appropriate psychoeducational or neuropsychological evaluation must be administered to document ability/achievement discrepancies. The results of other appropriate assessment measures to support a differential diagnosis or to disentangle the medical impairment from co-existing disorders should be provided.

v. Evaluator Qualifications

Qualified professionals would include physicians specializing in the area of impairment, qualified specialists in vision and audition, rehabilitative medicine specialists, or other relevantly trained and licensed professionals.

### **3. Psychological Disabilities**

Southwestern recognizes that "psychological disabilities" is a generic term which refers to a variety of conditions involving psychological, emotional and behavioral disorders and syndromes. These disorders and syndromes constitute a verifiable disability only when there is a substantial limitation in a major life activity. While psychological disorders may be a source of discomfort or distress, it should be emphasized that a student who has a psychological disorder may not necessarily require accommodations.

Documentation requirements include:

i. Diagnostic Information

A specific diagnosis of a psychological disability, including a description of how the diagnosis was determined following DSM-IV-TR or most current criteria must be included. Information obtained through clinical and diagnostic interviews should be included. A review of pertinent history and the date of first diagnosis, as well as current symptoms, fluctuating conditions/symptoms, and prognosis must also be included. The evaluator should use direct language in a clear statement of the diagnosis, avoiding the use of such nonspecific terms as "suggests," "probable," or "has problems with."

ii. Supporting Documentation

Psychiatric and/or psychological evaluations and reports by qualified professionals are usually necessary in establishing the nature, frequency, and severity of symptoms and functional limitations related to psychological disorders. One test or assessment battery alone may not constitute adequate documentation. Additionally, while self-report inventories and/or data may be appropriate to include as part of a comprehensive evaluation, they alone may also not constitute adequate documentation. Evaluations must have been conducted within one year prior to the request for academic accommodations. Southwestern has the right to request updated evaluations after accommodations have been provided.

iii. Treatment

Information regarding the student's current treatment must include whether psychotherapy and/or psychotropic medication (type/dosage/side effects) have been or promise to be effective in alleviating symptoms, and whether they may interfere with a student's academic functioning in the law school setting. There should be a statement regarding whether there are side effects of the prescribed medication, whether the student is still adjusting to the medication, whether there are issues regarding the student's compliance history, and whether there are crisis episodes associated with the disability.

iv. Functional Limitations

Documentation must indicate any functional limitations caused by the disability, and whether the limitations are temporary or long-standing.

v. Accommodations Recommendation

Specific recommendations for academic accommodations must be included. It is necessary to provide a detailed explanation of how each

recommended accommodation will directly help compensate for the specified functional limitations. In cases where extra time on exams is recommended, the evaluator should detail how the specific amount of time was determined in relation to the functional limitations.

vi. Evaluator Qualifications

The evaluation must have been conducted by a qualified and licensed professional, including psychiatrists, neuropsychologists, licensed clinical or counseling psychologists, or other relevantly trained and licensed professionals.

#### **4. Temporary Disabilities**

Students seeking accommodations on the basis of a temporary disability must provide documentation verifying the nature of the condition, stating the expected duration of the condition, and recommending appropriate accommodations. Such verification must be provided by a professional health care provider who is qualified in the diagnosis of such conditions. If the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate accommodations, the law school will have the discretion to require supplemental assessment(s) of the temporary disability. The cost of obtaining the initial verification and any required supplemental assessment(s) will be borne by the student. The verification of disability and any assessment(s) must reflect the student's current level of disability, and will be no older than 60 calendar days.

Southwestern reserves the right to submit verification documentation to an appropriate health care or other qualified professional qualified to assist Southwestern in its review of both the initial verification and any supplemental assessment(s) of the disability. If an additional assessment for purposes of obtaining a second professional opinion is required, Southwestern will bear costs not covered by any third-party payer.

#### **5. Pregnant Students**

The Law School does not discriminate on the basis of pregnancy. It will not require a student to take a leave of absence or withdraw from the Law School nor limit the student's legal studies.

The Law School will reasonably accommodate pregnant students so they may complete their law course of study and research. Reasonable accommodation may include, but is not necessarily limited to, allowances for the pregnant student's health and safety, such as allowing the student to maintain a safe distance from hazardous substances, allowing the student to make up tests and assignments that are missed for pregnancy-related reasons, or allowing the

student to take a leave of absence. Reasonable accommodation will include excusing absences that are medically necessary, as required under Title IX.

A student who chooses to take a leave of absence because the student is pregnant or has recently given birth will be allowed a period consistent with the policies of the Law School, or a period of 12 additional months, whichever period is longer, to prepare for and take examinations and an extension of at least 12 months toward normative time to degree while in candidacy for a degree, unless a longer extension is medically necessary.

A student who is not the birth parent and who chooses to take a leave of absence because of the birth of the student's child will be allowed a period consistent with the policies of the Law School, or a period of one month, whichever period is longer, to prepare for and take examinations, and an extension of at least one month toward normative time to degree while in candidacy for a degree, unless a longer period or extension is medically necessary to care for the student's partner or their child.

An enrolled student in good academic standing who chooses to take a leave of absence because the student is pregnant or has recently given birth will return to the student program and be permitted to continue their legal program following a leave period consistent with the policies of the Law School or of up to one academic year, whichever period is longer, subject to the reasonable administrative requirements of the institution, unless there is a medical reason for a longer absence, in which case the student's standing in the program will be maintained during that period of absence.

An enrolled student in good academic standing who is not the birth parent and who chooses to take a leave of absence because of the birth of the student's child will return to the student's program and continue their legal program following a leave period consistent with the policies of the Law School, or of up to one month, whichever period is longer, subject to the administrative requirements of the Law School.

Procedures for addressing pregnancy discrimination complaints will be filed under this section.

Students who request accommodations and who believe that such accommodations have been impermissibly denied, or who believe that they have been discriminated against on the basis of pregnancy or rights under this policy should bring this matter to the attention of the Dean of Students and Diversity Affairs Office. The Dean of Students and Diversity Affairs Office will make every effort to resolve the situation. Students who still believe that they have been discriminated against and are unsatisfied with the accommodation should bring the matter to the attention of the Vice Dean(s). If the matter cannot be resolved informally, or if the student is unsatisfied with the resolution, the student may file a written grievance with the Dean. Upon receipt of the grievance, the Dean will

appoint three full-time faculty members to constitute a grievance committee. The committee will develop its own procedures, provide an opportunity for the student to present the grievance, determine whether the grievance has merit in relation to this policy, and provide a written report to the Dean. A copy of this policy will be made available to faculty, staff, and employees in their required training. This policy will be made available to all students attending orientation sessions.

## **6. Sources of Additional Information**

ABA Commission on Lawyer Assistance Programs

[https://www.americanbar.org/groups/lawyer\\_assistance.html](https://www.americanbar.org/groups/lawyer_assistance.html)

ABA Commission on Disability Rights

E-mail: [cdr@americanbar.org](mailto:cdr@americanbar.org)

<https://www.americanbar.org/groups/diversity/disabilityrights/>

American Counsel of the Blind

1703 North Beauregard Street Suite 420

Alexandria, VA 22311

(800) 424-8666 (voice)

E-mail: [info@acb.org](mailto:info@acb.org)

<http://www.acb.org/>

Association on Higher Education and Disability

107 Commerce Center Drive, Suite 204

Huntersville, NC 28078

(704) 947-7779 (voice/TTY)

<https://www.ahead.org/>

E-mail: [ahead@ahead.org](mailto:ahead@ahead.org)

Braille Institute of America

(Taped law casebooks & treaties)

741 North Vermont Avenue

Los Angeles, CA 90029

(323) 663-1111 (voice)

E-mail: [la@brailleinstitute.org](mailto:la@brailleinstitute.org)

<http://www.brailleinstitute.org/>

California Department of Rehabilitation

Vocational Rehabilitation Services

Greater Los Angeles District

3333 Wilshire Blvd. Suite 200

Los Angeles, CA 90010-4101

(213) 736-3904 (voice)

(844) 729-2800 (TTY)

<http://www.dor.ca.gov/vocational-rehabilitation.html>

National Alliance on Mental Illness (NAMI)  
3803 North Fairfax Drive Suite 100  
Arlington, VA 22203  
(703) 524-7600 (voice)  
(800) 950-6264 (helpline)  
E-mail: [info@nami.org](mailto:info@nami.org)  
<https://www.nami.org/>