

**Office of Disability Services
University of Miami School of Law
Policies and Procedures
Effective September 22, 2009**

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Student Responsibilities

Self-identifying a disability and asking for accommodations, are personal decisions. If a student requests accommodations at the University of Miami School of Law, he or she is responsible for completing the process of registering with Office of Disability Services (ODS). The Office of Disability Services is located in the Dean of Students Office.

Location: Room A211

Phone: 305-284-4551

Email: disabilityservices@law.miami.edu

The student must take the initiative and remain actively involved in the accommodation process. If there are concerns about this process, or advice is needed in coming to a decision as to whether to seek accommodations, ODS encourages students to call or stop by for a confidential review of the options available to them. Should a student then prefer not to self-identify, that decision will be respected and supported. Students seeking reasonable accommodations should be aware that it is their responsibility to:

1. Register with ODS to make appropriate request for accommodations. Supply supporting clinical documentation to ODS as set forth below at Section 4.1 in advance of the applicable semester to determine appropriate services and accommodations.

2. Request a notetaker accommodation from ODS by the first 2 weeks of classes each semester. If less notice is given, every effort will be made to provide reasonable accommodations, but accommodations are not guaranteed.
2. Promptly notify ODS whenever there are concerns, questions or a change in needs.
3. Check your UM e-mail account routinely. The e-mail is the default form of communication for ODS. If you are using a private e-mail source, forward your UM account to avoid missing pertinent information and deadlines.
4. Request exam accommodations each semester by the deadline posted by ODS (generally 3 weeks prior to the last day of classes for the Fall and Spring semesters, 2 weeks for the Summer semester and 1 week prior to an in-class quiz).
5. Confirm the schedule for final exams no later than one week before the first day of the reading period.

Overview of Policies and Procedures:

Section 1 Purpose and Philosophy

The purpose of the ODS is to assist University students by providing procedures for assuring that students with disabilities have equal access to University courses and programs.

1.2 Philosophy

The University of Miami is committed to providing equal educational opportunity for all students who have met the academic admission requirements and who have been admitted to the University.

1.3 Association for Higher Education and Disability (AHEAD)

AHEAD is an international organization of professionals founded in 1977 to act as a resource to postsecondary institutions and their offices for disability services. The ODS at the University of Miami maintains an institutional membership in AHEAD.

1.5 The University of Miami's Academic Resource Center coordinates disability services and policy for students in all parts of the University. The Law School ODS will cooperate as appropriate with the Academic Resource Center to evaluate requests for accommodations and to ensure appropriate delivery of services.

Section 2 Federal Laws and Legal Precedents Related to Disability Services

Two primary federal acts affect the provision of services for students with disabilities at colleges and universities. They are: Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, 1990. In addition to these federal acts, continuing legal opinions and interpretations of the law may establish precedents which also affect the provision of services. Disability services providers also use the findings of the Office of Civil Rights (OCR) to develop services.

Section 3 Confidentiality

The ODS preserves the confidentiality of student records as provided in the Family Educational Rights and Privacy Act (FERPA). Information concerning students who receive disability services is kept confidential unless a release of information is authorized by the student.

3.1 Upon registering with the ODS, a student is asked to sign a Release of Information form giving ODS permission to speak with those offices and individuals which are most appropriate in the process of providing reasonable accommodations. ODS will seek a waiver to permit that the documentation provided pursuant to Section 4.1 below will be reviewed by the Academic Resource Center, and as appropriate, by the Student Health Center or the Student Counseling Center or other medical professionals. Additional offices and individuals are included on the Release of Information form on an individual case-by-case basis. A student may amend the Release of Information form and ODS may also ask the student to sign an amended form as circumstances require.

3.2 Exceptions to the confidentiality provisions will be made in situations involving harm to self or harm to others or as provided in state law.

Section 4 Eligibility for Services

A student who is admitted to the University may be eligible for disability services provided that:

The student identifies him/herself to the ODS and requests services;

The student provides current, complete, and appropriate documentation of a disability as disability is currently defined by law; and

The student registers with ODS by completing registration forms and signing the Release of Information form.

Eligibility for services is determined by the ODS. Decisions on accommodations will be communicated to the student by the Dean of Students or her designate.

A student who has received services or accommodations from another institution or agency may not always be eligible for the same services or accommodations at the University of Miami.

4.1 Standards for Documentation

The standards for submitting documentation to address a range of accommodations for medical disabilities, psychological disabilities, learning disabilities and/or attention disorders are set forth at this link: <http://www.law.miami.edu/disabilityservices> under "Guidelines for Documentation."

Section 5 Accommodations

Academic accommodations are adjustments that provide equal academic opportunity for students with disabilities. Academic accommodations are designed to provide equal access to courses and programs, but they do not guarantee an outcome or a level of achievement.

Academic accommodations shall be reasonable. They need not be provided when the accommodation would result in a fundamental alteration of the program or impose an undue financial or administrative burden on the institution. Furthermore, accommodations are not required to address a personal need such as: an attendant, an individually prescribed device, a reader for personal use or study, or other devices or services of a personal nature.

Requests for accommodations which would fundamentally alter the nature of a program or which would alter the academic standards of a course or program will not be granted.

Accommodations must be requested by a student in a timely manner which will allow the ODS to receive documentation, determine eligibility, determine the appropriateness and reasonableness of the accommodation, and establish the accommodation. Accommodations will not be granted retroactively.

Information about Accommodations

Each accommodation is evaluated and granted individually; accommodations are not granted as a package. Accommodations are based on the functional limitations specified in the documentation submitted by the student.

In-class accommodations may be provided by the instructor in the classroom or within the department. Instructors should consult with ODS as soon as possible if there is any question or concern about an accommodation or how it should be provided. If an instructor has a concern that a specific accommodation may fundamentally alter the nature of the course, the instructor should contact ODS as soon as possible so that the concern may be addressed.

ODS will consult with instructors when necessary to clarify the fundamental nature of a course or the manner in which accommodations may be arranged.

5.1 Testing Accommodations

EXTENDED TIME

Extended time does not mean "unlimited time" or "untimed tests." Increments are based on functional limitations described in the documentation.

Extended time applies only to in-class examinations, quizzes, and assignments. Some faculty in the School of Law utilize take-home examinations instead of in-class examinations and/or writing assignments or projects that are completed out of class. Extended time typically does not cover these situations.

Exams proctored at ODS typically will be administered on the same day and time as the exam taken by the regular class unless prior arrangements have been made between the student and ODS.

Student Responsibilities:

- * Students should note on their course syllabus the dates of tests, exams, or quizzes. Students must inform ODS of all of these dates if they expect to take the exams or quizzes through ODS.
- * Students must notify ODS 3 weeks prior to the last day of classes for the Fall and Spring semesters, 2 weeks for the Summer semester and 1 week prior to and in-class quiz if they expect to use testing accommodations through ODS. ODS may not be able to provide accommodations if sufficient notice is not given to make arrangements for testing accommodations.
- * Students must arrive on time for exams or face the sanctions as set forth for all law students in the Student Handbook.

ODS Responsibilities:

- * ODS will provide testing accommodations as appropriate.
- * ODS will schedule a student's exam for an ODS testing room provided that sufficient advance notice, i.e. 3 weeks prior to the last day of classes for the Fall and Spring semesters, 2 weeks for the Summer semester and 1 week prior to and in-class quiz, has been received from the student.
- * ODS will contact the Registrar's Office prior to the exam date to obtain instructions on how an exam is to be administered (e.g. "notes allowed," "open book," "calculator allowed", etc.) and how an exam is to be returned to the Registrar's Office.
- * ODS will obtain the exam from the Registrar's Office (or instructor/faculty assistant in the case of a quiz).
- * ODS will provide testing accommodations according to teacher's instructions.
- * ODS will not allow students to bring books, backpacks, notes, calculators, hats, or cell phones into testing rooms. ODS will provide any scratch paper which may be necessary for an exam and will collect the scratch paper after the exam and return it with the exam to the instructor.
- * ODS will return exam to the Registrar's Office immediately after it is completed, or in the case of a quiz, to a faculty assistant as soon as possible within 24 hours.
- * ODS will report any variances in exam administration to the Dean of Students.

BREAKS

If a student's documentation supports the need for breaks, ODS will provide timed breaks to the student during examinations, quizzes and in-class assignments. The time allotted for taking the exam will not run while you are out of the room on a break. The clock for the time allotted to take the exam will be restarted when you return from a break. The student is responsible for signing themselves in/out from breaks.

QUIET TESTING LOCATION

ODS will provide a quiet testing location. ODS has a limited number of testing rooms and access to them is provided when sufficient notice has been given by a student to schedule their use.

The responsibilities of students and ODS are the same as those listed above for extended time. If a student feels that a testing location is not reasonably free of distractions, the student should notify ODS immediately so that adjustments can be made.

USE OF A COMPUTER

Student may be allowed the use of a computer for examinations if a student's documentation describes functional limitations which warrant typing essay-format exams on a computer. Students with computer accommodations must furnish their own computers or borrow one from the IT department.

SCRIBE

If a student's documentation supports the need for a scribe, ODS will provide a scribe who may either write the student's answers by hand or may type them on a word-processor. Scribes will write only what is dictated to them by the student.

Students must notify ODS 3 weeks prior to the last day of classes for the Fall and Spring semesters, 2 weeks for the Summer semester and 1 week prior to an in-class quiz if they need this accommodation.

READER FOR EXAMS

If a student's documentation supports the need for a reader for exams, ODS will provide a reader. Students must notify ODS 3 weeks prior to the last day of classes for the Fall and Spring semesters, 2 weeks for the Summer semester and 1 week prior to an in-class quiz if they need this accommodation. Readers for exams will read only the material on the exam. Readers will read exam material in such a way that they are not giving any suggestion as to what a correct answer may be.

5.2 Other Accommodations

NOTE-TAKERS

For many disabilities, access to an additional set of class notes is a reasonable accommodation. If the student's documentation supports this need, this accommodation may be provided in one of several ways:

a) volunteer student note-takers from among students enrolled in a particular course. To arrange for volunteer student note-takers, ODS checks the rolls for a course and contacts those students to ask if one will volunteer to share notes with an ODS student. This process usually takes at least two weeks at the beginning of each semester since students may be making schedule changes during that time.

b) in instances when it is not possible to provide a volunteer note-taker, ODS will contact the instructor to discuss any possible alternative accommodation.

All note submissions are done through email. Handwritten notes are scanned and also sent through email.

ODS students who are allowed this accommodation are responsible for notifying ODS at least once each week if they have not received copies of notes.

Receiving class notes is not a substitute for attending class. ODS students are responsible for attending their classes.

RECORDED TEXTBOOKS

Students who use books on tape should register with Recording for the Blind and Dyslexic. ODS can give students information on how to register if a student has not already registered with RFB&D.

Since it can take 8 weeks or more to obtain a recorded textbook, students are encouraged to contact RFB&D in sufficient time to obtain services.

Students who use books on tape are strongly encouraged to plan ahead for recorded materials they will need for the next semester. ODS advises students to consult with their Academic Advisor and their Faculty Advisor at the middle of the current semester to discuss what courses the student may need to take in the next semester.

ELECTRONIC TEXTBOOKS

If a student's documentation supports the need for electronic textbooks, ODS will provide the student with a PDF version of the textbook once a proof of purchase has been furnished. ODS will contact the publisher and request an electronic version of the textbook. If the publisher does not have an electronic version available, ODS will create

a PDF version of the textbook by scanning the entire textbook. Students must submit their request at least 4 weeks before the beginning of each semester.

SERVICE ANIMALS

The Americans with Disabilities Act recognizes the use of “service dogs” which are specially trained to assist persons with visual disabilities, hearing impairments, or mobility impairments by performing specific tasks. The University follows the provisions of the ADA with regard to service dogs as an accommodation. The ADA does not specify the use of “therapy animals” as a reasonable accommodation.

Students who register with the ODS and who use a service animal must submit documentation regarding the service animal. This documentation is to include: a proper license by the city and county; a written up-to-date health record with verification of vaccinations provided by a licensed veterinarian dated within the past year. Documentation must also include verification that the animal meets the minimum training standards prescribed by Assistance Dogs International or another animal training organization which is recognized by ODS.

The owner/partner/handler of a service animal is responsible for the safety and care of the animal. A service animal may be excluded from the campus when that animal’s behavior poses a direct threat to the health and safety of others. The owner/partner/handler of a service animal must maintain the animal on a leash at all times and must be in full control of the animal at all times. The animal should wear an identification symbol which is commonly recognized as indicating a service animal.

Disputes regarding the use of service animals on campus will be resolved through the Dean of Students office.

Section 6 Supportive Services

There are other services which are not accommodations in and of themselves, but are considered supportive services. These would include the Use of the Academic Achievement Program which has many services for all Law Students, including the Dean’s Fellow Program and the Writing Center. For more information on the AAP, visit www.law.miami.edu/aap/

Section 7 Accessibility of the Campus

Responsibility for the accessibility of the campus at the University is shared by Facilities Administration, the academic units, and the ODS.

With regard to existing structures, if it has not been reasonable or feasible to provide direct access, then programs or services housed in an existing facility may be made accessible by other means. Alternative means of access might include: re-locating a class, arranging meetings in an accessible location, using adapted equipment or electronic means of access, etc.

With regard to new construction, each facility is to be designed and constructed in such a manner that it complies with the ADA Accessibility Guidelines (ADAAG).

The Director of the ODS is available to provide input regarding ADA and patterns of student use of buildings to any University department.

7.1 Accessibility Committee

The Accessibility Committee meets once each year to review the status of accessibility of the campus. The Committee lists areas which need accessibility up-grades and establishes a priority list for the completion of projects.

Members of this committee are:

Vice Provost for Faculty Affairs and University Administration
Vice Provost for Undergraduate Affairs
Assistant to the Vice President, Division of Student Affairs
Assistant Vice President, Student Affairs
Assistant Vice President, Director of Student Life and University Center
Assistant General Counsel
Dean of Students, School of Law
Director, Physical Plant
Director, Student Health Service
Director, Academic Development Center
Director of Equality Administration
Director, Disability Services
President of Student Government
Graduate Student Representative
Undergraduate Student Representative

The annual meeting of the Accessibility Meeting is convened by the Director of Disability Services. The Graduate Student Representative and the Undergraduate Student Representative are appointed by the Director of Disability Services.

7.2 Facilities and Physical Plant

The Director of the ODS is available to provide information to Facilities Administration regarding disabled students and their patterns of use of campus facilities.

ODS will complete an Accessibility Request Form when notified about a problem with access to University facilities or events.

The ODS will take appropriate action when contacted about problems with accessibility of campus facilities. ODS will contact the Physical Plant Customer Service Desk if a problem requires a repair. ODS will generate a work order for problems which can be readily addressed, for example: requesting new signs to indicate accessibility. For problems which are broader in scope, ODS will bring them to the attention of the Vice

Provost for Administration and/or the Accessibility Committee to be addressed.

Section 8 Access to Residence Halls

The Department of Residence Halls has policies in place which address the accessibility of Residence Halls for students. ODS works with the Department of Residence Halls to provide information on resources or equipment which may be needed to provide access. Note that while students enrolled in the School of Law typically do not receive on-campus housing, ODS will address Special Housing Accommodation Requests as set forth below.

8.1 Special Housing Accommodation Requests

A student may request a Special Housing Accommodation based on disability or a medical condition. In order to request a Special Housing Accommodation, the following guidelines must be followed:

1. Register for housing through the Department of Residence Halls. Indicate any special needs on the housing application and complete the University of Miami Adapted Housing Checklist.
2. Submit, in writing, a request to the Office of Disability Services for a Special Housing Accommodation. Students should complete the [Accommodation Request Form](#) and clearly indicate the accommodation being requested.
3. Attach the following required documentation to this request:
 - [Medical Guidelines for a Special Housing Accommodation](#)
 - [Psychological Guidelines for a Special Housing Accommodation](#)

Once complete documentation has been received, the Office of Disability Services will forward the request to the Housing Accommodations Committee. Members include:

Dean of Students, School of Law
Associate Dean, School of Medicine
Medical Doctor
Clinical Psychologist
Learning Specialist
Department of Residence Halls

The Special Housing Accommodations Committee will review the documentation and make a recommendation to the Office of Disability Services. ODS will then notify the student in writing of the decision. This process takes approximately two weeks once complete documentation has been submitted. Incomplete requests will not be reviewed by the Accommodation Committee.

Students requesting a Special Housing Accommodation are responsible for meeting all housing deadlines set forth by the Department of Residence Halls. Submitting documentation to our office does not guarantee that a specific request will be granted.

Students should proceed with regular housing sign up until notified that a special accommodation has been granted. All housing accommodations are individually determined and based on availability.

Section 9 ODS Grievance Procedure

The School of Law has adopted a grievance procedure providing for prompt resolution of complaints by persons who believe they have been subjected to discrimination based upon their disability. The procedure set out is the exclusive method of appeal within the School of Law. Appeals as permitted herein will be considered only if they are filed within ten (10) working days of receipt of the Initial Accommodation Letter.

1. A person who requests an accommodation and who believes that the accommodation has been impermissibly denied, or who believes that the person has been discriminated against on the basis of a disability, shall first bring the matter to the attention of the Dean of Students or her designate. The Dean of Students or her designate reserves the right to review or modify any decision on accommodations that has been issued pursuant to Section 5 above.

If the Dean of Students or her designate finally denies an accommodation or finds that discrimination has not been demonstrated, she shall so inform the student in writing, stating the reasons and including a notice of the right to appeal and a copy of this Grievance Procedure. This written decision will be issued within ten (10) working days of the receipt of the grievance.

2. If unsatisfied with the decision of the Dean of Students or her designate, the student may file a final written appeal with the Dean of the School of Law, Room 223,1311 Miller Drive, Coral Gables, FL 33124. The appeal must be filed within ten (10) working days of receipt of the decision of the Dean of Students and it must state in writing the grounds for the appeal. The Dean may affirm, reverse or modify the decision of the Dean of Students. The decision of the Dean is final. Absent extraordinary circumstances, the decision will be issued no later than thirty (30) working days of the receipt of the grievance.

Retaliation against a person who files a grievance, or opposes a policy he/she believes to be discriminatory is prohibited.

The School of Law reserves the right to amend or modify this grievance procedure at any time.

Persons may also contact the Director of the Academic Resource Center, who is responsible for coordinating the University's 504 compliance efforts at (305) 284- 2374 (N201 Whitten University Center, Coral Gables, Florida, 33124), with any questions or concerns.

Individuals, who believe that they were subjected to discrimination on the basis of

disability by the University of Miami, are encouraged to use the grievance procedure to resolve their concerns. Individuals may, however, wish to file a complaint directly with the U.S. Department of Education, Office for Civil Rights, 61 Forsyth Street, Suite 19T70 , Atlanta , Georgia , 30303 (404) 562-6350.