

and/or drink. However, please be considerate of others. For open-book exams you may bring what the instructor has authorized. If the instructor does not specify, the only electronic devices that may be used in an exam are (1) an electronic dictionary, (2) a calculator, or (3) those approved by the Deans as a reasonable accommodation. Unless permitted by the instructor, no computer or electronic device may be used to communicate with another person during an exam.

VI. Items Not Permitted In Exam Rooms

In closed-book exams, that is, any exam not specifically designated "open book," students will not be permitted to bring books, purses, or anything beside pen and/or pencil to their seat. It is better to leave these things at home. If students do bring them to the exam room, they will need to leave them at the front of the room.

VII. Turning In Exam Materials

Students may not take extra blue books home with them. Turn in all used and unused blue books and used and unused scrap paper. The exam questions must be turned in at the end of the exam time. If a student leaves the exam room in the middle of an exam, they cannot take the exam, blue book(s), scrap paper, or any open-book exam materials with them.

VIII. Exam Instructions

When a student first receives the exam booklet, and are instructed to do so, make sure there is a complete test, i.e. if the exam is seven pages long, make sure there are seven different and consecutive pages.

Listen very carefully to the exam instructions and make sure you understand them.

Once exams are handed to students, no changes are made in them, not even for clerical corrections. If a student thinks a clerical error was made, or they are not sure how to interpret a question or part of a question, explain in writing in the answer whatever assumptions the student is making to resolve the issue. When the proctor says time is up, stop writing immediately and put your pen or pencil down on the desk.

IX. Leaving The Exam Room During An Exam

Students are discouraged from leaving the exam room during an exam. Restroom breaks must be kept brief. If a student finds it necessary to leave the room, it is not permitted to access computer terminals, smoking, or spending time speaking with others.

Whenever a student leaves the room, they should turn their exam upside down at their desk.

X. Late To An Exam

If you are more than 10 minutes late, go to the Registrar's Office; do not go directly to the exam. Students are not permitted to make up the lost time except when situations arise that are beyond the individual's control, foreseeability, and responsibility.

XI. Take-home Exams and Papers

Take-home exams and papers must be submitted to the Registrar's Office by the time and date due. It is the student's responsibility to make certain that exams and papers are complete before handing them in to the Registrar. Students shall not consult with anyone unless authorized by the course instructor.

XII. Discussing Exams

Unless permitted by the instructor, students shall not discuss any exam with other students during the exam period.



STUDENTS & APPLICANTS WITH DISABILITIES ACCOMMODATION POLICY

It is the policy and practice of Franklin Pierce Law Center to comply with the Americans with Disabilities Act, 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 shall be denied access to or participation in services, programs, and activities of Franklin Pierce Law Center based on his or her disability.

I. General Statement

In carrying out Pierce Law's policy regarding students and applicants with disabilities, we recognize that disabilities include mobility, sensory, health, psychological, and learning disabilities, and we will make efforts to provide reasonable accommodations to these disabilities to the extent it is reasonable to do so. We are unable to make accommodations that are unduly burdensome or that fundamentally alter the nature of the program. This policy applies only to students and applicants to Pierce Law's academic degree programs.

II. Definitions

A. "Person with a disability" as adapted from Section 504 federal regulations - a person with a physical or mental impairment substantially limiting one or more major life activities, a record of such impairment, or is regarded as having

such an impairment.

B. "Otherwise qualified person with a disability" - person with a disability who meets the academic and technical standards for admission. Essential qualifications include but are not limited to the ability to understand, analyze, apply and communicate legal concepts.

III. Admissions

A. The LSAT

In the admissions process, because extensive accommodations are provided for taking the LSAT, waiver of the LSAT is unlikely to be granted. Applications are never automatically rejected based on the LSAT and/or GPA. An indication on the LSDAS report that an applicant took an accommodated test will not be the basis for discrimination. Applicants who have taken the LSAT under both accommodated and non-accommodated conditions may find it helpful to advise Pierce Law as to why the non-accommodated score should not be considered.

B. The Application Form

Applicants are not required to indicate on the application whether they have a disability. Because overcoming hardship is one of the factors considered in the admissions process however, applicants may wish to consider whether to include an explanation of how a disability may have affected past academic performance.

C. Documentation of the Disability

Applicants who wish to have their disability considered as a factor in the admissions process must identify the disability at the time of application as well as an explanation of why it is a factor. It may be necessary to provide appropriate documentation of the disability. See the *Documentation Policy* for information relating to documentation requirements and payment for evaluation costs

D. Reconsideration

It is not a Pierce Law practice to reconsider applications that have already been rejected, unless information that was not available at the time of the application, through no fault of the applicant, is subsequently brought to the attention of the Admissions Committee. For that reason applicants are advised to make the disability known at the time of application if they wish to have the disability taken into account in the application process. In some cases, it may be necessary for the applicant to provide documentation supporting the disability and its impact on academic performance.

E. Applicants Not Wishing to Self-Identify in the Application Process

Students who are accepted for admission are advised in the orientation package to contact the Assistant Dean of Students as soon as possible regarding disabilities which might require accommodation. Accepted applicants are strongly encouraged to make such disabilities known as early as possible to allow adequate time for evaluating documenta-

tion, for establishing the specific accommodation, and for working out arrangements, including funding, for auxiliary services. Last-minute requests for accommodations may not be able to be reasonably accommodated because of the time required to make such arrangements.

IV. Enrolled Students

A. Identifying the Need for Accommodations

Students with disabilities who require accommodations must make those needs known to the Assistant Dean of Students as soon as possible. It is the student's responsibility to act in time and to provide appropriate documentation and evaluations. Your application to law school may indicate the presence of a disability, but that information is not known to the Assistant Dean of Students. See the *Documentation Policy* for information regarding documentation requirements and payment for such evaluation costs.

Students who do not require accommodations need not make their disabilities known. 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 sit where needed or seek the assistance of the Assistant Dean of Students.

Information regarding a student's disability and any accommodations provided is treated as confidential information under applicable federal and state laws and Pierce Law policies, and is provided only to individuals privileged to receive such information on a need-to-know basis. Faculty or staff members who are told of a disability are advised that this information is confidential. People who may receive this information include but are not limited to the Registrar, individual faculty members, and the Academic Standing Committee.

B. Accommodations

Pierce Law will make reasonable accommodations for documented disabilities. These accommodations may include but are not limited to course load modifications, exam accommodations and note takers. Such 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. Students requesting accommodations should identify their needs as early as possible to the Assistant Dean of Students. She will meet with the student to develop an appropriate accommodation plan. Additional copies of this form are available in the Assistant Dean of Students Office.

1. Academic Modifications

Academic modifications include but are not limited to reducing course loads, extending the amount of time for graduation, and allowing part-time enrollment. Only mod-

ifications that do not fundamentally alter the nature of the program and that are not unduly burdensome financially or administratively are required by law. While Pierce Law must provide justification for refusing to allow a requested reasonable accommodation, higher education institutions are given substantial deference in establishing their academic requirements.

Requests for academic modifications should be made to the Assistant Dean of Students. The accommodations will be made in consultation with a faculty committee established for that purpose. Exam accommodations are made by the Assistant Dean of Students and the faculty committee and carried out by the Registrar's Office.

2. Auxiliary Services

Auxiliary services may include but are not limited to note takers, assistance with photocopying and library retrieval, and other support services in connection with the academic program. Services for personal use are not provided.

Occasional assistance in the library may be obtained by making a request of the library desk staff. The student who will require more extensive assistance and/or assistance on a regular basis should make this need known to the Assistant Dean of Students.

3. Exam Modifications

Exam modifications may include but are not limited to additional time to take in-class exams, time allowed for rest breaks, a private or separate exam room, or administration of 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 were to be in a multiple-choice format or an essay form. All exam modification requests are to be directed to the Assistant Dean of Students.

4. Building and Parking

i. Parking

Parking spaces are reserved for individuals who have state-issued handicap parking designations. They are located to the left of the entrance to the Robert H. Rines Building on Washington Street and behind the Bruce Friedman Clinic.

ii. Accessible Entrance

The entrance to the Robert H. Rines Building is a ground-floor entrance. Upon entering at this entrance, individuals are directed by a sign to a ramp to the cafeteria floor, from which all levels are accessible by elevator.

iii. Elevators

A passenger elevator with emergency communication fea-

tures may be entered on the first floor near the cafeteria, on the second floor behind the reception desk, and on the third floor near the Graduate Programs office. A second elevator is accessible through the library.

iv. Accessible Rest Rooms

There are accessible rest rooms on the first floor near the vending machines, on the second floor near the reception desk, and on the third floor down the hall from the elevators.

v. Classrooms

All classrooms are accessible.

5. Attendance

Class attendance is deemed to be a fundamental aspect of legal education. For that reason, faculty members will not be expected to waive attendance policies for students with disabilities. Students believing that their situations are extraordinary and that such waiver is indicated should submit a written request to the Assistant Dean of Students who will consult with the faculty committee established for that purpose. Because reduced course loads and other accommodations are available, it is highly unlikely that waiver of attendance would be a necessary reasonable accommodation.

6. Other Modifications

Students who believe that any other policies and practices should be modified should direct these requests to the Assistant Dean of Students.

V. Academic Dismissal & Readmission

Students who are academically dismissed sometimes raise a disability as the basis for the academic difficulty. While this may sometimes justify allowing the student a second opportunity to prove academic ability, the burden will be 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 not adequate.

Readmission petitions should be discussed with the Assistant Dean of Students and will be directed to the Academic Standing Committee.

VI. Bar Examinations & Career Counseling

Law students with disabilities who believe they will require accommodations in taking the bar examination should inquire early in their legal education as to what will be necessary to obtain accommodations. Information on how to contact bar examiners in all states is available from the Career Services Office. 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 Assistant Dean of Students

upon a written release from the student.

The Career Services Office provides assistance to all students and does not discriminate on the basis of disability. Pierce Law will not provide assistance to outside organizations which discriminate on the basis of disability. Students who believe that an employer using the services of the Career Services Office has discriminated on the basis of disability should bring that to the attention of the Assistant Dean for Career Services.

VII. Grievances

Students who request accommodations from the Assistant Dean of Students 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 notify the Assistant Dean of Students in writing. If she is unable to resolve the matter informally, or if the student is unsatisfied with the resolution, the student may file a written grievance with the United States Department of Education, Region I, Office of Civil Rights, John W. McCormack Post Office and Courthouse, Room 222, Post Office Square, Boston, Massachusetts 02109. Nothing in this policy prevents the operation of the Conduct Code and its procedures (Rules XIII A and XIII B of the Academic Rules & Regulations) for conduct which rises to that level.

VIII. Improper Procurement

Services for students who improperly procure adjustments or accommodations under this policy will be immediately terminated, and the student may be subject to disciplinary action under the Pierce Law Conduct Code found in Rules XIII A and XIII B of the Academic Rules & Regulations.

IX. Special Problems For Certain Disabilities

Students with psychological impairments, including alcohol or drug addiction, may wish to seek outside counseling or 12 Step program involvement. Initial counseling and referral may be obtained from the Assistant Dean of Students. Such counseling is confidential and not part of a student's record. Contact information for Alcoholics Anonymous and Narcotics Anonymous 12 Step meetings is available in the Alcohol and Drug Abuse Prevention Policy. A list of mental health counselors in the Concord, New Hampshire area is also made available in this publication.

Students should be aware that while reasonable accommodations are available for such disabilities, 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.



DISABILITY DOCUMENTATION POLICY

1. Verification of Physical, Mental/Emotional Disabilities

A student with a physical disability must provide professional verification certified by a licensed physician, psychologist, audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other professional health care provider who is qualified in the diagnosis of the disability. The verification must reflect the student's present level of functioning of the major life activity affected by the disability. The student shall provide the verification documentation to the Assistant Dean of Students. The cost of obtaining the professional verification shall be borne by the student. The student's history of academic adjustments and accommodations in postsecondary education and/or in places of employment must also be submitted.

If the initial verification is incomplete or inadequate to determine the present extent of the disability and appropriate accommodations, Pierce Law shall have the discretion to require supplemental assessment of a physical disability. The cost of the supplemental assessment shall be borne by the student. If Pierce Law requires an additional assessment for purposes of obtaining a second professional opinion, then Pierce Law shall bear any cost not covered by any third-party payer.

2. Verification of Learning Disability

A student with a learning disability must provide professional testing and evaluation results which reflect the individual's present level of processing information and present achievement level. The cost of obtaining the professional verification shall be borne by the student. The student's history of academic adjustments and accommodations in postsecondary education and/or in places of employment must also be submitted.

The four criteria necessary to establish a student's eligibility for learning disability adjustments or accommodations are: (a) average or above average intelligence as measured by standardized intelligence test which includes assessment of verbal and nonverbal abilities; (b) the presence of a severe discrepancy between levels of intellectual ability and achievement or cognitive-achievement discrepancy; (c)