

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Civil Action Number:

MARIA TERESITA VALLEDOR  
MOHANDES on her own behalf and on  
behalf of all other plaintiffs similarly situated,

Plaintiffs,

vs.

UNIVERSIDAD CARLOS ALBIZU  
(CARLOS ALBIZU UNIVERSITY), INC.

Defendant.

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**CLASS ACTION COMPLAINT**

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Plaintiff Maria Teresita Valledor Mohandes, on her own behalf and on behalf of all Other Plaintiffs Similarly Situated, by and through her undersigned counsel, hereby files this Complaint and sues Defendant Universidad Carlos Albizu (Carlos Albizu University), Inc. pursuant to Title III of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§12181-12189 (“ADA”), 28 C.F.R. Part 36, Section 504 of the Rehabilitation Act of 1973 - 34 C.F.R. Part 104, pursuant to the Florida Civil Rights Act as codified in Florida Statutes Chapter §760 (specifically F.S. §760.08), and for a declaratory judgment and injunctive relief under 28 U.S.C. §2201 (as governed by the Federal Rules of Civil Procedure Rule 57), and alleges:

**INTRODUCTORY STATEMENT**

1. Plaintiffs bring this action on behalf of themselves and the all other

individuals who are hearing impaired to put an end to civil rights violations committed by Defendant Universidad Carlos Albizu (Carlos Albizu University), Inc.

2. This case arises out the fact that Defendant Universidad Carlos Albizu (Carlos Albizu University), Inc. has operated the Carlos Albizu University Miami Florida campus in a manner and way that excludes, disenfranchises, and discriminates against individuals with disabilities with hearing impairments who attend the Carlos Albizu University, Miami campus by depriving such individuals of the appropriate auxiliary aids and services necessary for effective communication and by failing to make reasonable modifications of policy so as to allow them to fully participate in all of the programs, services, and activities the University offers to other students.

### **JURISDICTION**

3. This is an action for declaratory and injunctive relief pursuant to Title III of the Americans With Disabilities Act, 42 U.S.C. §§12181-12189 (“ADA”), 28 C.F.R. Part 36, for damages pursuant to Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. Part 104, and supplemental jurisdiction over the related state law claim pursuant to 28 U.S.C. §1367.

4. This Court is vested with original jurisdiction under 28 U.S.C. §1331.

5. Venue is proper in this Court, pursuant to 28 U.S.C. §1391(b) in that all events giving rise to this lawsuit occurred in the Southern District of Florida.

6. The remedies provided by Florida Statute §760 are not exclusive, and state administrative remedies need not be exhausted in connection with suits brought under the ADA or Section 504.

7. This action seeks to hold Defendant accountable for its failure to adhere to its own statement of Values and its Student Guide to Reasonable Accommodation, which explicitly states that the Defendant seeks diversity in its student population and maintains policies and procedures to ensure that the needs of the disabled community (as students at Defendant's University) will receive accommodation (appropriate auxiliary aids and modification in policy) for disabled student's needs in order to receive effective communication of the University's education programs. By failing to provide auxiliary aids and modification in policy for disabled student's needs, Defendant has created a hostile environment for the disabled community.

### **PARTIES**

#### **Maria Teresita Valledor Mohandes**

8. Maria Teresita Valledor Mohandes (also referenced herein as "Plaintiff," or as "Plaintiff Mohandes") was (and is currently) a resident of the state of Florida, and is otherwise *sui jurius* who suffers from what constitutes a "qualified disability" under the ADA and the Rehabilitation Act, and has a record of having been so afflicted since she was five years old. The Plaintiff is (and has been) hearing impaired due to the complete loss of her left eardrum and a missing bone, resulting in substantial limitation to her ability to hear.

9. The Plaintiff's disability is defined in 28 C.F.R. §35.104(1)(B)(ii) and as a qualified handicapped person according to 34 C.F.R. §104.3(1)(3); therefore the Plaintiff suffers from a disability covered by the protected class of disabled persons.

10. Due to the fact that the Plaintiff is (and has been) afflicted with severe hearing loss, she requires reasonable modification of policy to accommodate her severe

hearing loss. Such accommodation would require Defendant to make reasonable modifications of policy in those classrooms, lectures, workshops, and practicum settings attended by Plaintiff. Such modifications would include (but not be limited to) being seated in the front row, the ability to use a recording device, additional time to complete assignments, additional time during tests, and training of instructors and lecturers to speak clearly while facing her directly. Such modifications are reasonable and practical for individuals with hearing disabilities in classroom, lecture, workshop, and/or practicum settings.

**Other Plaintiffs Similarly Situated**

11. Other plaintiffs similarly situated to Plaintiff Mohandes (“Class members”) are qualified individuals with disabilities under, and as defined by, the ADA and Section 504 of the Rehabilitation Act of 1973, as amended.

12. Other plaintiffs are similarly situated to Plaintiff Mohandes by virtue of the fact that they also have hearing impairments (hearing loss), which substantially limit a major life activity (hearing), and similarly require appropriate auxiliary aids and services as well as reasonable modifications of policy in order to comprehend lectures, class presentations, and practicum.

13. Plaintiff’s (and Class members) lack of access to Defendant Universidad Carlos Albizu (Carlos Albizu University), Inc.’s Carlos Albizu University is caused by its failure and refusal to provide reasonable modifications of policy and appropriate auxiliary aids and services<sup>1</sup>.

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<sup>1</sup> such as by allowing them to record class sessions, lectures, and practicum, have access to note takers, receive additional time for taking tests, have access to lecturer’s notes, and other reasonable means of accommodation

**Universidad Carlos Albizu (Carlos Albizu University), Inc.**

14. The Defendant, Universidad Carlos Albizu (Carlos Albizu University), Inc. (also referenced as “Defendant,” and as “University”), is a Puerto Rican corporation which is registered with the State of Florida Secretary of State, Division of Corporations, as a Foreign Not For Profit Corporation, and is within the jurisdiction of this court.

15. Universidad Carlos Albizu (Carlos Albizu University), Inc. has been accredited in Puerto Rico since 1974 and is licensed by the Commission for Independent Education of the Florida Department of Education. The University is governed by a Board of Trustees consisting of fourteen members, which is led by a President and Provost.

16. The University receives federal funding and financial assistance within the meaning of 20 U.S.C. Chapter 28, Subchapter IV, and is otherwise subject to the ADA and Section 504, which prohibits discrimination against individuals with disabilities and ensures that every student with a disability has equal access to an education. Section 504 states that disabled students are entitled to receive accommodations and modifications in order that all students have the opportunity to learn.

**FACTS**

17. At all times material hereto, the Defendant was (and is) located and holding classes at its Miami campus of the University which is located at 2173 NW 99<sup>th</sup> Avenue, Doral, Miami, Florida 33172.

18. The Defendant’s location is a university campus, housing (among other things) classrooms, lecture halls, libraries, and administration offices. The university

campus is referenced herein as “public accommodation” or as “University.” The University is a place of public accommodation subject to the requirements of Title III of the ADA and its implementing regulation; 42 U.S.C. §12181(7)(J), 42 U.S.C. §12182, and the Florida Civil Rights Act, codified as Title XLIV and, as a recipient of federal funding, is subject to Section 504 of the Rehabilitation Act of 1973, as amended.

19. The Defendant’s University provides services, facilities, and accommodations to the general public which subjects the Defendant to Chapter 760 of the Florida Statutes.

20. The Defendant is a non-profit institution of post-secondary education which owns, operates, and controls the Carlos Albizu University (Miami, Florida campus), which is subject to significant oversight for accreditation and for participation in Title IV student aid programs. As such, the Carlos Albizu University (Miami, Florida campus), (which is also referenced throughout as “University”) is managed, administered, and operated by individuals/representatives whom are well aware of the necessity of compliance with the requirement to accommodate individuals with disabilities in accordance with the ADA and Section 504.

21. The Defendant’s failure to reasonably accommodate the Plaintiff (and Class members) in contradiction to its Guide and in violation of Section 504 is willful, intentional, malicious, and oppressive and in complete disregard for the rights of the Plaintiff and other plaintiffs similarly situated and in violation of 28 C.F.R. §§ 36.302, 36.303 and 34 C.F.R. Part 104.

22. This discrimination resulted in the fact that the Plaintiff (and others similarly situated) have been denied appropriate auxiliary aids and services and

reasonable modifications of policy which should have been afforded to them by the University (a public accommodation), which is the subject of this lawsuit.

23. As a result of Defendant's actions, students who are deaf or hard of hearing are required to repeat (re-take) classes which they have previously taken. When students are required to repeat/retake a class, they have to pay a second time for repeating the class. As a result, students who are deaf or hard of hearing not only have to repeat classes they have to pay double tuition fees to re-take classes which they have failed due to their inability to comprehend the class material, all because Defendant has failed to provide accommodation so that deaf and hard of hearing students can comprehend the class sessions, lectures, labs, and practicum. The pattern of education-discrimination is as follows:

- Plaintiffs inform Defendant's representatives (professor, lecturer, and instructor) of their need for appropriate auxiliary aids or services necessary for effective communication and/or reasonable modifications of policy;
- The Defendant's representatives (professor, lecturer, and instructor) fail to provide the requested accommodations for the Plaintiffs' hearing disabilities (to the extent of refusing to permit Plaintiffs to use their own recorders to record class sessions/labs, lectures, and practicum),
- Plaintiffs are then more likely to receive non-passing grades due to the failure to comprehend oral lessons, sessions/labs, lectures, and practicum,
- Plaintiffs are then required to re-take classes and pay additional tuition for those classes, and
- Plaintiffs' graduation from Defendant's University programs is thereby delayed and Plaintiffs are subject to anxiety, are stigmatized, and have to pay additional fees and costs for their education.

24. As a result of the Defendant's discrimination, Plaintiffs have suffered monetary losses, loss of dignity, mental anguish, and other tangible injuries.

25. On behalf of herself and other plaintiffs similarly situated, Plaintiff Mohandes has retained the civil rights law office of Scott R. Dinin, P.A. and has agreed to pay a reasonable fee for services in the prosecution of this cause, including costs and expenses incurred.

**Factual Allegations Specific to Plaintiff Maria Teresa Valledor Mohandes:**

26. The Defendant has held itself out as a university that could accommodate the Plaintiff Mohandes' specific hearing disability.

27. Upon Plaintiff Mohandes' graduation from Miami-Dade College with a Bachelor's Degree in Psychology, the Plaintiff applied (and was accepted) as a student in the University's Master Degree in Psychology, Mental Health Counseling program. At the time of Plaintiff Mohandes' acceptance of admission to the University, the Plaintiff informed University administrative personnel as to her hearing disability and of her need for provision of appropriate auxiliary aids and services and reasonable modification of policy so that she could fully participate in the University's programs, services, an activities.

28. Whereupon, Defendant's representatives in the University Admissions Office assured Plaintiff that they would supply appropriate auxiliary aids and services and reasonable modifications of policy for her hearing disability so she would be able to effectively communicate with teachers and lecturers while taking University classes, lectures, study sessions/labs, and practicum.

29. In the Fall of 2013, on or about the time that Plaintiff Mohandes commenced taking classes in Defendant's graduate program (Psychology, Mental Health Counseling), Plaintiff provided Defendant's representatives with a copy of letter from her



medical provider confirming her hearing disability and need for accommodation (including the need for appropriate auxiliary aids and services and reasonable modifications of policy). See letter evidencing hearing disability which the Plaintiff submitted to the University in September of 2013 attached hereto as Exhibit A.

30. Defendant then provided to Plaintiff Mohandes pre-printed forms which the Plaintiff was required to fill in/sign her name and delineate the type of accommodation she would require in order to effectively communicate and comprehend the lecture, classroom, study sessions, and practicum sessions. Plaintiff dutifully completed the forms and turned them into the University administration offices as requested by University staff. See Exhibits “B,” “C,” and “D.”

31. Periodically throughout Plaintiff Mohandes’ tenure at the university as a graduate student, the Plaintiff has notified the University of her hearing impairment and requested accommodation. Further, when the University began to provide Reasonable Accommodation request forms, Plaintiff submitted the completed Accommodation forms to the University as follows:

See: copy of the University’s accommodation form which the Plaintiff completed and submitted for the Spring semester of 2016 attached hereto as Exhibit “B”.

See: copy of Renewal of Reasonable Accommodation which the Plaintiff submitted to the University on September 1, 2016 for the Fall Semester of 2016 attached hereto as Exhibit “C”.

See: copy of Renewal of Reasonable Accommodation form which the Plaintiff submitted to the University for the Spring 2017 semester attached hereto as Exhibit “D”.

32. At all times material hereto (throughout the time that Plaintiff Mohandes has been enrolled at the University and attending classes), Plaintiff Mohandes continually informed the University instructors as to her hearing disability and the need for accommodation in class, lecture, and practicum settings.

33. With Respect to the Reasonable Accommodation Services forms which the Plaintiff filled out and submitted to the University, Plaintiff Mohandes stated that she required appropriate auxiliary aids and services and reasonable modifications of policy including: i) front row seating, ii) the ability to record lessons/lectures, iii) advanced receipt of PowerPoint presentations (when applicable), and iv) extended test taking time. See Exhibits "B," "C," and "D."

34. At all times material hereto, Plaintiff Mohandes diligently attended classes at the University. However, at all times material hereto, the Defendant failed and refused to provide the appropriate auxiliary aids and services necessary for effective communication and failed to make reasonable modifications of policy for the Plaintiff as delineated on Defendant's own Reasonable Accommodations forms and as required by the ADA, Section 504, and the Department of Education.

35. Plaintiff Mohandes has diligently followed the University's Master Degree in Psychology, Mental Health Counseling program requirements from the time she enrolled in the program and through the current time.

36. At the commencement of each semester and for each class, Plaintiff Mohandes has approached each professor, lecturer, and instructor and informed them as to her hearing disability, and has requested the accommodations as delineated within University's Reasonable Accommodation Services forms.

37. Plaintiff Mohandes was rebuked on repeated occasions by the professors, lecturers, and instructors at the University. When professors, lecturers, and instructors, failed and refused to accommodate Plaintiff's hearing disability, the Plaintiff took her complaint regarding her professors, lecturers, and instructors' refusal to accommodate her to the office of University Administration.

38. University Administration officials did nothing to require the professors, lecturers, and instructors to accommodate the Plaintiff for her hearing disability. University Administration did nothing to follow the request for accommodation of Plaintiff's hearing disability as delineated within the University's Reasonable Accommodation Services forms.

39. As a result of the failure of the professors, lecturers, and instructors at the University failure to accommodate her needs, Plaintiff Mohandes has been forced to enroll in fewer classes each semester in order that she spend more time in studying due to her inability to comprehend the material presented in the classroom/lecture settings by the University's professors and lecturers.

40. Further, due to the failure and refusal of certain professors, lecturers, and instructors at the University to permit Plaintiff Mohandes to record the class lectures and presentation, and the failure of those professors, lecturers, and instructors to provide their lecture notes or outlines to the Plaintiff, she was unable to understand the course material presented in the lecture format, and was therefore unable to take notes to study for class tests and comprehension of the necessary material for the class.

41. Plaintiff Mohandes' inability to comprehend the course material presented orally in class and lectures has resulted in the Plaintiff failing to obtain a passing grade in

several classes, which has resulted in Plaintiff being required to re-take certain classes in the master's program. While following re-taking certain classes, the Plaintiff has obtained a passing grade and been permitted to continue the master's program. The issue has been (and continues to be) that re-taking classes would not have been required had Defendant provided the accommodations requested (provision of appropriate auxiliary aids and services and reasonable modifications of policy) so that the Plaintiff could comprehend the material provided orally in class sessions/labs, lectures, and practicum.

42. As a result of the University's failure and refusal to accommodate Plaintiff Mohandes, the length of time which it is taking the Plaintiff to obtain her Master Degree in Psychology has been double the amount of time students without hearing loss have taken to obtain the self-same degree.

43. The conduct of Defendant's representatives has been and continues to be unreasonable and discriminatory. As a result Plaintiff Mohandes has been discriminated against on the basis of her hearing disability.

#### **CLASS ACTION ALLEGATIONS**

44. Plaintiff Mohandes brings this case as a class action pursuant to Federal Rule of Civil Procedure Rule 23, in that the class is so numerous that joinder of all members is impracticable, there are questions of law and fact common to the class [F.R.C.P. Rule 23(a)(1)], the claims and defenses of the representative party is typical of those of the class [F.R.C.P. Rule 23(a)(3)], and Plaintiff Mohandes (as representative plaintiff) will fairly and adequately protect the interests of the class [F.R.C.P Rule 23(a)(4)].

45. The Hearing Loss Association of America reports that approximately 36 million American adults report some degree of hearing loss. Approximately 1 million Americans are functionally deaf.

46. According to the National Center for Education Statistics latest published census<sup>2</sup>, 77,000 students ages 3 to 21 years suffers from hearing impairments. There are a total of 17,108 students in the 18-21 age range, and students in post graduate education (two years Masters to 4 years PhD) total approximately 17,108 as well. The census by state indicates that Florida is the fourth most populated state, boosting a population of 19,552,860<sup>3</sup> and therefore contains .061855 of total US population<sup>4</sup>.

47. Separate census data states that Miami-Dade is the largest county in Florida with a population of 2,592,710<sup>5</sup>. Based upon colleges and universities in Miami-Dade which offer graduate programs, the possible Class of hearing impaired students attending the University between the 2013 and 2016 scholastic years is between 25 and 75 students.

48. The Class of Others Similarly Situated (Class members) which is to be represented by Plaintiff Mohandes is so numerous that a joinder of each individual member is impracticable; F.R.C.P. Rule 23(a)(1).

49. Plaintiff Mohandes is representative of the Class due to the fact that she suffers from a qualified disability in that her hearing is impaired which results in a substantial limitation of her ability to hear, and she requires auxiliary aids and services to

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<sup>2</sup> <https://nces.ed.gov/fastfacts/display.asp?id=64>

<sup>3</sup> <http://www.enchantedlearning.com/usa/states/population.shtml>

<sup>4</sup> <http://www.enchantedlearning.com/usa/states/population.shtml>

<sup>5</sup> <http://www.us-places.com/Florida/population-by-County.htm>

communicate and effectively comprehend class sessions/labs, lectures, and practicum as required for University studies.

50. The Defendant has discriminated against Plaintiff Mohandes and the members of the Class by denying them reasonable accommodations, including appropriate auxiliary aids and services and reasonable modifications of policy for students enrolled in classes, labs, lectures, and practicum.

51. The questions of law and fact relating to the representative Plaintiff Mohandes is similar and common to the law and fact questions which would be raised by other members of the Class if they were individually named plaintiffs herein.

52. Similarly, the claims and defenses to be raised by and against the parties herein are typical of the claims or defenses which would be raised by the members of the Class if they were a party to this action.

53. Plaintiff Mohandes seeks injunctive relief for the implementation of the relief provide by the ADA and Section 504 which is the same relief which would be sought by each class member if he or she brought a claim individually. Accordingly, Plaintiff Mohandes (as representative party for the Class) will fairly and adequately protect the interests of the Class.

54. The relief sought herein is for the benefit of all Class members and consistent injunctive relief should be provided for each Class member.

55. Prosecution of this matter by individual members of the Class would only create a risk of inconsistent and varying adjudications and the establishment of incompatible standard by the Defendant and adjudication which may be dispositive of the interest of the other Class members.

56. The questions of law and fact common to the Class members, such as the degree of non-compliance, which will be raised and adjudicated herein, predominate over any questions affecting only Plaintiff Mohandes or individual Class members. As a result, this class action is the optimal method for reaching a fair and efficient adjudication of the controversy raised herein.

57. Defendant has failed to provide any mechanism by which to adequately serve (educate) students with substantial limitations in hearing such as Plaintiff Mohandes and other Class members. The Defendant is operating its University (a Public Accommodation) in violation of Plaintiffs' rights as protected by the ADA and Section 504 and Plaintiff Mohandes and others similarly situated (Class members) are entitled to injunctive relief. 42 U.S.C. §12188.

58. Plaintiff Mohandes and others similarly situated (Class members) have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit for declaratory judgment and injunctive relief is their only means to secure adequate redress from Defendant's unlawful and discriminatory practices.

59. Plaintiff Mohandes and other plaintiffs similarly situated (Class members) will continue to suffer irreparable injury from Defendant's intentional acts, policies, and practices set forth herein unless enjoined by the Court.

60. Notice to Defendant Universidad Carlos Albizu (Carlos Albizu University), Inc. is not required as a result of its failure to cure the violations.

**ALLEGATIONS SUPPORTING DECLARATORY AND INJUNCTIVE RELIEF**

61. Plaintiffs re-allege the allegations contained in ¶¶s 1 – 60 as though fully set forth herein.

62. On its website at <http://www.albizu.edu/Discover-CAU/About-CAU/-Our-Values> . Defendant has published the University's values which include a respect for diversity and a commitment to social responsibility. By such values, the public would expect the University to adhere to the ADA and Section 504's statutes and regulations which require universities (such as Defendant's University) to accommodate individuals with disabilities by providing furnishing auxiliary aids and services necessary for effective communication and making reasonable modifications of policy so as to allow students with disabilities to fully participate in all of the programs, services, and activities the University offers.

63. The University has failed and refused to provide accommodation, and in so failing, has made a mockery of the values it purports to represent in its Websites' decree as to diversity and social responsibility.

64. Defendant has published a Student Guide to Reasonable Accommodation (also referenced herein as "Guide"), which is available in PDF format on its website at <http://www.albizu.edu/Portals/0/Repository/2/Manual%20of%20Regulations%20and%20Procedures%20of%20Reasonable%20Accommodations.7180c8b9-5b46-4aea-825f-61a6978fbac.pdf> and which is attached hereto as Exhibit "E". Defendant's Student Guide delineates the federal regulations which the University is required to comply with pursuant to Section 504<sup>6</sup> and delineates the Universities duties to accommodate students who identify as disabled<sup>7</sup>. The Guide specifically states that all students have the right to request the University's Student Disabilities Service Coordinator and those students have a right for their special needs to be met.

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<sup>6</sup> Section I and II of the Guide, Exhibit "D"

<sup>7</sup> Section V of the Guide at Exhibit "D"



65. The Guide categorically states that University professors have the duty to provide reasonable accommodation to disabled students, and such duty is not at the discretion of each professor<sup>8</sup>.

66. The Guide lists types of accommodation provided to students with disabilities which include, but are not limited to: “allowing the use of recorders, scribe services, or voice to text software, allowing additional time to complete exams and written work, providing preferential seating in the classroom, offering oral or electronic exams, among others.”<sup>9</sup>

67. Defendant has failed to adhere to its Student Guide to Reasonable Accommodation in numerous ways. Defendant has failed to provide appropriate auxiliary aids and services and make reasonable modifications of policy to avoid discrimination on the basis of disability to individuals with hearing disabilities at its Carlos Albizu University (Miami, Florida campus) in accordance with 42 U.S.C. §§12181-12189, 28 C.F.R. Part 36 , and 34 C.F.R. Part 104 (subparts A, C, and E).

68. Following failing to reasonably accommodate the Plaintiff, Defendant has failed to adhere to its Student Guide to Reasonable Accommodation by failing to follow its own complaint procedures. For example, when Plaintiff Mohandes went to the Administration office of the University, she was not given a complaint/grievance form. Nevertheless, she persisted in lodging her complaint(s) that various professors refused to provide accommodation (such as being permitted to record class lectures, as the Guide permits as an accommodation).

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<sup>8</sup> Section V of the Guide at Exhibit “D”

<sup>9</sup> Section II of the Guide at Exhibit “D”

69. In this instant case, Plaintiff Mohandes' complaints were completely ignored. University representatives did nothing to assist Plaintiff Mohandes by requiring her professors to permit her to record class lectures. Such failure and refusal led to Plaintiff Mohandes ultimately failing classes which professors refused to permit her to record the lectures within.

### **DECLARATORY RELIEF**

70. Plaintiff Mohandes, on her own behalf and on behalf of Class members, realleges and incorporates by reference the allegations set forth in ¶¶s 1 – 77 herein above.

71. An actual and substantial controversy exists between Plaintiffs and Defendant over the Defendant's duty to comply with the statutes and regulations of the ADA and Section 504.

72. This case is justiciable because Defendant has failed to timely comply the statutes and regulations of the ADA and Section 504.

73. Declaratory relief will clarify the rights and obligations of the parties and is, therefore, appropriate to resolve this controversy.

74. Defendant has failed to adhere to its Statement of Values and its Student Guide to Reasonable Accommodation. Defendant has failed to provide appropriate auxiliary aids and services and make reasonable modifications of policy to avoid discrimination on the basis of disability to individuals with hearing disabilities at its Carlos Albizu University (Miami, Florida campus) in accordance with 42 U.S.C. §§12181-12189, 28 C.F.R. Part 36 , and 34 C.F.R. Part 104 (subparts A, C, and E).

75. Plaintiffs have been injured by Defendant's failure to comply with the statues and regulations of the ADA and Section 504.

76. Plaintiffs have no plain, speedy, or adequate remedy at law.

77. Plaintiffs' claims for relief are ripe.

78. If not enjoined by this Court, Plaintiffs allege on information and belief that Defendant will continue to violate to violate the provisions of the ADA and Section 504.

79. Accordingly, injunctive relief is appropriate.

**COUNT I – VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT  
AND SECTION 504**

80. Plaintiff Mohandes, on her own behalf and on behalf of Class members, realleges and incorporates by reference the allegations set forth in ¶¶s 1 – 79 herein above.

81. Plaintiff Mohandes has a qualified disability and has otherwise demonstrated that she has the ability to fulfill the requirements to obtain a Master Degree in Psychology<sup>10</sup> based on: i) the Plaintiff's receipt of an Undergraduate Degree from Miami-Dade University, ii) the Plaintiff's acceptance to the Defendant's graduate program, and iii) the number of classes taken and passed by the Plaintiff.

82. On information belief, other individuals are similarly situated (Class members) as Plaintiff Mohandes.

83. The courts have held that, once a student has sufficiently documented that he (or she) has a qualifying disability, a college (Public Accommodation) is responsible

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<sup>10</sup> Mental Health Counseling program

for providing appropriate auxiliary aids and services and reasonable modifications of policy (accommodations) that do not result in unfair advantage, require significant alteration to its programs or activities, result in the lowering of academic or technical standards, or cause the college to incur undue financial hardship.

84. When accommodations are necessary, they must be provided in a timely fashion (Smith v. State University of New York, 1:00-cv-1454, 1997; 2003 US Dist. Lexis 6835). Accommodations include, but are not limited to, adjustments in time lines for the completion of degree requirements, and adaptation of specific courses in the way they are delivered, Smith supra.

85. Public Accommodations such at the Defendant University must provide auxiliary aids and services, which include (among other things):

- a) qualified interpreters, note takers, computer-aided transcription services, written materials, 28 C.F.R. §36.303(b)(1);
- b) qualified readers, taped texts, audio recordings, or other effective methods of making visually delivered materials, 28 C.F.R. §36.303(b)(2);
- c) acquisition or modification of equipment or devices, 28 C.F.R. §36.303(b)(3); and/or
- d) other similar services and actions, 28 C.F.R. §36.303(b)(4).

86. 28 C.F.R. §36.303(c) states that a Public Accommodation must furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities.

87. 28 C.F.R. §36.303(f) states that, in the event that a particular auxiliary aid or service would result in a fundamental alteration or undue burden a public accommodation must provide an alternative auxiliary aid(s) or service(s).

88. Defendant's Carlos Albizu University Miami Florida campus is subject to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §§s 700-708, 794) due to the fact that funding for programs, activities (in part) has been provided through federal financial assistance from the U.S. Department of Education.

89. As an accredited University, students attending Carlos Albizu University Miami Florida campus institution are able to receive financial aid, federal guaranteed student loans, and grants to pay for the tuition (cost) of attending the University. Such funding sources subject the University, and the Defendant, to Section 504.

90. Under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 prohibits discrimination on the basis of disability against students with disabilities. The determination of disabled status under Section 504 is identical to that delineated within the ADA.

91. Further, Title III of the ADA prohibits private colleges and universities from discriminating against people with disabilities; 42 U.S.C. §12182.

92. In the instant case, while Defendant has provided 'window dressing' to address students with disabilities by providing forms to indicate requirements for reasonable accommodations, in the case of students with substantial hearing loss, the Defendant has failed and refused to provide auxiliary aids or services and has failed to make reasonable modifications of its policy (such as allowing the Plaintiff Mohandes to record presentations and lectures, the provision of a note taker, and obtaining a copy of the lecturer/professor's lecture notes/outline), even when such auxiliary aid or service or modifications of policy would be a de minimis cost to the Defendant.

93. The Defendant could have provided de minimus cost accommodation to the Plaintiff such as permitting the Plaintiff additional time to take exams, permitting the Plaintiff to re-take a class previously taken with an alternate instructor (who would permit the Plaintiff to record the lecture/class presentations), or permitting the Plaintiff to record the lecture/class presentation(s), all of which would have accommodated the Plaintiff's hearing disability.

94. Despite having knowledge of the Plaintiffs' hearing disability and a timely request for accommodation<sup>11</sup>, Defendant's representatives repeatedly refused to provide accommodations to the Plaintiff which would have assisted the Plaintiff in processing the information disseminated in those subjects in an alternative manner to assist Plaintiff in the learning process.

95. As a result of Defendant's representatives repeatedly and continually failing to accommodate the Plaintiff's hearing disability, Plaintiff Mohandes failed several classes on multiple occasions and was required to re-take the same class and re-pay tuition for that same class at Defendant's University. Defendant's actions resulted in the Plaintiff needing additional time to graduate and added costs due to paying additional tuition for the classes required being re-taken.

96. On information and belief, as a private university (a public accommodation defined by §12181(7)(J)), Defendant placed its primary objective on generation of revenue through tuition payments instead of accommodating the needs of the Plaintiff and Class members. The Defendant's tuition-fee driving business model was/is bereft of purpose of a learning institution, and in so applying this model,

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<sup>11</sup> (as evidenced by submission by Plaintiff Mohandes' Request for Accommodation)

Defendant failed to accommodate the Plaintiff and Class members with her/their hearing disability(ies).

97. Thus, the Plaintiff and Class members have been encumbered with an inordinate amount of student loan debt, and has/have been denied the ability to graduate within a reasonable time.

98. Plaintiff's and Class members hearing disability is defined in 28 C.F.R. §35.104(1)(A) and §35.104(1)(B)(ii) and therefore they are entitled to the protections of the ADA under 42 U.S.C. §12181, et. seq and Section 504.

99. Public Accommodations such as the Defendant's University are required to provide full and equal enjoyment of their services, facilities, privileges, advantages, and accommodations in the most integrated setting appropriate to people with disabilities. 42 U.S.C. §12181(7)(J), §12182(a); 28 C.F.R. §36.203(a),(b). Specifically, the public accommodation must:

- a) Ensure that no individual is discriminated against on the basis of disability in the full and equal enjoyment of the services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person (or, private entity) that owns, leases, or operates a place of public accommodation. 42 U.S.C. §12182(a); 28 C.F.R. §36.201(a),
- b) Ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e.,

significant difficulty or expense. 42 U.S.C. §§ 12181(9), §12182(a), 12182(b)(2)(A)(ii), 12182(b)(2)(A)(iii).

c) Ensure that no individual with a disability is denied services or otherwise treated differently than other individuals because of the absence of auxiliary aids and services<sup>12</sup>. 28 C.F.R. §36.303(c)

100. By the Defendant's completely unreasonable failure and refusal to accommodate Plaintiff Mohandes and Class members for her/their disability(s), the Defendant has violated Title III of the ADA and Section 504 in numerous ways, including discriminatory action which occurred when the Defendant:

a) Failed to maintain policies and procedures to ensure compliance with Title III of the ADA and of 28 C.F.R. §36.301; specifically failure to maintain policies to accommodate individuals with hearing disabilities at graduate educational institutions (a Place of Public Accommodation),

b) Denied full and equal access to, and full and equal enjoyment of, services, facilities, privileges, and other advantages of the Public Accommodation (the University) in violation of 42 U.S.C. §12181(7)(J), §12182(a); 42 U.S.C. §§12182(b)(2)(A)(ii), (iii); 28 C.F.R. §36.302(a).

101. Pursuant to 42 U.S.C. §12188(a)(2), this Court is vested with the authority to grant the Plaintiff injunctive relief; including an order to require the Defendant to assure that the University, which is a Place of Public Accommodation, provide note takers, extra time for tests, and other accommodations to individuals with hearing

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<sup>12</sup> unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden (i.e. significant difficulty or expense)



disabilities who are enrolled in and/or taking classes at the University and further permit such individuals to record class presentations and lectures and/or copies of lecture notes in order that such individuals can comprehend class presentations and lectures.

102. The Court is vested with the authority to require the Defendant to assure that the University accommodates individuals with learning disabilities.

**COUNT II – VIOLATIONS OF TITLE 34, PART 104 NON-DISCRIMINATION  
ON THE BASIS OF HANDICAP IN PROGRAMS RECEIVING FEDERAL  
FINANCIAL ASSISTANCE**

103. Plaintiff Mohandes, on her own behalf and on behalf of Class members, re-alleges and incorporates by reference the allegations set forth in ¶¶s 1 – 79 herein above.

104. Plaintiff Mohandes, on her own behalf and on behalf of Class members, meets the definition of a qualified handicapped person according to 34 C.F.R. §104.3(1)(3) and, at all times material herein, obtained Federal financial assistance in the form of federal student loans in order to attend Defendant's University.

105. By virtue of the fact that the Defendant received loans and/or funds based on financial aid provided by the federal government to students attending Defendant's University, the Defendant is the recipient of federal financial assistance from the Department of Education, and is therefore subject to 34 C.F.R. Part 104, specifically Subpart E, postsecondary education.

106. The Defendant's is principally engaged in the business of providing education, therefore the University's programs and activity are subject to 34 C.F.R. §104.3(k)(3)(B) and §104.41.

107. The Defendant has failed and refused to accommodate Plaintiff Mohandes

(and Class members similarly situated) for her/their hearing disability(ies) by its failure to provide auxiliary aids or services to the Plaintiffs, in violation of 24 C.F.R. §104(a) and §104(b)(iv).

108. By failing to provide accommodation to Plaintiff Mohandes (and Class members similarly situated) for her/their hearing disability(ies), the Defendant is violative of 24 C.F.R. §104(b)(4).

109. As to Plaintiff Mohandes, Defendant has required the Plaintiff to re-take classes which Plaintiff has failed due to the University's failure to provide appropriate auxiliary aids and services. At times, Defendant has required the Plaintiff to re-take failed classes with the same instructor who initially refused to accommodate the Plaintiff for her hearing disability. In all instances where Plaintiff has been required to re-take such classes, Defendant has charged the Plaintiff tuition and student fees/costs for attending/re-taking the failed class, in further violation of 24 C.F.R. §104.43(c).

110. On information and belief, Defendant has required Class members to similarly (as with ¶71 above) re-take classes Class members have failed due to Defendant's failure to provide appropriate auxiliary aids and services. In so doing, Defendant has charged Class members tuition and student fees/costs for attending/re-taking the failed class, in further violation of 24 C.F.R. §104.43(c).

111. The Defendant failed and refused to modify its policies and procedure necessary to insure that its requirements did not discriminate or have the effect of discriminating on the basis of handicap, against Plaintiff Mohandes, a qualified handicapped student and Class members, in violation of 24 C.F.R. §104.44(a).

112. The Defendant failed to modify its program degree requirements, and to

substitute specific courses for the completion of the degree requirements for Plaintiff Mohandes (and Class members) as qualified handicapped students, when professors teaching specific subjects failed to permit the Plaintiff Mohandes (and Class members) to record their lectures/class presentations, in violation of 24 C.F.R. §104.44(a).

113. The Defendant failed to take any action whatsoever to ensure that the Plaintiff Mohandes and Class members (being hearing impaired students), received auxiliary aids and reasonable accommodation necessary<sup>13</sup> to insure that the hearing impaired students received the benefits of education at the Defendant's University. By taking no action, the Defendant is in violation of 24 C.F.R. §104.44(d)(1).

114. Pursuant to 34 C.F.R. Part 104, this Court is vested with the authority to require that the Defendant provides appropriate accommodation to Plaintiff Mohandes (and Class members) with respect to their hearing disabilities, in the present, in the future, and with respect to the Defendant's past failure to do so.

### **COUNT III - VIOLATION OF FLORIDA STATUTES – CIVIL RIGHTS**

115. Plaintiff Maria Teresita Valledor Mohandes, on her own behalf and on behalf of Class members, re-alleges and incorporates by reference the allegations set forth in ¶¶s 1 – 79 herein above.

116. The purpose of the Florida Civil Rights Act of 1992 is to secure for all individuals within the state freedom from discrimination because of (among other things) handicap, and thereby to (among other things) protect their interest in personal dignity, to make available to the state their full productive capacities and to promote the interests, rights, and privileges of individuals within the state; F.S. §760.01(2).

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<sup>13</sup> i.e.: be permitted to record lectures/class presentations

117. The Defendant has violated Florida Statute §760.08, which provides all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, and advantages in any of Public Accommodation, without discrimination or segregation on the grounds of handicap.

118. The violations of Florida law were deliberate and knowing.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Maria Teresita Valledor Mohandes, on her own behalf and on behalf of Class members, respectfully prays that this Court grant the following general relief against Defendant Universidad Carlos Albizu (Carlos Albizu University), Inc., including entering a declaratory judgment, pursuant to Rule 57 of the FRCP stating that the Defendant's practices, policies, and procedures have subjected Plaintiff and Class members to discrimination in violation of Title III of the ADA and Section 504, and permanently enjoin the Defendant from any practice, policy and/or procedure which will deny accommodations to integrate individuals with learning disabilities within Defendant's public accommodation. This includes entry of a permanent injunction ordering the Defendant Universidad Carlos Albizu (Carlos Albizu University), Inc. to:

a) The Court to certify this matter as a Class action on behalf of the Class defined above, appoint Plaintiff Maria Teresita Valledor Mohandes as Class representative, and appoint the undersigned as Class counsel;

b) The Court issue a declaratory judgment that Defendant has not adhered to, and is therefore in violation of, its Student Guide to Reasonable Accommodation and its Core Value Statement as to diversity and social responsibility (and in so

failing, has violated the Plaintiff Mohandes' and Class members rights as guaranteed by the ADA and Section 504 of the Rehabilitation Act);

c) The Court issue a declaratory judgment that Defendant Universidad Carlos Albizu (Carlos Albizu University), Inc. has violated the Plaintiff Mohandes' and Class members rights as guaranteed by the ADA, Section 504 of the Rehabilitation Act, and the Department of Education;

d) The Court issue a declaratory judgment that the policies and procedures of Defendant have violated Florida Statue §760 in that the Defendant failed to consider and accommodate the needs of individuals with hearing disabilities to the full extent required by Florida law;

e) The Court enter an Order compelling Defendant to adhere to its Student Guide to Reasonable Accommodation and its Core Value Statement as to diversity and social responsibility;

f) The Court enter an Order compelling Defendant to appoint, employ and retain an ADA coordinator to insure that the needs of individuals with hearing disabilities are met, as delineated within Defendant's Student Guide to Reasonable Accommodation and its Core Value Statement, the ADA and Section 504;

g) The Court enter an Order compelling Defendant to contract with an independent ADA expert/consultant for the purposes of that ADA expert/consultant review the University's policies, practices and procedures for five years commencing from the date of the Court's Order to insure that Defendant is in compliance with the ADA and Section 504;

h) The Court enter an Order compelling Defendant to provide for appropriate accommodations to individuals who have hearing disabilities including provision of appropriate auxiliary aids and services and reasonable modifications of policy;

i) The Court enter an Order compelling Defendant to provide training to its staff and professors as to their obligation to appropriate auxiliary aids and services and reasonable modifications of policy to students with disabilities;

j) The Court enter an Order requiring Defendant to promulgate and comply with policies and procedures to ensure that the Defendant and its staff (employees, administrators, and educators,) do not discriminate against individuals with substantial hearing loss, and that the Defendant accommodate individuals with substantial hearing loss in accordance with Title III of the ADA, 42 U.S.C. §§12181-12189 and Section 504;

k) The Court to enter an Order that the Defendant permit Plaintiff Mohandes and Class Members to re-take the classes said individuals have failed to obtain a passing grade due to Defendant's failure to accommodate said individuals due to their hearing disabilities (such as by failure to permit Plaintiff Mohandes to record class presentations/lectures) without charge of tuition or fees<sup>14</sup>, with the requisite accommodations which the Plaintiffs require due to their hearing disabilities;

l) The Court to enter an Order that the Defendant award Plaintiff Mohandes a Master's degree in the Mental Health Counseling program following

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<sup>14</sup> With respect to Plaintiff Mohandes, Master's degree in the Mental Health Counseling program

Plaintiff's passing classes to be retaken and completion of the Counseling Clinical Practicum (likewise, provide the same relief to Class Members as applicable);

m) The Court to enter an Order that the Defendant cancel any and all costs for tuition and fees charged by the Defendant for any classes which the Plaintiff Mohandes has/have been required to re-take due to the Defendant's failure and refusal to accommodate Plaintiffs for their hearing disability (likewise, provide the same relief to Class Members as applicable).

n) The Court to enter an Order that the Defendant re-pay to financial institution<sup>15</sup> which issued the tuition and fees to the Defendant University the full complement of tuition and fees for any classes which Plaintiff Mohandes has been required to re-take due to the Defendant's failure and refusal to accommodate Plaintiff for her hearing disability so that the Plaintiff has effectively no student loan (debt) for classes she has been required to re-take due to the Defendant's failing to accommodate the Plaintiff for her hearing disability (likewise, provide the same relief to Class Members as applicable).

o) The Court to enter an Order that the Defendant pay to the financial institution which issued the tuition and fees to the Defendant University any and all student loan interest, late fees, and penalties incurred (if any) by Plaintiff Mohandes for any classes she has been required to re-take due to the Defendant's failing to accommodate the Plaintiff for her hearing disability such that the total amount remaining to be paid for student loans equals the base tuition for the University's

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<sup>15</sup> If said financial institution has transferred the debt to another institution, then the financial institution holding the student loan / debt should be substituted throughout.

Master's Degree in Psychology<sup>16</sup> (likewise, provide the same relief to Class Members as applicable).

p) The Court to enter an Order that the Defendant compensate Plaintiff Mohandes for the opportunity cost of the income which the Plaintiff has been denied due to the additional time to complete the University's Master's Degree in Psychology due to the failure of the Defendant to accommodate the Plaintiff for her hearing disability during the duration of Plaintiff's education at the University (likewise, provide the same relief to Class Members as applicable);

q) The Court to award compensatory damages including but not limited to mental anguish, loss of dignity, and any other intangible injuries;

r) Award reasonable costs and attorneys fees; and

s) Award any and all other relief that may be necessary and appropriate.

Dated this February 17, 2017

Respectfully submitted,

*s/Scott Dinin*  
Scott R. Dinin, Esq.  
Scott R. Dinin, P.A.  
4200 NW 7<sup>th</sup> Avenue  
Miami, Florida 33127  
Tel: (786) 431-1333  
[inbox@dininlaw.com](mailto:inbox@dininlaw.com)  
*Counsel for Plaintiff*

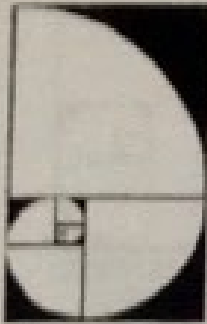
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<sup>16</sup> Mental Health Counseling program



**EXHIBIT 'A'**

M. Mohandes 148@  
sunmail.albizu  
Daniel Gibbons, Au.D.  
Doctor of Audiology  
Hearing Aid Specialist



**GREATER MIAMI EAR ASSOCIATES, P.L.**

3661 South Miami Ave, STE 409  
Miami, Florida 33133  
Telephone# 305-722-6125  
Fax# 786-662-3531

Division of Vocational Rehabilitation  
8700 W. Flagler Street, Suite 403  
Miami, FL 33174  
Attn: Milagros Rios

RE: Mohandes, Maria  
DOB: 11/05/1968

Dear Milagros Rios:

Maria Mohandes, a 44 year old female, was seen on September 20, 2013 for a hearing aid evaluation. An audiological evaluation performed in the office on September 20, 2013 revealed a moderately severe sensorineural hearing loss in the right ear and a profound sensorineural hearing loss in the left ear. Speech detection thresholds were obtained at 60 dBHL in the right ear and at 110 dBHL in the left ear. Speech discrimination was excellent in the right ear and could not be completed in the left ear due to the severity of loss.

Ms. Mohandes is in need of amplification particularly in the school and work environment. Digital technology is recommended to reduce background noise, improve word recognition in the presence of noise and improve sound localization. The most appropriate fitting would be a receiver in the ear style hearing instrument to give an adequate amount of amplification along with the CROS system to give localization to sound. The following hearing devices are recommended:

- Brand Name and Model: (1) \$1999.00 Audeo Q90 312
- Brand Name and Model: (1) \$699.00 CROS
- Professional Fee \$950.00

Total price of the hearing device and professional services = \$ 3648.00 with 1 year warranty repair/loss and damage.

If further information is needed, please do not hesitate to contact me.

Sincerely

Daniel Gibbons, Au.D  
Doctor of Audiology  
FL License # AY1769

**EXHIBIT 'B'**

Please remember that you are responsible for making copies and distributing your accommodation document to your professor. Also, if you would like to continue to receive accommodations for the FA16-SU16 you must fill out the renewal form and return it to Student Affairs no later than June 1, 2016.

Dis: Warm regards,  
 Maria Campana

ID# 217748

FROM: Mrs. Fina Campa, LM

STUDENT NAME: Maria Mohanoes

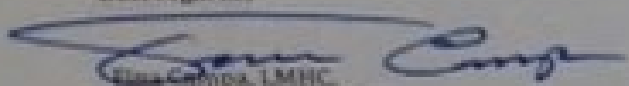
ACADEMIC SESSION: Spring 2016

In order for this course to be accessible for this student, the student needs:

- Front row seating
- Record lessons (Audio only and you must destroy recording once the course has been completed)
- Advance receipt of syllabus
- Advance receipt of book list
- Advance receipt of PowerPoint presentations when applicable
- Extended test taking time/time extension not to exceed 150% (Time and a half)
- Extended test taking time (independent environment)/time extension not to exceed 150% (When applicable)
- Extra breaks during class
- Other:

In order to maintain confidentiality, it is necessary that questions regarding our services or the student's disability be addressed outside the classroom to the student or to me. Please feel free to contact me if you have any questions at (305)593-1223 ext. 3102 or via e-mail at [fcampa@albita.edu](mailto:fcampa@albita.edu).

Best regards,

  
 Fina Campa, LMHC  
 Dean of Student Affairs

**EXHIBIT 'C'**

### Renewal of Reasonable Accommodation Services

(Please print in block letters)

Student's Name: Maria T. Morales Vellator

Date: Sep 1, 2016

Student ID: 217745

Academic Year: 2016

Phone Number: 786-449-7490

Email: mrmorandes@48

Email: NTEN99 @ outlook .com

Major: Master's in MHC

Mailing Address: P.O. Box 11225 Miami, FL 33101

I will be requesting accommodations for the  FA16  SP17  SU17

Years of study at the University: 1<sup>st</sup> year  2<sup>nd</sup> year  3<sup>rd</sup> year  4<sup>th</sup> year  5 or more

Gender:  Male  Female

Service for which you are applying:

- Amanuensis
- Additional time during tests
- Additional time to hand in assignments
- Use of a recorder
- Front row seating in the classroom
- To speak clearly and in front of the student
- Other

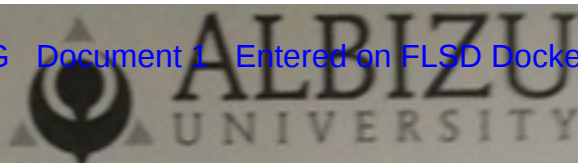
If you chose other, please specify below:

~~\_\_\_\_\_~~ Please, I am in need of  
 Comments: close captions, or a note taker, video recording, or  
anything that falls under the disability act that says  
I am entitled to having.  
Thank you

The student is responsible for presenting Albizu University every document that is needed to process the Request for Reasonable Accommodation.

Students Signature: Maria T. Morales Vellator Date: Sept 1, 2016

**EXHIBIT 'D'**



Office of Student Affairs

----CONFIDENTIAL----

Disability Accommodations Disclosure

FROM: Student Affairs Department

STUDENT NAME: Maria Mohandes

ID# 217748

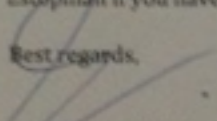
ACADEMIC SESSION: SP17

In order for this course to be accessible for this student, the student needs:

- Front row seating
- Record lessons (Audio only and you must destroy recording once the course has been completed)
- Advance receipt of syllabus
- Advance receipt of book list
- Advance receipt of PowerPoint presentations when applicable
- Extended test taking time/time extension not to exceed 150% (Time and a half)
- Extended test taking time (independent environment)/time extension not to exceed 150%. (When applicable)
- Extra breaks during class
- Other:

In order to maintain confidentiality, it is necessary that questions regarding our services or the student's disability be addressed outside the classroom to the student or to me. Please feel free to contact Mrs. Monica Estopinan if you have any questions at (305)593-1223 ext. 3208 or via e-mail at [mestopinan@albizu.edu](mailto:mestopinan@albizu.edu).

Best regards,

  
Edjek Lemus, D.B.A  
Interim Dean of Student Affairs



**EXHIBIT 'E'**

**STUDENT GUIDE TO REASONABLE ACCOMMODATION  
CARLOS ALBIZU UNIVERSITY**

**INTRODUCTION**

The Carlos Albizu University (CAU) is a specialized, private, non-profit university. It does not discriminate against of race, color, creed, sex, sexual orientation, age, religion, life style, national origin, or disability of any applicant, student, faculty member, or employee during the process of admission, contracting, promotion, or any other activity part of academic programs or services. The policies and procedures employed therein are developed in accordance with the regulations established in basis of state and federal laws and other applicable legislation.

CAU program professional accreditation associations and commissions comply with the laws and policies that prohibit discrimination as well as promote agency management regulations. These are: The Puerto Rico Council of Education (CEPR, Spanish acronym), responsible for the management of public policy on education in Puerto Rico; the Florida Department of Education, Commission for Independent Education which provides regulatory oversight for private institutions in the State of Florida; the Middle States Commission on Higher Education (MSCHE) committed to maintaining and promoting educational excellence within institutions with varied missions, student populations, and resources; the American Psychological Association (APA), which is the entity that provides accreditation to clinical psychology doctoral programs; and the Council for Academic Accreditation in Audiology and Speech-Language Pathology (CAA), which credits the Master's Degree Program on Speech and Language Pathology.

**MISSION**

The CAU is a higher education institution dedicated to academic excellence and to research from a pluralistic and multidimensional perspective. We educate students to serve a highly complex and diverse society with sensitivity towards the needy. We contribute to the improvement of the quality of life and to the integration of our communities by educating professionals with multicultural competencies. We are distinguished by an educational philosophy of social commitment in all our programs and services.

**VISSION**

CAU will be a leader in higher education for the transformation of the social environment. We will be the reference institution that will contribute to a better decision-making process at the local, national and international levels, in multicultural settings, thus contributing to the growth of human knowledge and the promotion of social justice and a culture of peace.

Students Guide to Reasonable Accommodation  
Carlos Albizu University

## **I. Legal Basis:**

These Acts prohibit discrimination in order to provide persons with disabilities equal conditions and opportunities as the rest of the community.

### **Americans with Disabilities Act (ADA, 1990)**

The Americans with Disabilities Act (ADA) is a national mandate that provides protection to the civil rights of persons with disabilities. This federal law establishes that a physical or mental disability in no way diminishes a person's right to participate in all aspects of society.

### **Section 504 of the Rehabilitation Act (1973)**

Section 504 of the Rehabilitation Act of 1973 grants persons with disabilities the same rights and opportunities enjoyed by the rest of the citizens. This Act establishes that no otherwise qualified handicapped individual shall, solely by reason of a person's disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance.

### **Americans with Disabilities Act Amendments Act of 2008 (ADAAA, 2008)**

On January 2009, amendments to the ADA and the Rehabilitation Act of 1973 entered into effect, which makes important changes to the definition of the term "disability" in accordance with Section 504 of the Rehabilitation Act of 1973. Such amendments are included in the provisions established in this guide.

## **II. Definitions:**

**Reasonable accommodation:** Adjustments or modifications to a course, program, service, or facility that enables a student with disabilities to enjoy equal benefits and privileges of the program. Accommodations must be made on a case-by-case basis, because the nature and extent of a disabling condition and the requirements of the student will vary. Some examples of reasonable accommodation are: reducing academic load, substituting courses, allowing the use of recorders, scribe services, or voice to text software, allowing additional time to complete exams and written work, providing preferential seating in the classroom, offering oral or electronic exams, among others. (See, Appendix A)

**Licensed Professional Counselor (LPC):** Mental-health professional that provides individual or group counseling services in the areas of personal, career, and educational development. Furthermore, the Counselor shall coordinate services for students with disabilities and notify CAU students of available services.

Students Guide to Reasonable Accommodation  
Carlos Albizu University

**Disabilities Service Coordinator with Section 504 responsibilities:** Federal law requires that every university receiving federal funds contracts or ascertain a person to coordinate the university services in compliance with Section 504 regulations of the Rehabilitation Act. At the CAU, San Juan Campus, the Licensed Professional Counselor (CPL) is also the Disability Service Coordinator. The Office of the Dean of Student Affairs provides leadership in this regard in the Miami Campus. This role falls under the leadership of Student Services and is independent of the faculty and academic program management.

**Documentation:** Federal regulations allows for a reasonable level of related documentation to process reasonable accommodation requests. The following are acceptable sources of documentation that may be requested:

a) Primary Documentation: the student's self-report. The student provides a narrative of his/her experience of disability, barriers, and effective and ineffective accommodations.

b) Secondary Documentation: impressions and conclusions formed by the coordinator during interviews and conversations with the student or in evaluating the effectiveness of previously implemented or provisional accommodations. Observations of students' language, performance, and strategies are also an appropriate tool in validating student narrative and self-report.

c) Tertiary Documentation: information from external or third parties, such as reports and assessments created by health care providers, specialized physicians and mental health professionals, among others.

According to the Federal regulations, the Disabilities Service Coordinator shall be empowered to determine the disability documentation necessary to review a reasonable accommodation request.

**Chronic Illness:** a recurrent and long term illness, such as diabetes, heart, kidneys or liver diseases, high blood pressure, or ulcers.

**Disability:** a physical or mental condition which substantially limits one or more principal activities of daily living. Some routine activities that people tend to do everyday without needing assistance are: taking care of oneself, walking, seeing, hearing, talking, breathing, learning, working, reading, concentrating, and thinking. The term "principal activity of daily living" must be broadly interpreted. Furthermore, the term 'disability' states the following:

a) A list of mental or physical conditions that directly classify a person with a disability does not exist.

b) Episodic conditions or illnesses in remission are covered when they are active.

Students Guide to Reasonable Accommodation  
Carlos Albizu University

c) Protection or accommodation cannot be denied because a person uses a mitigating measure or palliative means, such as taking medication to treat a physical or mental illness (the only exception is the use of eyeglasses that correct vision problems).

d) A person who has a history of these disabilities but is no longer disabled, or who has been incorrectly classified as having a disability, or who does not have a disability but who is related or perceived by others as having a disability are protected under law (Examples: persons with a history of physical or emotional impairments, heart disease, cancer, or persons incorrectly diagnosed with mental retardation).

**Hidden or invisible disabilities:** physical or mental disabilities that are not apparent to others, such as: specific learning problems, diabetes, epilepsy, allergy, vision or hearing difficulties, heart disease, or any other illnesses including chronic illnesses.

**Physical Disability:** any physiological condition or disorder, bodily disfigurement, or anatomical loss which affects one or more of the following systems: neurological, musculoskeletal, respiratory, cardiovascular, reproductive, digestive, genitourinary, hematologic, lymphatic, endocrinology, and integumentary. It also includes disorders or physiological illnesses in the sensory organs.

**Mental Disability:** any mental or emotional disorder, such as mental retardation, organic brain syndrome, and specific learning problems.

**Reasonable Level of Documentation:** means the necessary information to process a reasonable accommodation request. The coordinator does not solicit inappropriate or unnecessary information or evidence.

**Reasonable Accommodation Requester:** a person who discloses information about his/her disability, whether verbally, communicating his/her diagnosis and experiences as a person with disabilities, or in writing, by providing information certified by a physician, psychologist, or other health care professional. In order to process a reasonable accommodation request provide said accommodation, the student with disabilities must disclose medical information to the Disabilities Service Coordinator. The student will have 15 days to complete the file at the Office of the Disabilities Service Coordinator.

**Extended Admission:** In Puerto Rico, Extended Admission may be offered by student petition into the bachelor's degree program in order to identify the academic potential of a person with disabilities. The process of admission shall use the basis of the Reasonable Accommodation Passport and the extended admission request.

**Postsecondary Reasonable Accommodation Passport:** document that certifies that a student with disabilities meets the necessary requirements to take up postsecondary studies. This passport shall contain a description of reasonable accommodations that were successful to the

Students Guide to Reasonable Accommodation  
Carlos Albizu University

student in high-school and that may recorded as requirements and necessary to participate in the process of admission and test taking, as well as in postsecondary education services.

**Admission Evaluation Committee:** a group of professionals that work in and for the higher education institution composed of the licensed professional counselor, the Dean of Students or his/her representative, an admissions officer, and a representative of the department the student is interested in entering. This committee is responsible for establishing the process of extended admission, which may include a personal interview with the student, evaluations, workshops, special courses, and others.

### **III. Extended Admission**

Applying to students seeking enrollment in Puerto Rico, on September 15, 2012, Law Num. 250, the Postsecondary Reasonable Accommodation Passport Act was created in order to establish a mechanism to facilitate students with disabilities equal access to a higher education institution as the rest of the general student population and receive an effective response to their needs.

#### **Extended Admission Request Process:**

1. The candidate shall request for an extended admission once the rejection letter to enter the CAU's bachelor program has been received. This request must be in writing indicating their interest in an extended admission. The student must provide the Postsecondary Reasonable Accommodation Passport attached to the letter for reconsideration addressed to the Office of Admissions.
2. The Admissions Office shall inform the Dean of Students of a candidate's request for extended admission.
3. The Dean shall activate the Admissions Review Committee.
4. The Admissions Review Committee shall convene to evaluate the candidate's request for extended admission and Postsecondary Reasonable Accommodation Passport. The candidate's file shall be reviewed to determine the reasonable accommodation to be considered in the extended admission process.
5. The candidate shall be called for an extended admission interview. If the Postsecondary Reasonable Accommodation Passport indicates that the candidate cannot participate in the interview process, then the recommendations established in the passport shall be taken into consideration.
6. The Admissions Review Committee shall have 10 working days to make a decision and notify the candidate.

Students Guide to Reasonable Accommodation  
Carlos Albizu University

#### **IV. Rights**

##### **Student rights:**

1. The student has the right to request a Student Disabilities Service Coordinator in the university, and to file a complaint if he/she believes that his/her disability rights have been violated.
2. The information provided by the student regarding his/her disability cannot be used to take discriminatory actions against him/her.
3. The student has the right to have all medical information disclosed to the service coordinator, professor, provost, or dean under Section 504 of the Rehabilitation Act be kept with strict confidentiality.

##### **Campus rights:**

1. Maintain the academic standards of the institution.
2. Request information about visible or hidden disabilities to the student before making a decision of related to a reasonable accommodation request, while protecting the confidentiality of the student.
3. Use of necessary professional assistance, including, but not limited to professional medical or psychological assistance or any other authority or expert deemed necessary to assist in the evaluation of reasonable accommodation requests.
4. Solicit any candidate that makes a reasonable accommodation request, to submit to an evaluation from a UCA expert paid by the university and shall limit same to the disability disclosed by the candidate to support his/her reasonable accommodation request.
5. Select the most appropriate reasonable accommodation, according to the candidate's disability that does not represent an economic burden to the institution.
6. Deny reasonable accommodation requests if the documentation does not include a specific diagnosis, if the student fails to provide documentation that supports the need for reasonable accommodation, or if the documents are not provided on time, as established in Section II of this guide.
7. Reasonable accommodation that is considered inappropriate or unreasonable will not be granted if it presents a direct threat to the health or security of the requestor, if it represents a substantial change in a course or program, or if the cost is burdensome to the institution.
8. If necessary, the reasonable accommodation request may be discussed with the professional or specialist who made the accommodation recommendations.

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## **V. Duties:**

### **Counselor duties:**

The Professional Licensed Counselor (LPC) is the Disability Services Coordinator for students with properly identified disabilities. The following are his/her responsibilities:

1. Receive and process reasonable accommodation requests from students of every study program at CAU.
2. Serve as a mediator between faculty members and students in the process of requesting reasonable accommodation services.
3. Receive all complaints related with the services provided to the students, investigate all complaints, and make a decision within 30 working days.
4. Protect the rights of students with disabilities.
5. Follow the Federal and state regulations related to the confidentiality of files and medical information.

### **Student duties:**

1. Provide information about his/her disability and requesting reasonable accommodation at the earliest reasonable opportunity during the start of each academic term.
2. Filling service requests each term, as professors may vary according to courses.
3. Collaborate with a counselor to identify appropriate accommodation assistance.
4. Notify his/her need for reasonable accommodation to the academic counselor or the disability services coordinator with Section 504 responsibilities.

### **Professor duties:**

1. Include the regulations for reasonable accommodation established by the university in the syllabus of each course offered to the students.
2. Understand that reasonable accommodation is not at the discretion of the professor. It is the student's right. The professor shall determine the alternatives that will enable the student to achieve academic success.
3. Contact the CAU academic counselor regarding doubts or for additional information about Section 504 of the Rehabilitation Act and/or the ADA Act.
4. Safeguard the confidentiality of the student's medical information to which professors have access.

### **Campus duties:**

- Develop admissions and recruitment mechanisms that do not discriminate against disabled persons.



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- Provide training to the faculty regarding the laws that provide rights to disabled persons and reasonable accommodation needs.
- Perform a self-evaluation process for all the programs and activities every five years or when an amendment occurs, in order to ensure compliance with Section 504 regulations.
- Develop programs and activities accessible to the general student population as well as to all students with disabilities.

**VI. Services for Students with Disabilities:**

- CAU,
  - The Campus provides accessible facilities required by law
    - Entrance ramp
    - Restrooms on every floor with accessibility to individuals with movement difficulties.
    - Elevator
    - Parking for persons with disabilities
    - The San Juan Campus provides Student transportation to and from La Puntilla and Doña Fela parking facilities.
    - Parking spaces duly identified for persons with disabilities.
    - Elevator to the mezzanine where the San Juan main offices of the faculty are located.
- Library
  - Has the following equipment:
    - Magnifying glasses
    - Adjustable tables for students with mobility limitations
    - Individual assistance
    - Computers capable of increasing the font size to the one desired by the student.
    - Lights approved by OSHA for students with vision impairments.
- Community Mental Health Clinic – San Juan Campus only
  - Appropriate installations for persons with mobility impairment.
- Speech and Language Pathology Clinic – San Juan Campus only
  - Appropriate installations for persons with mobility difficulties.
  - An adjustable workstation for persons with mobility or slight visual difficulties.

**VII. Reasonable Accommodation Request Procedure:**

1. Any student with disabilities who requests reasonable accommodation services shall contact the university's disability services coordinator and receive orientation related to

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the his/her rights and available services. The Disability Services Coordinator at San Juan Campus of CAU is the Licensed Professional Counselor.

Contact information of the Office of the Licensed Professional Counselor:

Dean of Students Office 205

Telephone: (787)725-6500, ext. 1570

E-mail: yigonzalez@sju.albizu.edu

Dean of Student Affairs – Miami Campus

Telephone: 305-593-1223, ext 3208

2. Reasonable accommodation services must be requested at the earliest reasonable opportunity during the start of each academic term. However, the disability services coordinator is available during the entire semester to follow up on cases, clarify any doubts, and offer orientation about the rights of students with disabilities within the university.
3. The student must request the renewal of his/her reasonable accommodation services every academic term during the period of time previously established (See Appendix B).
4. The Disability Services Coordinator must interview any student who requests reasonable accommodation services. Along with the interview, the Disability Services Coordinator will request the student to complete a reasonable accommodation request form and request further documentation that supports the reasonable accommodation services request. (See Appendix C) The Coordinator shall make a decision regarding a reasonable accommodation request using primary and/or secondary documentation provided by the student and may request a medical certificate supporting the disability.
5. If the student has a hidden disability, for which conclusions cannot be made for reasonable accommodation by the primary and/or secondary documentation process, said student shall provide written documentation supporting the disability for which the accommodation is requested by means of the Medical Certificate for Reasonable Accommodation Request (See Appendix D), which requires a qualified health care professional or expert in the area of disability to provide a letter of affirming the authenticity disability and recommendations proffered. This information is necessary to establish the impact of the student's academic experience and make informed decisions regarding the reasonable accommodation.
6. The student shall submit a medical certificate, signed by the physician, psychologist, and/or other health professional that provide direct treatment, to the coordinator in

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support of a reasonable accommodation request. Said certificate shall be to the student. The documentation shall provide current information (less than two years).

7. The approval for Reasonable Accommodation Services (See Appendix E) will be notified to the student, who will provide a copy to the professor, supervisor, or director who shall facilitate the accommodation.
8. The student shall provide copies of the document of reasonable accommodations services to the person in the studies program who requires the information, in order to provide a reasonable accommodation (Professor, Supervisor, Program Director, Director of Clinical Training, Internship Director, Director of the Dissertation Committee), as applicable. The person who receives the document must sign it as evidence of receipt.
9. After obtaining all the signatures required in the reasonable accommodation form, the student must submit the form to the Disability Services Coordinator.
10. The coordinator shall hold an orientation meeting with the faculty member that does not allow accommodations, if the student is deprived of the accommodation services approved by the coordinator.
11. The coordinator cannot disclose information about the student's disability to any person within the university, unless the student has authorized the disclosure in writing. (See Appendix F)
12. If unsatisfied with the services provided, a student may issue a complaint following the complaint procedures established herein.

#### **VIII. Complaint Procedures:**

1. If a student with disabilities believes that his/her rights have been violated, the student shall fill out a complaint/grievance form, which can be obtained at the Office of the Disability Services Coordinator. (See Appendix G)
2. The Student Disability Services Coordinator shall have five (5) days to respond to any complaint. If no notification is reached within five (5) working days, it shall be understood that the petition in the complaint is denied.
3. If a complaint is made against the Counselor or Disability Services Coordinator, or if the student is not in agreement with the decision made by the coordinator, the student may issue a complaint following the CAU internal mechanisms for administrative complaints in accordance with the "General Policies and Disciplinary Procedures Manual".

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**IX. Links of Interest:**

- Americans with Disabilities Act - ADA Home page: <http://www.ada.gov/>
- Association on Higher Education and Disability: <http://www.ahead.org/>
- Department of Education – Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr/index.html>

**X. References:**

A guide to disability right laws. Recovered from: <http://www.ada.gov/cguide.htm>

Association on Higher Education and Disability. (2012, April). Supporting accommodation requests: Guidance on documentation practices. Recovered from:

[http://www.ahead.org/resources/documentation\\_guidance](http://www.ahead.org/resources/documentation_guidance)

Auxiliary aids and services for postsecondary students. Recovered from:

<http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

Commission on Quality of Care and Advocacy for Persons with Disabilities. (n.d.). Section 504 and Postsecondary education 34 C.F.R.104. Recovered from:

<http://cqc.ny.gov/advocacy/Rehabilitation%20Act%20%20Section%20504%20Post%20Secondary/34%20C.F.R.%20104%20>

Department of Health and Human Services, Office for Civil Rights. Fact Sheet OCR: Your rights under section 504 of the Rehabilitation Act. Recovered from:

<http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf>

Higher education. Recovered from::

<http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

O\*NET Online (2006). O\*NET Report No: 31514 - Vocational and educational counselors.

Recovered from: O\*NET Online: <http://www.occupationalinfo.org/onet/31514.html>

Students with disabilities preparing for postsecondary education: Know your rights and responsibilities. Recovered from:

<http://www2.ed.gov/about/offices/list/ocr/transition.html>

U.S. Department of Justice. ADA Home Page: Information and technical assistance on the Americans with Disabilities Act. Recovered from: <http://www.ada.gov>

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## Appendix A

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## **Reasonable Accommodation Services Offered to Students**

- Use of:
  - Amanuenses
  - Interpreters
  - Voice synthesizers
  - Computers
  - Recorders
  - Communication boards
  
- Arranging a private meeting with the course professor at the beginning of the academic term in order to modify class participation.
- Entering into special agreements related to the evaluation process of the course
- Allowing extra time to complete exams
- Allowing additional time to hand in assignments
- Allowing preferential seating in classrooms
- Providing printed material in large print
- Offering precise and individual instructions
- Facilitate ease of communication
- Alternate evaluation methods:
  - Providing oral tests
  - Dividing tests into parts
  - Reducing the number of questions
  
- Providing flexibility relating to attendance requirements

Among other services

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## Appendix B

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## Appendix C



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#### Appendix D

Reasonable Accommodation Request Form to be completed by the student at the request of the Disability Services Coordinator on a case-by-case basis.

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## Appendix E

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## Appendix H

JS 44 (Rev. 07/16) FLSD Revised 07/01/2016

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

**I. (a) PLAINTIFFS** Maria Teresita Valledor Mohandes, on her own behalf and on behalf of all other plaintiffs similarly situated **DEFENDANTS** Universidad Carlos Albizu (Carlos Albizu University), Inc.

**(b)** County of Residence of First Listed Plaintiff: Miami-Dade (EXCEPT IN U.S. PLAINTIFF CASES) County of Residence of First Listed Defendant: Broward (IN U.S. PLAINTIFF CASES ONLY)

**(c)** Attorneys (Firm Name, Address, and Telephone Number) IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorney's (Firm Name)

Scott R. Dinin, P.A., Scott R. Dinin, P.A. 4200 NW 7 Avenue, Miami, Florida 33127; Tel: 786-431-1333; Email: inbox@dininlaw.com

**(d)** Check County Where Action Arose:  MIAMI-DADE  MONROE  BROWARD  PALM BEACH  MARTIN  ST. LUCIE  INDIAN RIVER  OKEECHOBEE  HIGHLANDS

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only) **III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |  |  |  |   |   |  |  |   |
|--|--|--|---|---|--|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) | <input type="checkbox"/> PTF Citizen of This State | <input type="checkbox"/> DEF Citizen of Another State | <input type="checkbox"/> PTF Citizen of or Subject of a Foreign Country | <input type="checkbox"/> DEF Incorporated or Principal Place of Business In This State | <input type="checkbox"/> PTF Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> DEF Foreign Nation |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   | <input type="checkbox"/> 1                         | <input type="checkbox"/> 2                            | <input type="checkbox"/> 3  | <input type="checkbox"/> 1   | <input type="checkbox"/> 5   | <input type="checkbox"/> 6                  |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

- |   |  |   |  |   |
|---|--|---|--|---|
| <b>CONTRACT</b>   | <b>TORTS</b>   | <b>FORFEITURE/PENALTY</b>   | <b>BANKRUPTCY</b>  | <b>OTHER STATUTES</b>   |
| <input type="checkbox"/> 110 Insurance  | <b>PERSONAL INJURY</b>   | <input type="checkbox"/> 625 Drug-Related Seizure of Property 21 U.S.C. 881 | <input type="checkbox"/> 422 Appeal 28 USC 158                   | <input type="checkbox"/> 375 False Claims Act   |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 310 Airplane                                | <input type="checkbox"/> 690 Other  | <input type="checkbox"/> 423 Withdrawal 28 U.S.C. 157            | <input type="checkbox"/> 376 Qui Tam 131 USC 3729 (a)   |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 315 Airplane Product Liability              |   | <b>PROPERTY RIGHTS</b>   | <input type="checkbox"/> 400 State Reapportionment  |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 320 Assault, Libel & Slander                |   | <input type="checkbox"/> 820 Copyrights                          | <input type="checkbox"/> 410 Antitrust  |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 330 Federal Employers' Liability            |   | <input type="checkbox"/> 830 Patent                              | <input type="checkbox"/> 430 Banks and Banking  |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 340 Marine                                  | <b>LABOR</b>  | <input type="checkbox"/> 840 Trademark                           | <input type="checkbox"/> 450 Commerce   |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability                | <input type="checkbox"/> 710 Fair Labor Standards Act                       | <b>SOCIAL SECURITY</b>   | <input type="checkbox"/> 460 Deportation  |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits        | <input type="checkbox"/> 350 Motor Vehicle                           | <input type="checkbox"/> 720 Labor Mgmt. Relations                          | <input type="checkbox"/> 861 HIA (1395ff)                        | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations                   |
| <input type="checkbox"/> 160 Stockholders' Suits                                  | <input type="checkbox"/> 355 Motor Vehicle Product Liability         | <input type="checkbox"/> 740 Railway Labor Act                              | <input type="checkbox"/> 862 Black Lung (923)                    | <input type="checkbox"/> 480 Consumer Credit  |
| <input type="checkbox"/> 190 Other Contract                                       | <input type="checkbox"/> 360 Other Personal Injury                   | <input type="checkbox"/> 751 Family and Medical Leave Act                   | <input type="checkbox"/> 863 DIWC/DIWW (405(g))                  | <input type="checkbox"/> 490 Cable/Sat TV   |
| <input type="checkbox"/> 195 Contract Product Liability                           | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice      | <input type="checkbox"/> 790 Other Labor Litigation                         | <input type="checkbox"/> 864 SSID Title XVI                      | <input type="checkbox"/> 495 Securities/Commodities/Exchange                                  |
| <input type="checkbox"/> 196 Franchise  | <b>CIVIL RIGHTS</b>  | <input type="checkbox"/> 791 Empl Ret. Inc. Security Act                    | <input type="checkbox"/> 865 RSI (405(g))                        | <input type="checkbox"/> 890 Other Statutory Actions  |
| <b>REAL PROPERTY</b>  | <input type="checkbox"/> 440 Other Civil Rights                      | <b>PRISONER PETITIONS</b>   | <b>FEDERAL TAX SUITS</b>   | <input type="checkbox"/> 891 Agricultural Acts  |
| <input type="checkbox"/> 210 Land Condemnation                                    | <input type="checkbox"/> 441 Voting                                  | <b>Habeas Corpus:</b>   | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 893 Environmental Matters  |
| <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 442 Employment                              | <input type="checkbox"/> 463 Alien Detainee                                 | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609         | <input type="checkbox"/> 895 Freedom of Information Act                                       |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                               | <input type="checkbox"/> 443 Housing Accommodations                  | <b>Other:</b>   |  | <input type="checkbox"/> 896 Arbitration  |
| <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment       | <input type="checkbox"/> 530 General  | <b>IMMIGRATION</b>   | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
| <input type="checkbox"/> 245 Tort Product Liability                               | <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other | <input type="checkbox"/> 535 Death Penalty                                  | <input type="checkbox"/> 462 Naturalization Application          | <input type="checkbox"/> 950 Constitutionality of State Statutes                              |
| <input type="checkbox"/> 290 All Other Real Property                              | <input type="checkbox"/> 448 Education                               | <input type="checkbox"/> 540 Mandamus & Other                               | <input type="checkbox"/> 465 Other Immigration Actions           |   |
|   |  | <input type="checkbox"/> 550 Civil Rights                                   |  |   |
|   |  | <input type="checkbox"/> 555 Prison Condition                               |  |   |
|   |  | <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement     |  |   |

**V. ORIGIN** (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Re-filed (See VI below)	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation Transfer	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File	<input type="checkbox"/> 9 Remanded from Appellate Court
---	---	--	---	--	--	--	---	--

**VI. RELATED/RE-FILED CASE(S)** (See instructions) a) Re-filed Case  YES  NO b) Related Cases  YES  NO

**JUDGE:** **DOCKET NUMBER:**

**VII. CAUSE OF ACTION** Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity)  
 42 U.S.C. Sec 12181-12189; 28 C.F.R. Part 36, Sec 504; 34 C.F.R. Part 104 Failure to accommodate disabled student at University

LENGTH OF TRIAL via: 4 days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint

**JURY DEMAND:**  Yes  No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE  
 DATE: 2/17/17 SIGNATURE OF ATTORNEY OF RECORD: [Signature]

**FOR OFFICE USE ONLY**  
 RECEIPT # AMOUNT FEE JUDGE MAG JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

MARIA TERESITA VALLEDOR )  
MOHANDES, on her own behalf and on )  
behalf of all other plaintiffs similarly situated )

*Plaintiff,*

Civil Action No.

v.

UNIVERSIDAD CARLOS ALBIZU )  
(CARLOS ALBIZU UNIVERSITY), INC. )

*Defendant.*

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Universidad Carlos Albizu (Carlos Albizu University), Inc.  
c/o: Sylvia Lopez-Jorge, as registered agent  
2173 NW 99<sup>th</sup> Avenue  
Miami, Florida 33172

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Scott R. Dinin, Esq.  
Law Offices of Scott R. Dinin, P.A.  
4200 NW 7<sup>th</sup> Avenue  
Miami, Florida 33127  
Tel: (786) 431-1333  
E-mail: [inbox@dininlaw.com](mailto:inbox@dininlaw.com)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

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## Appendix A



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## Reasonable Accommodation Services Offered to Students

- Use of:
  - Amanuenses
  - Interpreters
  - Voice synthesizers
  - Computers
  - Recorders
  - Communication boards
  
- Arranging a private meeting with the course professor at the beginning of the academic term in order to modify class participation.
- Entering into special agreements related to the evaluation process of the course
- Allowing extra time to complete exams
- Allowing additional time to hand in assignments
- Allowing preferential seating in classrooms
- Providing printed material in large print
- Offering precise and individual instructions
- Facilitate ease of communication
- Alternate evaluation methods:
  - Providing oral tests
  - Dividing tests into parts
  - Reducing the number of questions
  
- Providing flexibility relating to attendance requirements

Among other services

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## Appendix B

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## Appendix C

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#### Appendix D

Reasonable Accommodation Request Form to be completed by the student at the request of the Disability Services Coordinator on a case-by-case basis.

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## Appendix G

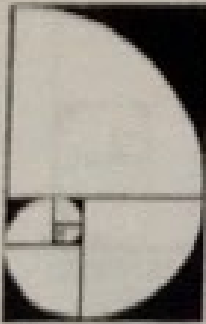
Students Guide to Reasonable Accommodation  
Carlos Albizu University

## Appendix H



**EXHIBIT 'A'**

M. Mohandes 748 @  
Sunmail.albizu  
Daniel Gibbons, Au.D.  
Doctor of Audiology  
Hearing Aid Specialist



**GREATER MIAMI EAR ASSOCIATES, P.L.**

3661 South Miami Ave, STE 409  
Miami, Florida 33133  
Telephone# 305-722-6125  
Fax# 786-662-3531

Division of Vocational Rehabilitation  
8700 W. Flagler Street, Suite 403  
Miami, FL 33174  
Attn: Milagros Rios

RE: Mohandes, Maria  
DOB: 11/05/1968

Dear Milagros Rios:

Maria Mohandes, a 44 year old female, was seen on September 20, 2013 for a hearing aid evaluation. An audiological evaluation performed in the office on September 20, 2013 revealed a moderately severe sensorineural hearing loss in the right ear and a profound sensorineural hearing loss in the left ear. Speech detection thresholds were obtained at 60 dBHL in the right ear and at 110 dBHL in the left ear. Speech discrimination was excellent in the right ear and could not be completed in the left ear due to the severity of loss.

Ms. Mohandes is in need of amplification particularly in the school and work environment. Digital technology is recommended to reduce background noise, improve word recognition in the presence of noise and improve sound localization. The most appropriate fitting would be a receiver in the ear style hearing instrument to give an adequate amount of amplification along with the CROS system to give localization to sound. The following hearing devices are recommended:

- Brand Name and Model: (1) \$1999.00 Audeo Q90 312
- Brand Name and Model: (1) \$699.00 CROS
- Professional Fee \$950.00

Total price of the hearing device and professional services = \$ 3648.00 with 1 year warranty repair/loss and damage.

If further information is needed, please do not hesitate to contact me.

Sincerely

Daniel Gibbons, Au.D  
Doctor of Audiology  
FL License # AY1769

**EXHIBIT 'B'**

Please remember that you are responsible for making copies and distributing your accommodation document to your professor. Also, if you would like to continue to receive accommodations for the FA16-SU16 you must fill out the renewal form and return it to Student Affairs no later than June 1, 2016.

Dis: Warm regards,  
 Maria Colapinto

ID# 217748

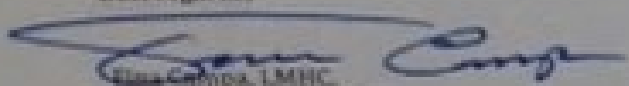
FROM: Mrs. Fina Campa, LM  
 STUDENT NAME: **Maria Mohanoes**  
 ACADEMIC SESSION: **Spring 2016**

In order for this course to be accessible for this student, the student needs:

- Front row seating
- Record lessons (Audio only and you must destroy recording once the course has been completed)
- Advance receipt of syllabus
- Advance receipt of book list
- Advance receipt of PowerPoint presentations when applicable
- Extended test taking time/time extension not to exceed 150% (Time and a half)
- Extended test taking time (independent environment)/time extension not to exceed 150% (When applicable)
- Extra breaks during class
- Other:

In order to maintain confidentiality, it is necessary that questions regarding our services or the student's disability be addressed outside the classroom to the student or to me. Please feel free to contact me if you have any questions at (305)593-1223 ext. 3102 or via e-mail at [fcampa@albita.edu](mailto:fcampa@albita.edu).

Best regards,

  
 Fina Campa, LMHC  
 Dean of Student Affairs

**EXHIBIT 'C'**

### Renewal of Reasonable Accommodation Services

(Please print in block letters)

Student's Name: Maria T. Morales Vellaco

Date: Sep 1, 2016

Student ID: 217745

Academic Year: 2016

Phone Number: 786-449-7490

Email: mrmorandes@48

Email: NTEN99 @ outlook .com

Major: Master's in MHC

Mailing Address: P.O. Box 11225 Miami, FL 33101

I will be requesting accommodations for the  FA16  SP17  SU17

Years of study at the University: 1<sup>st</sup> year  2<sup>nd</sup> year  3<sup>rd</sup> year  4<sup>th</sup> year  5 or more

Gender:  Male  Female

Service for which you are applying:

- Amanuensis
- Additional time during tests
- Additional time to hand in assignments
- Use of a recorder
- Front row seating in the classroom
- To speak clearly and in front of the student
- Other

If you chose other, please specify below:

~~\_\_\_\_\_~~ Please, I am in need of  
 Comments: close captions, or a note taker, video recording, or  
anything that falls under the disability act that says  
I am entitled to having.  
Thank you

The student is responsible for presenting Albizu University every document that is needed to process the Request for Reasonable Accommodation.

Students Signature: Maria T. Morales Vellaco Date: Sept 1, 2016

**EXHIBIT 'D'**



Office of Student Affairs

----CONFIDENTIAL----

Disability Accommodations Disclosure

FROM: Student Affairs Department

STUDENT NAME: Maria Mohandes

ID# 217748

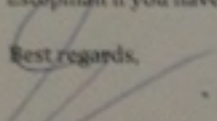
ACADEMIC SESSION: SP17

In order for this course to be accessible for this student, the student needs:

- Front row seating
- Record lessons (Audio only and you must destroy recording once the course has been completed)
- Advance receipt of syllabus
- Advance receipt of book list
- Advance receipt of PowerPoint presentations when applicable
- Extended test taking time/time extension not to exceed 150% (Time and a half)
- Extended test taking time (independent environment)/time extension not to exceed 150%. (When applicable)
- Extra breaks during class
- Other:

In order to maintain confidentiality, it is necessary that questions regarding our services or the student's disability be addressed outside the classroom to the student or to me. Please feel free to contact Mrs. Monica Estopinan if you have any questions at (305)593-1223 ext. 3208 or via e-mail at [mestopinan@albizu.edu](mailto:mestopinan@albizu.edu).

Best regards,

  
Edjek Lemus, D.B.A  
Interim Dean of Student Affairs



**EXHIBIT 'E'**

**STUDENT GUIDE TO REASONABLE ACCOMMODATION  
CARLOS ALBIZU UNIVERSITY**

**INTRODUCTION**

The Carlos Albizu University (CAU) is a specialized, private, non-profit university. It does not discriminate against of race, color, creed, sex, sexual orientation, age, religion, life style, national origin, or disability of any applicant, student, faculty member, or employee during the process of admission, contracting, promotion, or any other activity part of academic programs or services. The policies and procedures employed therein are developed in accordance with the regulations established in basis of state and federal laws and other applicable legislation.

CAU program professional accreditation associations and commissions comply with the laws and policies that prohibit discrimination as well as promote agency management regulations. These are: The Puerto Rico Council of Education (CEPR, Spanish acronym), responsible for the management of public policy on education in Puerto Rico; the Florida Department of Education, Commission for Independent Education which provides regulatory oversight for private institutions in the State of Florida; the Middle States Commission on Higher Education (MSCHE) committed to maintaining and promoting educational excellence within institutions with varied missions, student populations, and resources; the American Psychological Association (APA), which is the entity that provides accreditation to clinical psychology doctoral programs; and the Council for Academic Accreditation in Audiology and Speech-Language Pathology (CAA), which credits the Master's Degree Program on Speech and Language Pathology.

**MISSION**

The CAU is a higher education institution dedicated to academic excellence and to research from a pluralistic and multidimensional perspective. We educate students to serve a highly complex and diverse society with sensitivity towards the needy. We contribute to the improvement of the quality of life and to the integration of our communities by educating professionals with multicultural competencies. We are distinguished by an educational philosophy of social commitment in all our programs and services.

**VISSION**

CAU will be a leader in higher education for the transformation of the social environment. We will be the reference institution that will contribute to a better decision-making process at the local, national and international levels, in multicultural settings, thus contributing to the growth of human knowledge and the promotion of social justice and a culture of peace.

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## **I. Legal Basis:**

These Acts prohibit discrimination in order to provide persons with disabilities equal conditions and opportunities as the rest of the community.

### **Americans with Disabilities Act (ADA, 1990)**

The Americans with Disabilities Act (ADA) is a national mandate that provides protection to the civil rights of persons with disabilities. This federal law establishes that a physical or mental disability in no way diminishes a person's right to participate in all aspects of society.

### **Section 504 of the Rehabilitation Act (1973)**

Section 504 of the Rehabilitation Act of 1973 grants persons with disabilities the same rights and opportunities enjoyed by the rest of the citizens. This Act establishes that no otherwise qualified handicapped individual shall, solely by reason of a person's disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance.

### **Americans with Disabilities Act Amendments Act of 2008 (ADAAA, 2008)**

On January 2009, amendments to the ADA and the Rehabilitation Act of 1973 entered into effect, which makes important changes to the definition of the term "disability" in accordance with Section 504 of the Rehabilitation Act of 1973. Such amendments are included in the provisions established in this guide.

## **II. Definitions:**

**Reasonable accommodation:** Adjustments or modifications to a course, program, service, or facility that enables a student with disabilities to enjoy equal benefits and privileges of the program. Accommodations must be made on a case-by-case basis, because the nature and extent of a disabling condition and the requirements of the student will vary. Some examples of reasonable accommodation are: reducing academic load, substituting courses, allowing the use of recorders, scribe services, or voice to text software, allowing additional time to complete exams and written work, providing preferential seating in the classroom, offering oral or electronic exams, among others. (See, Appendix A)

**Licensed Professional Counselor (LPC):** Mental-health professional that provides individual or group counseling services in the areas of personal, career, and educational development. Furthermore, the Counselor shall coordinate services for students with disabilities and notify CAU students of available services.

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**Disabilities Service Coordinator with Section 504 responsibilities:** Federal law requires that every university receiving federal funds contracts or ascertain a person to coordinate the university services in compliance with Section 504 regulations of the Rehabilitation Act. At the CAU, San Juan Campus, the Licensed Professional Counselor (CPL) is also the Disability Service Coordinator. The Office of the Dean of Student Affairs provides leadership in this regard in the Miami Campus. This role falls under the leadership of Student Services and is independent of the faculty and academic program management.

**Documentation:** Federal regulations allows for a reasonable level of related documentation to process reasonable accommodation requests. The following are acceptable sources of documentation that may be requested:

a) Primary Documentation: the student's self-report. The student provides a narrative of his/her experience of disability, barriers, and effective and ineffective accommodations.

b) Secondary Documentation: impressions and conclusions formed by the coordinator during interviews and conversations with the student or in evaluating the effectiveness of previously implemented or provisional accommodations. Observations of students' language, performance, and strategies are also an appropriate tool in validating student narrative and self-report.

c) Tertiary Documentation: information from external or third parties, such as reports and assessments created by health care providers, specialized physicians and mental health professionals, among others.

According to the Federal regulations, the Disabilities Service Coordinator shall be empowered to determine the disability documentation necessary to review a reasonable accommodation request.

**Chronic Illness:** a recurrent and long term illness, such as diabetes, heart, kidneys or liver diseases, high blood pressure, or ulcers.

**Disability:** a physical or mental condition which substantially limits one or more principal activities of daily living. Some routine activities that people tend to do everyday without needing assistance are: taking care of oneself, walking, seeing, hearing, talking, breathing, learning, working, reading, concentrating, and thinking. The term "principal activity of daily living" must be broadly interpreted. Furthermore, the term 'disability' states the following:

a) A list of mental or physical conditions that directly classify a person with a disability does not exist.

b) Episodic conditions or illnesses in remission are covered when they are active.

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c) Protection or accommodation cannot be denied because a person uses a mitigating measure or palliative means, such as taking medication to treat a physical or mental illness (the only exception is the use of eyeglasses that correct vision problems).

d) A person who has a history of these disabilities but is no longer disabled, or who has been incorrectly classified as having a disability, or who does not have a disability but who is related or perceived by others as having a disability are protected under law (Examples: persons with a history of physical or emotional impairments, heart disease, cancer, or persons incorrectly diagnosed with mental retardation).

**Hidden or invisible disabilities:** physical or mental disabilities that are not apparent to others, such as: specific learning problems, diabetes, epilepsy, allergy, vision or hearing difficulties, heart disease, or any other illnesses including chronic illnesses.

**Physical Disability:** any physiological condition or disorder, bodily disfigurement, or anatomical loss which affects one or more of the following systems: neurological, musculoskeletal, respiratory, cardiovascular, reproductive, digestive, genitourinary, hematologic, lymphatic, endocrinology, and integumentary. It also includes disorders or physiological illnesses in the sensory organs.

**Mental Disability:** any mental or emotional disorder, such as mental retardation, organic brain syndrome, and specific learning problems.

**Reasonable Level of Documentation:** means the necessary information to process a reasonable accommodation request. The coordinator does not solicit inappropriate or unnecessary information or evidence.

**Reasonable Accommodation Requester:** a person who discloses information about his/her disability, whether verbally, communicating his/her diagnosis and experiences as a person with disabilities, or in writing, by providing information certified by a physician, psychologist, or other health care professional. In order to process a reasonable accommodation request provide said accommodation, the student with disabilities must disclose medical information to the Disabilities Service Coordinator. The student will have 15 days to complete the file at the Office of the Disabilities Service Coordinator.

**Extended Admission:** In Puerto Rico, Extended Admission may be offered by student petition into the bachelor's degree program in order to identify the academic potential of a person with disabilities. The process of admission shall use the basis of the Reasonable Accommodation Passport and the extended admission request.

**Postsecondary Reasonable Accommodation Passport:** document that certifies that a student with disabilities meets the necessary requirements to take up postsecondary studies. This passport shall contain a description of reasonable accommodations that were successful to the

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student in high-school and that may recorded as requirements and necessary to participate in the process of admission and test taking, as well as in postsecondary education services.

**Admission Evaluation Committee:** a group of professionals that work in and for the higher education institution composed of the licensed professional counselor, the Dean of Students or his/her representative, an admissions officer, and a representative of the department the student is interested in entering. This committee is responsible for establishing the process of extended admission, which may include a personal interview with the student, evaluations, workshops, special courses, and others.

### **III. Extended Admission**

Applying to students seeking enrollment in Puerto Rico, on September 15, 2012, Law Num. 250, the Postsecondary Reasonable Accommodation Passport Act was created in order to establish a mechanism to facilitate students with disabilities equal access to a higher education institution as the rest of the general student population and receive an effective response to their needs.

#### **Extended Admission Request Process:**

1. The candidate shall request for an extended admission once the rejection letter to enter the CAU's bachelor program has been received. This request must be in writing indicating their interest in an extended admission. The student must provide the Postsecondary Reasonable Accommodation Passport attached to the letter for reconsideration addressed to the Office of Admissions.
2. The Admissions Office shall inform the Dean of Students of a candidate's request for extended admission.
3. The Dean shall activate the Admissions Review Committee.
4. The Admissions Review Committee shall convene to evaluate the candidate's request for extended admission and Postsecondary Reasonable Accommodation Passport. The candidate's file shall be reviewed to determine the reasonable accommodation to be considered in the extended admission process.
5. The candidate shall be called for an extended admission interview. If the Postsecondary Reasonable Accommodation Passport indicates that the candidate cannot participate in the interview process, then the recommendations established in the passport shall be taken into consideration.
6. The Admissions Review Committee shall have 10 working days to make a decision and notify the candidate.

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#### **IV. Rights**

##### **Student rights:**

1. The student has the right to request a Student Disabilities Service Coordinator in the university, and to file a complaint if he/she believes that his/her disability rights have been violated.
2. The information provided by the student regarding his/her disability cannot be used to take discriminatory actions against him/her.
3. The student has the right to have all medical information disclosed to the service coordinator, professor, provost, or dean under Section 504 of the Rehabilitation Act be kept with strict confidentiality.

##### **Campus rights:**

1. Maintain the academic standards of the institution.
2. Request information about visible or hidden disabilities to the student before making a decision of related to a reasonable accommodation request, while protecting the confidentiality of the student.
3. Use of necessary professional assistance, including, but not limited to professional medical or psychological assistance or any other authority or expert deemed necessary to assist in the evaluation of reasonable accommodation requests.
4. Solicit any candidate that makes a reasonable accommodation request, to submit to an evaluation from a UCA expert paid by the university and shall limit same to the disability disclosed by the candidate to support his/her reasonable accommodation request.
5. Select the most appropriate reasonable accommodation, according to the candidate's disability that does not represent an economic burden to the institution.
6. Deny reasonable accommodation requests if the documentation does not include a specific diagnosis, if the student fails to provide documentation that supports the need for reasonable accommodation, or if the documents are not provided on time, as established in Section II of this guide.
7. Reasonable accommodation that is considered inappropriate or unreasonable will not be granted if it presents a direct threat to the health or security of the requestor, if it represents a substantial change in a course or program, or if the cost is burdensome to the institution.
8. If necessary, the reasonable accommodation request may be discussed with the professional or specialist who made the accommodation recommendations.

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## **V. Duties:**

### **Counselor duties:**

The Professional Licensed Counselor (LPC) is the Disability Services Coordinator for students with properly identified disabilities. The following are his/her responsibilities:

1. Receive and process reasonable accommodation requests from students of every study program at CAU.
2. Serve as a mediator between faculty members and students in the process of requesting reasonable accommodation services.
3. Receive all complaints related with the services provided to the students, investigate all complaints, and make a decision within 30 working days.
4. Protect the rights of students with disabilities.
5. Follow the Federal and state regulations related to the confidentiality of files and medical information.

### **Student duties:**

1. Provide information about his/her disability and requesting reasonable accommodation at the earliest reasonable opportunity during the start of each academic term.
2. Filling service requests each term, as professors may vary according to courses.
3. Collaborate with a counselor to identify appropriate accommodation assistance.
4. Notify his/her need for reasonable accommodation to the academic counselor or the disability services coordinator with Section 504 responsibilities.

### **Professor duties:**

1. Include the regulations for reasonable accommodation established by the university in the syllabus of each course offered to the students.
2. Understand that reasonable accommodation is not at the discretion of the professor. It is the student's right. The professor shall determine the alternatives that will enable the student to achieve academic success.
3. Contact the CAU academic counselor regarding doubts or for additional information about Section 504 of the Rehabilitation Act and/or the ADA Act.
4. Safeguard the confidentiality of the student's medical information to which professors have access.

### **Campus duties:**

- Develop admissions and recruitment mechanisms that do not discriminate against disabled persons.



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- Provide training to the faculty regarding the laws that provide rights to disabled persons and reasonable accommodation needs.
- Perform a self-evaluation process for all the programs and activities every five years or when an amendment occurs, in order to ensure compliance with Section 504 regulations.
- Develop programs and activities accessible to the general student population as well as to all students with disabilities.

**VI. Services for Students with Disabilities:**

- CAU,
  - The Campus provides accessible facilities required by law
    - Entrance ramp
    - Restrooms on every floor with accessibility to individuals with movement difficulties.
    - Elevator
    - Parking for persons with disabilities
    - The San Juan Campus provides Student transportation to and from La Puntilla and Doña Fela parking facilities.
    - Parking spaces duly identified for persons with disabilities.
    - Elevator to the mezzanine where the San Juan main offices of the faculty are located.
- Library
  - Has the following equipment:
    - Magnifying glasses
    - Adjustable tables for students with mobility limitations
    - Individual assistance
    - Computers capable of increasing the font size to the one desired by the student.
    - Lights approved by OSHA for students with vision impairments.
- Community Mental Health Clinic – San Juan Campus only
  - Appropriate installations for persons with mobility impairment.
- Speech and Language Pathology Clinic – San Juan Campus only
  - Appropriate installations for persons with mobility difficulties.
  - An adjustable workstation for persons with mobility or slight visual difficulties.

**VII. Reasonable Accommodation Request Procedure:**

1. Any student with disabilities who requests reasonable accommodation services shall contact the university's disability services coordinator and receive orientation related to

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the his/her rights and available services. The Disability Services Coordinator at San Juan Campus of CAU is the Licensed Professional Counselor.

Contact information of the Office of the Licensed Professional Counselor:

Dean of Students Office 205

Telephone: (787)725-6500, ext. 1570

E-mail: yigonzalez@sju.albizu.edu

Dean of Student Affairs – Miami Campus

Telephone: 305-593-1223, ext 3208

2. Reasonable accommodation services must be requested at the earliest reasonable opportunity during the start of each academic term. However, the disability services coordinator is available during the entire semester to follow up on cases, clarify any doubts, and offer orientation about the rights of students with disabilities within the university.
3. The student must request the renewal of his/her reasonable accommodation services every academic term during the period of time previously established (See Appendix B).
4. The Disability Services Coordinator must interview any student who requests reasonable accommodation services. Along with the interview, the Disability Services Coordinator will request the student to complete a reasonable accommodation request form and request further documentation that supports the reasonable accommodation services request. (See Appendix C) The Coordinator shall make a decision regarding a reasonable accommodation request using primary and/or secondary documentation provided by the student and may request a medical certificate supporting the disability.
5. If the student has a hidden disability, for which conclusions cannot be made for reasonable accommodation by the primary and/or secondary documentation process, said student shall provide written documentation supporting the disability for which the accommodation is requested by means of the Medical Certificate for Reasonable Accommodation Request (See Appendix D), which requires a qualified health care professional or expert in the area of disability to provide a letter of affirming the authenticity disability and recommendations proffered. This information is necessary to establish the impact of the student's academic experience and make informed decisions regarding the reasonable accommodation.
6. The student shall submit a medical certificate, signed by the physician, psychologist, and/or other health professional that provide direct treatment, to the coordinator in

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support of a reasonable accommodation request. Said certificate shall be to the student. The documentation shall provide current information (less than two years).

7. The approval for Reasonable Accommodation Services (See Appendix E) will be notified to the student, who will provide a copy to the professor, supervisor, or director who shall facilitate the accommodation.
8. The student shall provide copies of the document of reasonable accommodations services to the person in the studies program who requires the information, in order to provide a reasonable accommodation (Professor, Supervisor, Program Director, Director of Clinical Training, Internship Director, Director of the Dissertation Committee), as applicable. The person who receives the document must sign it as evidence of receipt.
9. After obtaining all the signatures required in the reasonable accommodation form, the student must submit the form to the Disability Services Coordinator.
10. The coordinator shall hold an orientation meeting with the faculty member that does not allow accommodations, if the student is deprived of the accommodation services approved by the coordinator.
11. The coordinator cannot disclose information about the student's disability to any person within the university, unless the student has authorized the disclosure in writing. (See Appendix F)
12. If unsatisfied with the services provided, a student may issue a complaint following the complaint procedures established herein.

**VIII. Complaint Procedures:**

1. If a student with disabilities believes that his/her rights have been violated, the student shall fill out a complaint/grievance form, which can be obtained at the Office of the Disability Services Coordinator. (See Appendix G)
2. The Student Disability Services Coordinator shall have five (5) days to respond to any complaint. If no notification is reached within five (5) working days, it shall be understood that the petition in the complaint is denied.
3. If a complaint is made against the Counselor or Disability Services Coordinator, or if the student is not in agreement with the decision made by the coordinator, the student may issue a complaint following the CAU internal mechanisms for administrative complaints in accordance with the "General Policies and Disciplinary Procedures Manual".

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### **IX. Links of Interest:**

- Americans with Disabilities Act - ADA Home page: <http://www.ada.gov/>
- Association on Higher Education and Disability: <http://www.ahead.org/>
- Department of Education – Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr/index.html>

### **X. References:**

A guide to disability right laws. Recovered from: <http://www.ada.gov/cguide.htm>

Association on Higher Education and Disability. (2012, April). Supporting accommodation requests: Guidance on documentation practices. Recovered from:

[http://www.ahead.org/resources/documentation\\_guidance](http://www.ahead.org/resources/documentation_guidance)

Auxiliary aids and services for postsecondary students. Recovered from:

<http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

Commission on Quality of Care and Advocacy for Persons with Disabilities. (n.d.). Section 504 and Postsecondary education 34 C.F.R.104. Recovered from:

<http://cqc.ny.gov/advocacy/Rehabilitation%20Act%20%20Section%20504%20Post%20Secondary/34%20C.F.R.%20104%20>

Department of Health and Human Services, Office for Civil Rights. Fact Sheet OCR: Your rights under section 504 of the Rehabilitation Act. Recovered from:

<http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf>

Higher education. Recovered from::

<http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

O\*NET Online (2006). O\*NET Report No: 31514 - Vocational and educational counselors.

Recovered from: O\*NET Online: <http://www.occupationalinfo.org/onet/31514.html>

Students with disabilities preparing for postsecondary education: Know your rights and responsibilities. Recovered from:

<http://www2.ed.gov/about/offices/list/ocr/transition.html>

U.S. Department of Justice. ADA Home Page: Information and technical assistance on the Americans with Disabilities Act. Recovered from: <http://www.ada.gov>

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Claims Universidad Carlos Albizu Violated the ADA](#)

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