

**Equal Rights Division  
Brigid McGuire - Complaint**

**5. What did the respondent do that you believe was discriminatory?**

I am a student at the University of Wisconsin Law School. The Respondent is a post secondary institution within the meaning of §101.223(1), Stats. Respondent discriminated against me on the basis of my physical condition when it failed to provide accommodations which would enable me to reliably attend classes and to participate in related law school activities. As well, I have been unable to access other services and programs of the University of Wisconsin-Madison because disability accommodations were lacking.

I have an incomplete spinal cord injury that my physicians have diagnosed as either paraplegia or incomplete quadriplegia. I use a motorized wheelchair to enable me to attend law school classes. I also need accommodations because of chronic pain and the resulting loss of stamina. Before beginning the program at the University of Wisconsin Law School, I was evaluated by the McBurney Disability Resource Center (McBurney) at the University of Wisconsin, which is the campus agency which assists students in obtaining academic accommodations. As part of my McBurney Individualized Services Plan, McBurney found, among other things, that my accommodations should include alternative testing (including double time for examinations) to allow for rest and position changes during the exam and mobility assistance including disabled parking access.

**8. I was discriminated against because of my: physical condition  
when:**

during my first year of law school, I experienced increasing difficulty accessing services and programs of the University. Among the specific violations which led to my filing this complaint are:

1) Lack of assured accessible parking which would allow me access to the law school, the only building in which law classes are held. As a result, I missed numerous classes during spring semester 1994 while searching for parking from which I could safely enter the law school, and received eight parking tickets. Only at the end of spring semester 1994 after numerous requests did I receive the parking assignment I needed. Despite the fact that all of my parking tickets were occasioned by a lack of disabled parking, I have been expected to pay them.

2) Lack of simple and inexpensive modifications inside the law school which would have allowed me seating in law school classes among the other students and which would have ensured that I could see and hear the instructor and participate in classes as nondisabled students can.

3) Being inappropriately barred or excluded from other university programs and activities because of my disability.

4) Unwillingness of decisionmakers both within the law school and at the University to consult me as a disabled individual in developing my accommodations. My accommodations have repeatedly been prescribed for me without my input. If the prescribed accommodations do not meet my needs, and I request modifications, I am perceived as a problem. Individuals who should be my advocates within the law school and at McBurney have become adversarial toward me when I have requested necessary changes in the prescribed accommodations.

5) As construction begins on the law school building, I have as of September 30, 1994 been displaced from the safe and accessible parking which has provided me the necessary access to the law building since May 1994. The alternative parking offered to me by McBurney appears to require either parking on a hill or lengthy routes of travel or both. Because my stamina is limited and I have difficulty moving safely on sloping surfaces, it appears that the alternative parking envisioned by McBurney may once again be impossible for me to use. I am concerned that if I cannot enter the law building safely, my ability to continue my legal studies is in peril. As before, I was not consulted in developing these alternative parking plans. Everyone using the law building will likely be inconvenienced due to the construction; however, I believe I may be unnecessarily excluded from the law school program during construction due to my disability.

An outline of the most important events leading me to file this complaint follows:

### **CHRONOLOGY**

During my first semester of law school, in Fall 1993, Asst. Dean Robert Correales (Correales) of the law school was introduced to us as the disability liaison for law students. During that first semester, I was able to park near the law school in a disabled parking spot next to Birge Hall, which enabled me to have access to the law building. See Exhibit A. I got to the law school in my car, walked with a cane to get into the building, and used my motorized wheelchair in the building for classes and related activities.

Correales told me to store my motorized wheelchair in his office. When picking up or leaving the chair, I had contacts with Correales which were disturbing, in that I felt he volunteered information which violated the confidentiality of other law students with disabilities. These contacts also indicated to me that I was the object of particular scrutiny by Correales and that this scrutiny on his part was not benign.