

New Jersey Law Journal

Rutgers Had No Duty to Alter MD Program for Bipolar Student, Judge Says

Charles Toutant, New Jersey Law Journal

May 10, 2016

Rutgers University's medical school had no obligation to waive its time limit for graduation or to ease its testing standards in order to accommodate a student with bipolar disorder, a federal judge in Newark has ruled.

The school is entitled to deference on its decision that the accommodations the student sought would have posed a threat to the medical school, U.S. District Judge Jose Linares of the District of New Jersey said in *Chin v. Rutgers University*. The school undertook "great efforts" to accommodate the student's disability but Rutgers demonstrated that to grant the additional accommodations she requested would "fundamentally alter the nature of the program," Linares said.

Rutgers conceded for purposes of the motion to dismiss that plaintiff Iris Chin had a disability that qualified her for protection under the Americans with Disabilities Act, the Rehabilitation Act and the New Jersey Law Against Discrimination. But the school disputed whether she was "otherwise qualified" for medical school. It claimed that the plaintiff failed to demonstrate that her requested accommodations would have allowed her to complete the program. Linares agreed.

Among the accommodations sought by Chin was a waiver of the medical school's rule that all students must graduate within six years of matriculation. Chin argued that waiving the rule would not have impacted the school's academic standards because a six-year graduation time limit is not required by federal regulations. But Linares said the absence of such a requirement in federal regulations was not relevant to the question of whether waiving a specific school's regulation would change the nature of that school's program.

Chin, who enrolled in Rutgers New Jersey Medical School in Newark in the fall of 2004, suffered from severe depression and suicidal thoughts during her first year there, according to Linares' opinion. In 2008, while still enrolled there, she was diagnosed with bipolar disorder. She completed the first three years of the four-year program but took several medical leaves of absence and had difficulty passing nationally required medical school exams. In 2012 the school dismissed her for failing to conform with its academic policies, the opinion said.

Students at the school are required to pass two exams at the end of their third year, known as the CS and CK exams. Chin failed the CS exam twice and the CK exam once, according to the opinion. She also missed two chances to retake the CK exam. In April 2012, she asked for permission to take the CS exam a third time and for another chance to retake the CK exam. In

her request letter she attributed her poor test performance to “academic, personal and medical problems” and said she was experiencing “ongoing depression and anxiety,” the opinion said.

The school's Committee on Student Affairs denied her request. She appealed the committee's decision to Medical School Dean Robert Johnson, who upheld the CSA ruling.

Chin filed suit in February 2014, claiming the school failed to accommodate her bipolar disorder by denying her requests for relief on exams.

The school argued in court papers that to adopt the accommodations she sought would “fundamentally alter the M.D. program by ignoring the plaintiff's demonstrated failure to pass nationally required examinations by established deadlines—standards and requirements that the school is charged with upholding for all NJMS students.”

The school said Chin's “request to waive these policies would have completely eviscerated the academic standards otherwise applicable to all NJMS medical students, as her repeated failures demonstrated her inability to master the basic medical science necessary to become a competent physician.”

Ultimately, the dean determined that Chin could not complete the program, Linares said.

“When judges are asked to review the substance of a genuinely academic decision, such as this one, they should show great respect for the faculty's professional judgment.” He said, citing a U.S. Supreme Court ruling from 1985 in *Regents of University of Michigan v. Ewing*.

Chin's lawyer, Robert Tandy of Woodcliff Lake, did not return a call about the case.

Rutgers' lawyer in the case, William Maderer of Saiber in Newark, was not available for comment, his office said.

Rutgers spokesman Jeffrey Tolvin said the school would not comment on the ruling.

Contact the reporter at ctoutant@alm.com.