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KU STUDENT FILES DISABILITY LAWSUIT

By [Tim Carpenter](#)[March 8, 1997](#)

The Student Assistance Center, assigned the task of helping disabled students on campus, responded insufficiently to a KU junior's needs, her lawyer contends.

A lawsuit filed Thursday in federal court alleges Kansas University violated federal law by denying a disabled student equal opportunity to a college education.

Brenda VanHyning, a Lenexa junior studying sociology, named KU and the Kansas Board of Regents as defendants in the suit filed in U.S. District Court in Kansas City, Kan.

"The things Brenda has asked for are pursuant to KU's own policy. These are services they've promised students," said VanHyning's attorney, Chris Williams.

Specifically, Williams said, the violation of the Americans with Disabilities Act resulted from KU's inability to provide VanHyning with class notetakers, a writer for essay exams and an extension of time on class assignments and tests. Each of these services should be provided under university policy, Williams said.

VanHyning, who has disabilities resulting from automobile and workplace accidents, notified KU officials one month ago of her intent to file suit if she wasn't properly accommodated.

She seeks unspecified compensatory and punitive damages and a court order requiring KU to abide by ADA.

Victoria Thomas, KU's general counsel, said the university was unable to respond to the lawsuit.

"We haven't seen it and we have no comment," Thomas said.

VanHyning referred questions to her lawyer.

Williams said VanHyning would have preferred to avoid a lawsuit and trial, but saw no alternative.

The Student Assistance Center, assigned the task of helping disabled students on campus, responded insufficiently to VanHyning's needs, Williams said.

In one instance, a student notetaker assigned to VanHyning acknowledged she had attention-deficit disorder and had trouble taking lecture notes.

"I can't imagine assigning that type of person to take notes," Williams said. "I don't think it gets much clearer under an ADA claim."

Due to injuries sustained in a 1989 car wreck, VanHyning has had 33 surgeries on her right hand. An accident at work in 1990 resulted in injuries requiring 14 surgeries on her left hand. Her physical condition makes it difficult for her to write. She also suffers lingering effects from a mild stroke.

The Americans with Disabilities Act of 1990 requires KU to provide auxiliary aids, devices or services that provide effective means of communicating course content to disabled students.

Meanwhile, the U.S. Department of Education is investigating allegations made by a legally blind KU student who maintains the university violated the ADA and U.S. Rehabilitation Act of 1973, which prevents recipients of federal funding from discriminating against qualified, disabled students.

In this case, KU senior Mary Drouin of Lawrence claims KU denied her reasonable auxiliary academic support. As a result, she said, KU failed to put her on a level academic plateau with other students.