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Case Citation: Michael S. Argenyi Plaintiff-Appellant/Cross-Appellee v. Creighton University Defendant-Appellee/Cross-Appellant. It was filed on 15th January 2013 in the United States Nebraska-Omaha District Court.

Issue: The legal question in the case is whether Creighton discriminated Argenyi by not offering auxiliary aids and services after the student joined the school to study medicine. Also, it is evaluated whether the school discriminated against the learners for denying him to use an interpreter in the second year where the classes involved clinical practices.

Facts: The case involves, Michael Argenyi, a medical student at Creighton University who has a hearing problem. Creighton University is the defendant, claiming that Argenyi (complaint) did not deserve the additional tools and services demanded. Argenyi sued the institution based on the American Disabilities Act, part 504 regarding the Rehabilitation Act. The student is insufficient in sign language, depending on cued speech and cochlear implant while conveying messages to others. Argenyi was previously at Settle University, where he used Communication Access Real-time Transcription (CART) graduating with a 3.87 GPA. In 2009, he joined Creighton University in medical school and indicated in the application that he had impaired hearing.

Together with his doctor, Dr. Backous, they requested the university to provide CART and an FM system which allows the direct sound transmission to the cochlear implant. However, the school agreed to provide only the FM system which Argenyi used for two weeks and reported it was inadequate. Notably, the doctors involved added that the FM system without the CART worsened the issue and that the learner would not perform well, indicating discrimination. Before joining the second year, Argenyi requested for the CART because the level needed a lot of interaction with patients. The school rejected the request forcing him to buy the CART for himself at \$61000. He passed the examinations but applied for leave after that year to consult the law on whether he was discriminated against. He

presented the case in September 2009 with the claim that the administration violated the law by discriminating against him.

Court's Answer to the Legal Question: Based on the Rehabilitation Act and the ADA, the district concluded that "Argenyi had failed to show that his requested accommodations were necessary as required by ADA." In an affidavit, Argenyi insisted that without the CART, he would not follow the classes smoothly. Also, communicating with the clinicians and patients was difficult. Based on this information, the complainant offered enough evidence to show that he needed the tools. However, the court did not allow the use of the affidavit as evidence during the hearing. Instead, it relied on the ADA stating that unless the plaintiff was denied entry to the school, the action was not discriminatory. Since Argenyi was admitted, the school did not discriminate against him regardless of the uncomfortable and inadequate accommodations based on his disability. After the public's attention to this ruling, the district court consulted the Eighth Circuit for further reasoning.

The department provided a different ruling claiming that Argenyi's affidavit should have been used to assess evidence on whether he deserved the CART. The panel said, "an individual's account is especially important in a discrimination case because he is most familiar with his disability and what type of aid will be effective" (Michael vs. Creighton, 2013). On Argenyi's affidavit, he stated that the following classes were challenging due to lack of CART, interpreters and also communicating was a great obstacle. Besides, the Eighth Circuit rejected the district court's interpretation of auxiliary aids. The members said that providing accommodation is not enough as reasoning needs to be implemented, to ensure students with disabilities and those without receiving equal chances to benefit from the services offered. The ruling implied that additional actions are needed for students with disabilities to support them well.

Holding: Based on the information above, the court favors Argenyi. Under Title III and Section 504, Creighton University, being a public accommodation that receives funds, should offer Argenyi with the "necessary" and suitable auxiliary aids and services to attain meaningful access for him to get the school's benefits.

Reference

Michael S. ARGENYI, Plaintiff-Appellant/Cross-Appellee

v. CREIGHTON UNIVERSITY, Defendant-Appellee/Cross-Appellant

United States; Alexander Graham Bell Association for the Deaf and Hard of Hearing;

National Disability Rights Network; Association of Medical Professionals with

Hearing Losses, Amici on Behalf of Appellant/Cross-Appellee. (2013).

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