

2-26-2001

# Appeal Procedure: Accommodation for Disabilities

The College at Brockport, College Senate

Follow this and additional works at: [https://digitalcommons.brockport.edu/senate\\_resolutions](https://digitalcommons.brockport.edu/senate_resolutions)



Part of the [Higher Education Commons](#)

---

## Repository Citation

The College at Brockport, College Senate, "Appeal Procedure: Accommodation for Disabilities" (2001). *College Senate Resolutions*. 1076.

[https://digitalcommons.brockport.edu/senate\\_resolutions/1076](https://digitalcommons.brockport.edu/senate_resolutions/1076)

This Resolution is brought to you for free and open access by Digital Commons @Brockport. It has been accepted for inclusion in College Senate Resolutions by an authorized administrator of Digital Commons @Brockport. For more information, please contact [kmyers@brockport.edu](mailto:kmyers@brockport.edu), [digitalcommons@brockport.edu](mailto:digitalcommons@brockport.edu).

**SUNY BROCKPORT**

Faculty Senate  
State University of New York  
College at Brockport  
350 New Campus Drive  
Brockport, NY 14420-2925  
(716) 395-2586 (Fax) 395-2246

**Resolution #14**  
**2000-2001**  
**FACULTY SENATE**

TO: Dr. Paul Yu, College President

FROM: The Faculty Senate Meeting on: *February 26, 2001*

RE: X I. Formal Resolution (*Act of Determination*)  
II. Recommendation (*Urging the Fitness of*)  
III. Other, For your Information (*Notice, Request, Report, etc.*)

SUBJ: *Resolution on Appeal Procedure: Accommodations for Disabilities*

Signed: *Jennifer Lloyd* Date Sent: *3/27/01*  
*(Jennifer Lloyd, Faculty Senate President)*



TO: The Faculty Senate

FROM: Dr. Paul Yu, College President

RE: I. Decision and Action Taken on Formal Resolution (circle)  
a. Accepted. Effective Date: *9/1/01 or earliest opportunity for publication*  
b. Deferred for discussion with the Faculty Senate on   /  /    
c. Unacceptable for the reasons contained in the attached explanation

II, III. Response to Recommendation/Other

- a. Received and acknowledged
- b. Comment:

DISTRIBUTION: *Administrative Group*

Distribution Date: *4/13/01* Signed: *Paul Yu*  
*(Dr. Paul Yu, President of the College)*

# PROPOSED APPEAL PROCEDURE ACCOMMODATIONS FOR DISABILITIES

## Disability Services Process

Brockport is committed to fostering an environment where students with disabilities have the same access to academic programs, support services, social events, and physical facilities as every other student.

Procedures for disability services are based on the following principles:

1. Accommodating students is a shared student/faculty/staff responsibility.
2. Faculty, staff and students need structured assistance in determining what accommodations are necessary and reasonable.
3. Policies and procedures must be reasonable and understandable.
4. Students' rights to reasonable accommodations and to confidentiality must be protected.
5. Faculty rights to maintain the academic integrity of their courses and the instructional environment must also be protected.
6. Academic course and degree requirements are not waived for disabilities but disabled students are assisted through reasonable accommodations to complete these requirements.
7. An appeals process must be trustworthy and timely.

## ELIGIBILITY FOR ACCOMMODATION

All students with disabilities who request accommodations must submit appropriate documentation of the disability to the Office for Students with Disabilities, Seymour College Union, Room, phone 5897. The "Services for Students with Disabilities" application form and support materials outline the requirements for documentation and the process to be used in accessing services. These materials are available ~~form from~~ the Admissions office or Office for Students with Disabilities.

## FORMAL APPEAL PROCESS FOR ELIGIBILITY DETERMINATION

If a student disagrees with the decision of the Coordinator of Services for Students with Disabilities to deny services through this office or on the specific accommodations approved by the office, s/he can protest the Coordinator's decision through the following formal appeal process:

1. An appeal must be submitted in writing to the Assistant Vice President for Student Affairs (who serves as the direct supervisor of the Coordinator of Services for Students with Disabilities). The student's appeal must set forth the specific action disputed and the specific accommodation(s) sought by the student. The Assistant Vice President for Student Affairs will notify the Coordinator of Services for Students with Disabilities and obtain a copy of the student's file, including the documentation of the disability and the need for accommodation, if any, recommended by the evaluator and the Coordinator of Services for Students with Disabilities. The Assistant Vice President for Student Affairs will convene a meeting to discuss the appeal with the student and the Coordinator of Services for Students

with Disabilities within five working days of receiving a written appeal. The Assistant Vice President for Student Affairs will make a decision on the appeal within three working days after meeting with the student and reviewing the file and documentation.

2. If either the student or the Coordinator of Services for Students with Disabilities is dissatisfied with the decision made by the Assistant Vice President for Student Affairs, a written appeal may be submitted to the Vice President for Student Affairs. The Vice President for Student Affairs will make the final decision within five days after reviewing the student's file and meeting with the student, the Coordinator of Services for Students with Disabilities and the Assistant Vice President for Student Affairs.

### INSTRUCTOR'S ROLE IN ARRANGING FOR ACADEMIC ACCOMMODATIONS

The Letter of Accommodations: The Coordinator of Services for Students with Disabilities will provide eligible students with a letter listing the accommodations to which the student is entitled at the beginning of the academic year. This letter will inform faculty that the student has a documented disability and set forth the academic accommodations approved by the Coordinator. Students must present this letter to their instructors in order to receive accommodations. When faculty sign this letter of accommodations, they are then obligated to provide the accommodations as listed. If faculty have reservations about the approved accommodations, they should not sign the letter of accommodation until they have consulted with the Coordinator. This consultation must take place within two days of the date the instructor receives the letter of accommodation.

Instructors must not provide any accommodations on the basis of disability until they receive this letter and must not provide accommodations on the basis of disability other than those listed in this letter. If students claim accommodations in addition to those listed in the letter, they should be sent to the Coordinator to request a revised letter.

Note: This policy refers only to accommodations offered to persons with disabilities protected by Civil Rights law under the *Americans with Disabilities Act (ADA)*. It is not intended to limit the instructor's right to respond as appropriate to the common student requests for special consideration as a result of an occasional illness or injury.

### DISPUTES BETWEEN INSTRUCTOR AND STUDENT ON ACCOMMODATIONS

Accommodations may include, but are not limited to, use of Brockport's disability services located in the Office of Services for Students with Disabilities i.e., special testing (extended time, reader/scribe, quiet room), note-taking, or assistive technology. The faculty member's department chair and/or the Coordinator of Services for Students with Disabilities may be used as resources or mediators to assist in reaching an agreement between the instructor and the student on the proper accommodations. If the student or the instructor disagree about providing the accommodations, either may proceed to the appeal process described below.

The grounds for faculty appeal will be restricted to the contention that the requested accommodations are unreasonable 1) because they compromise either the academic integrity of the course (content, skill requirements, grading), or else, 2) because they create an unreasonable demand on instructional resources and style of instruction (time involvement, demand for methods of

instruction or services the instructor cannot provide). The grounds for student appeal are restricted to the contention that the faculty member refuses to provide the specific accommodations approved by the Office ~~for Services~~ for Students with Disabilities.

#### FORMAL APPEAL PROCESS ON DISAGREEMENTS RELATED TO ACADEMIC ACCOMMODATIONS

If the student and the instructor cannot reach an agreement through informal negotiations, either may initiate a formal appeal. The steps in the formal appeal are.

1. Appeals must go in writing directly to the Dean responsible for the faculty member involved. The Dean (or Dean's designee) will convene a meeting within five working days of receiving a written notice requesting an appeal hearing. The hearing will include the student, the instructor, and the Coordinator of Services for Students with Disabilities. The Dean will make a decision on the appeal within three working days of hearing the appeal.
2. If either the student or the faculty member is dissatisfied with the decision made as a result of the Dean's hearing, a written appeal may be submitted to the Vice President for Academic Affairs within five working days of receiving the Dean's decision. The Vice President for Academic Affairs (or designee) will make a final decision on the appeal within five days of receiving the appeal and after consulting with the appropriate parties.

While the academic appeal is in process, the student will be provided accommodations originally recommended by the Coordinator of Services for Students with Disabilities unless otherwise arranged by the Vice President for Academic Affairs.

#### WHEN ACCOMMODATIONS FOR DISABILITY ARE A FACTOR IN GRADE APPEALS

In cases where grade appeals are related to student claims that approved accommodations for disability were not provided, a resolution on the accommodations question will be necessary before the grade appeal can be resolved.

#### ARRANGING FOR NON-ACADEMIC ACCOMMODATIONS

All arrangements for non-academic accommodations will be made directly through the Coordinator of Services for Students with Disabilities. Non-academic accommodations may include, but are not limited to, issues related to housing, diet, health, equipment, communications or transportation.

#### FORMAL APPEAL PROCESS FOR NON-ACADEMIC ACCOMMODATIONS

If a student and a provider of non-academic accommodations cannot reach agreement on accommodations, the following appeals process will be followed:

1. An appeal may be made to the director of the department from which accommodations are being requested. The department director will convene a meeting, which will include the

student, the service provider in the department, and the Coordinator of Services for Students with Disabilities. The department director will make a decision on accommodations.

2. If the student or the service provider is dissatisfied with the decision made during the first stage, a written appeal may be submitted to the Vice President for Student Affairs within three working days of the completion of the first stage. The Vice President for Student Affairs will make the final decision within five working days of receiving the appeal and after consulting with the appropriate parties.

While the appeal is in process, the student will be provided the accommodations originally recommended by the Coordinator of Services for Students with Disabilities, unless otherwise arranged by the Vice President for Student Affairs.

### ROLE OF THE COORDINATOR OF DISABILITY SERVICES

At all stages of the appeals process, the Coordinator of Services for Students with Disabilities will be available to provide information regarding:

1. the student's needs supported by documentation.
2. relevant legal guidelines and precedents.
3. accommodations appropriate for given circumstance.

The role of the Coordinator of Services for Students with Disabilities is to assess the documentation of disabilities and to approve the appropriate accommodations in an objective manner on behalf of the College. The Coordinator of Services for Students with Disabilities also assists faculty and staff in understanding the need for appropriate accommodations and how best to relate to students with disabilities.

/shd  
10/13/00