



The College at
BROCKPORT
STATE UNIVERSITY OF NEW YORK

POLICY TITLE: Disability Accommodation Appeals

ABSTRACT: Students as well as faculty have the right to protest the decisions of the Section 504 Coordinator in regard to academic accommodations using established appeal procedures.

OFFICE/DEPARTMENT RESPONSIBLE: Office for Students with Disabilities

DATE UPDATED: July 2011

Informal Appeal Process for Students

The determination of reasonable accommodations is a collaborative process between the student and the Coordinator of the Office for Students with Disabilities (OSD). Decisions are made on a case by case basis. If a mutually acceptable accommodation cannot be determined, or a second opinion seems warranted, the student may request that the Coordinator consult with members of the OSD Advisory Board before reaching a final decision. At any time a student may opt out of the informal process and move directly to the formal appeal process.

Formal Appeal Process for Students

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

An appeal must be submitted in writing to the Vice President for Enrollment Management and Student Affairs (or his/her designee). The student's appeal must set forth the specific action disputed and the specific accommodation(s) sought by the student. The Vice President for Enrollment Management and Student Affairs will notify the Coordinator of the Office 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. The Vice President for Enrollment Management and Student Affairs will convene a meeting to discuss the appeal with the student and the Coordinator within five working days of receiving a written appeal. The Vice President for Enrollment Management and Student Affairs will make a decision on the appeal within three working days after meeting with the student and reviewing the file and documentation.

If an acceptable accommodation cannot be determined through the appeals process, an internal grievance may be filed with the College's Affirmative Action Officer. More information regarding grievance procedures can be found at www.brockport.edu/aao/ at the link entitled "discrimination complaints" or by contacting the Office for Affirmative Action at (585) 395-2109.

Faculty/Staff Role in Arranging for Academic Accommodations

Disability Statement

Faculty is asked to provide the following disability statement in course syllabi and to read it on the first day of class:

Students with documented disabilities may be entitled to specific accommodations. The Office for Students with Disabilities makes this determination. Please contact the Office for Students with Disabilities at (585) 395-5409 or osdoffic@brockport.edu to inquire about obtaining an official letter to the course instructor detailing any approved accommodations. The student is responsible for providing the course instructor with an official letter. Faculty work as a team with the Office for Students with Disabilities to meet the needs of students with disabilities.

The Letter of Accommodations: The Coordinator of the Office for Students with Disabilities will provide eligible students with a letter listing the accommodations to which the student is entitled at the beginning of each semester. This letter will inform faculty that the student has a documented disability and set forth any accommodations approved by the Coordinator. Accommodations may include, but are not limited to, special testing (extended time, reader/scribe, distraction-reduced room), note-taking, issues related to housing, diet, health, equipment, or communications. Students must present this letter to the appropriate faculty in order to receive accommodations. When faculty sign this letter of accommodation, they are then obligated to provide the accommodations as listed.

Formal Appeal Process for Faculty/Staff

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 receipt of the letter of accommodation. The Coordinator, after consulting with the College's ADA Officer, will convene a meeting with the appropriate supervisor (department chair and/or dean, etc.) and the student. The Coordinator may make a redetermination of the accommodations, taking into consideration any new information received. If a resolution of the disagreement cannot be reached, the Coordinator may need to present the case to the school dean and/or appropriate Vice President to ensure compliance with the College's legal responsibilities under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1974.

Faculty 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 ADA/504. It is not intended to limit the faculty member's right to respond as appropriate to the common student requests for special consideration as a result of an occasional illness or injury.

While discussions are taking place, the student will be provided accommodations originally recommended by the Coordinator of the Office for Students with Disabilities unless otherwise arranged by the Vice President for Academic Affairs.

Disability accommodations are normally not grounds for grades appeals. For this reason, students and faculty are advised to deal with accommodations issues as they arise.

Role of the Coordinator of Disability Services in the Appeals Process

At all stages of the appeals process, the Coordinator of the Office 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 circumstances.

The role of the Coordinator of the Office 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 also assists faculty and staff in understanding the need for appropriate accommodations and how best to relate to students with disabilities.