

## **DS Appeal Policy**

The University of New England recognizes the wide variation in the needs of students with disabilities. If a conflict arises over the granting or denial of a requested accommodation the Director of Disability Services will, at the request of a student, review the requested accommodation. If this process fails to establish a mutually acceptable resolution, the student can file an appeal as described below. The basis for such an appeal should be that a University program or activity is not accessible to a qualified student with a disability in the absence of the contested modification or accommodation. The University of New England is under no obligation to provide accommodations that would fundamentally alter the nature of the program or the course of study.

### **Appeal Procedure**

A student wishing to appeal must file the appeal in writing within ten business days of the failure of the interactive process with the Director of Disability Services. Appeals will be directed to the Assistant Provost or their designee. The student appeal process is designed to resolve internal differences and is not a legal proceeding; therefore, neither the student nor the University will have an attorney present. However, students needing assistance with this process may select an advisor of their choice to assist them in all appeal proceedings. This advisor must be from within the University community and may not have otherwise been involved in the process, and may not be legal counsel, or a member of the student's family.

A student appeal should include the following:

1. The requested accommodation or modification that is being appealed.
2. The rationale for the appeal.
3. A listing of documentation and/or any witnesses that the student contents support the appeal.

Students may, at their own expense, submit additional documentation, evidence, or expert opinion to support their appeal. Such evidence may be in the form of oral testimony or written or taped reports.

## **DS Appeals Committee Roles and Responsibilities**

The Assistant Provost will select the members of the Disability Services Appeals Committee and convene a meeting to consider the appeal within ten business days of receiving the written appeal. Disability Services Appeals Committee will consist of:

1. A faculty representative from the student's program.
2. A staff representative from Student Affairs.
3. A staff representative from Student Support Services.

Persons may not serve on the Disability Services Appeals Committee unless they can be available for the entire review process. The Committee will select its own chair from among its appointed members.

The role of the chair is to ensure that the committee does the following:

1. Determines what information, witnesses, and documentation are relevant to the proceeding.
2. Requires the appropriate college dean to produce any necessary relevant University, student, or other records as permitted by law.
3. Determines which, if any, witnesses will be heard and requests any written or taped statements in advance. Individuals cannot be compelled to testify.
4. Ensures documents which will be considered by the committee and the names of witnesses who will be called are shared with the student filing the appeal ahead of the meeting.

A person may not serve as a member of the Disability Services Appeals Committee if (s)he is to be a witness for or against the disputed accommodation, or has been involved in any capacity in events leading to the appeal. Should a conflict of interest be perceived by the student for any person appointed to serve on the committee, the student should inform the Assistant Provost of the specific concern and the Assistant Provost will decide whether that member will be replaced. If necessary, the Assistant Provost will appoint a new member within five business days of his or her the determination of the existence of a conflict of interest.

The Assistant Provost will forward documentation to members of the Disability Services Appeals Committee and will notify the student involved of the scheduled date, time, and place of the meeting. Committee members will keep confidential the student's records used in these proceedings. Records and documentation will be handled in compliance with all federal laws and University policy.

The student has the right to be present and heard at meetings where information is presented and witnesses are called. The student's advisor, as defined above, may also accompany the student to the meeting. The advisor, however, may not participate orally or in writing in the committee meeting. If the advisor is, in any way, disruptive during the meeting, the advisor will be asked to leave the meeting. Neither the student nor their advisor may be present for committee deliberations. These meetings are not open to the public and will not be recorded.

The committee's deliberations and report, including final recommendations will be based solely on information presented during the proceedings, and will focus on fact-finding and protecting both University's and the student's rights.

After considering the appeal, the Disability Services Appeal Committee will submit its final factual findings and recommendations to the Assistant Provost no later than 15 calendar days subsequent to the committee's first meeting. The report will consist of a summary of the hearing, evidence presented, and recommendations of the committee. The Assistant Provost will make the final decision and will notify the student of his/her decision within ten business days of receipt of the committee's report. The decision of the Assistant Provost will be final.