

Student Accessibility Services Appeal Process and Grievance Policy

Student Accessibility Services (SAS) is committed to providing academic accommodations to students with disabilities to ensure equal access at Western New England University. Determining equal access requires the review of disability limitations with consideration of technical standards of academic programs and courses. SAS analyzes submitted documentation information when making equal access determinations.

The policy outlined below applies to students and faculty members who have concerns or questions about approved accommodations. Concerns should be addressed to the SAS Director/Team prior to initiating any formal appeal process.

The SAS Appeal Policy does not supersede or replace other Western New England University policies and procedures (grade appeal, Student Code of Conduct, etc.). Western New England University prohibits retaliatory action towards anyone who files Appeal/Grievance Process.

SAS Appeal/Grievance Process and Policy Definitions:

Appeal, Grievance, Informal and Formal Definitions:

- An **appeal** is a formal request to the SAS director, The Student Accessibility Services Advisory committee, or the provost to review information and reconsider a decision related to a prior accommodation determination.
- A **grievance** is any complaint other than one that involves an accommodation decision and may include concerns related to accommodation implementation with a particular staff or faculty member.
- **Informal SAS Review** is a second review of the approved or denied accommodation or requested accommodations by the SAS team.
- **Formal SAS Appeal** is a complete review of the denied accommodation by the (in order of appeal process, students may not skip parts of the formal process):
 - 1) The SAS Team including the SAS director.
 - 2) Select members of the Student Accessibility Services Advisory Committee as deemed appropriate by the SAS Director.
 - 3) The Provost.

SAS Appeal/Grievance Process:

- Before commencing this process, the student must have completed the accommodation request process and received a decision granting or denying an accommodation in writing. If a student is not satisfied with the approved accommodations, or denial of accommodations, the student should first meet with the Director of SAS for a discussion as a part of the informal review process.
- If the student remains unstratified with the accommodation, the student may then request an appeal of accommodation.
- The Director of SAS will review formal appeals or written grievances within twenty (20) working calendar days of the formal notice of the accommodation decision or issue related to an area of concern with accommodation implementation, unless there are extenuating mitigating factors., i.e. substantial personal illness requiring medical intervention, loss of access to Western New England University email system verified by the Western New England University IT department, etc.
- A student can always file a new request for accommodation based on new/changed circumstances, this does not require the use of the appeal process.
- Delaying the appeal process may limit the formal review process into the matter and the remedies that may be available.
- Although SAS staff will assist in facilitating the filing of an individual's appeal or grievance, a student may obtain assistance from a personal advocate unrelated to SAS to help them in the SAS appeal or grievance process.
- Students may not contact the members of the Student Accessibility Services Advisory Committee nor the provost without first filing all documents to appeal a determination.
- It is important for the student to continue following all academic, attendance, and syllabi requirements during a SAS appeal/grievance process. As a result of an accommodation appeal, official course grades may not be changed.
- In the unlikely event a grade change/review is the determination made by the SAS appeal/grievance process, the SAS Director will work directly with the Instructor, Department Chair, Dean, Registrar, and/or Provost as to this matter.
- This grievance/appeals process applies to all student SAS-related accommodation decisions including but not limited to academic matters, residential issues, and additional accommodation requests.

Formal Appeal Procedures:

A. Step One

1. To appeal the SAS decision related to accommodations, students must do so in writing within twenty (20) days of the notice of the accommodation decision. The SAS Director has the discretion to waive the 20-day deadline for reasonable cause, but the student should recognize that the longer they wait, the more difficult it may become to ascertain the facts of a case.
2. The appeal must be submitted with the SAS Formal Appeal Form and must include a personal statement. It may also include additional supporting documentation of disability.
3. The appeal is to be sent directly to SAS, who will review the appeal with the entire SAS Team. The SAS Team will render a written decision, generally within 30 calendar days of receipt of the appeal.

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4. The SAS Team will provide students and the Director of Student Accessibility Services with an opportunity to present information useful to understanding the appeal, in person, by email, or by other means if deemed appropriate.
5. The SAS Team may decide to uphold the previous accommodation decision, support the appeal request: decide on an alternative, reasonable accommodation, or decide that new information has been submitted or required which necessitates further review by the Specialist/Director of Student Accessibility Services.

B. Step Two

1. If the student is dissatisfied with the determination of the Step One appeal process, the student may appeal directly to the SAS Director within fifteen (15) days of receiving the Step One determination.
2. The SAS Director will engage select members of the Student Accessibility Services Advisory Committee.
 - a. The selected group will include no less than three members of the SAS Advisory Committee, one of which is required to be a student leader serving on the SAS Advisory Committee.
3. The appeal must be in writing and specify the reasons for disagreement with the Step One determination. It is the student's responsibility to provide the SAS Director with copies of the completed Step One Appeal Process Form and all supporting documentation for distribution to the SAS Advisory Committee selected members.
 - a. Failure to provide all of the required documents may limit the committee's decision-making abilities.
4. A Step Two appeal may be filed in writing and delivered by email, postal mail, fax, or in hand to the Student Accessibility Services Director.
5. Once an appeal is filed, the appeals process should last no longer than twenty (20) days.
6. At the end of the investigation, the SAS Advisory Committee shall provide the student with a final determination letter, via email or postal mail.
7. The SAS Advisory Committee may decide to uphold the previous accommodation decision, support the appeal request; or decide that new information has been submitted which necessitates further review by the Director of Student Accessibility Services.

B. Step Three

1. If the student is dissatisfied with the determination of the Step One **AND** Step Two appeal process, the student may appeal directly to the Provost within ten (10) days of receiving the Step Two determination.
2. The appeal must be in writing and specify the reasons for disagreement with the Step One **AND** Step Two determination. It is the student's responsibility to provide the

Provost with copies of the completed Step One **AND** Step Two Appeal Process Forms and all supporting documentation.

3. A Step Three appeal may be filed in writing and delivered by email, postal mail, fax, or in hand to the Provost.
4. Once an appeal is filed, the appeals process should last no longer than ninety (90) days.
5. At the end of the investigation, the Provost shall provide the student with a final determination letter, via email or postal mail.
6. The Provost may decide to uphold the previous accommodation decision; support the appeal request; or decide that new information has been submitted which necessitates further review by the Director of Student Accessibility Services.
7. **The Step Three appeal decision is final. No additional appeals or reviews are available after the Step Three determination.**

Student Accessibility Services Step One Appeal Form

Step One Student Appeal Form

Name

Date

Major

Expected Date
of Graduation

Phone

E-mail

Approved
Accommodations

Appeal Information (Please answer all questions and include additional sheets of paper as needed. There is a preference for typed responses, but not required.):

1. Did you utilize the informal appeal process available to all students registered with SAS?
 - If not, provide additional details as to your decision not to use the informal appeal process and/or the outcome of the informal appeal process.
 2. What type of accommodations were requested and the approximate date of the request?
 3. What was the response of SAS team and the date of the response?
 4. What is your disability diagnosis and the nature of the impact of the disability in the academic or housing setting?
 5. Please describe the legal obligation, if any, the individual believes SAS has violated.
 6. Are there deadlines related to the SAS formal appeal (such as an appeal time or statute of limitations, if known)?
- A. Provide copies of any documentation relating to the appeal.

B. Include a detailed Personal Statement.

Student Accessibility Services Step Two Appeal Form

Step Two Student Appeal Form

Name

Date

Major

Expected Date
of Graduation

Phone

E-mail

Denied
Accommodations

Appeal Information (Please answer all questions and include additional sheets of paper as needed. There is a preference for typed responses, but not required.):

- 1) Did you utilize the informal appeal process available to all students registered with SAS?
 - If not, provide additional details as to your decision not to use the informal appeal process and/or the outcome of the informal appeal process.
- 2) Why do you feel the determination reached in the formal Step One determination is inappropriate or incorrect?
- 3) Why do you feel the determination reached in the formal Step Two determination is inappropriate or incorrect?
- 4) Did you actively engage in the Step Two Accommodation Appeal process?
- 5) What type of accommodations were requested and the approximate date of the request?
- 6) What was the response of SAS team and the date of the response?
- 7) What is your disability diagnosis and the nature of the impact of the disability in the academic or housing setting?

- 8) Please describe the legal obligation, if any, the individual believes SAS has violated.
- 9) Are there deadlines related to the SAS formal appeal (such as an appeal of time or statute of limitations, if known)?
 - a) Provide copies of any documentation relating to the appeal.
 - b) Provide copies of all documents submitted for the Step One appeal.
 - c) Please provide a list of dates that you are available to meet with the SAS Advisory Committee Appeal Group.
 - Do you prefer a virtual (Zoom) or in-person meeting?
 - Meeting with the SAS Advisory Committee is not required, you may opt to submit a detailed personal statement rather than meet with the group.

Student Accessibility Services Step Three Appeal Form

Step Three Student Appeal Form

Name

Date

Major

Expected Date
of Graduation

Phone

E-mail

Denied
Accommodations

Appeal Information (Please answer all questions and include additional sheets of paper as needed. There is a preference for typed responses, but not required.):

1. Did you utilize the informal appeal process available to all students registered with SAS?
 - a. If not, provide additional details as to your decision not to use the informal appeal process and/or the outcome of the informal appeal process.
2. Why do you feel the determination reached in the formal Step One determination is inappropriate or incorrect?
3. Why do you feel the determination reached in the Step Two appeal is inappropriate or incorrect?
4. What type of accommodation was requested and the approximate date of the request?
5. What was the response of the Step Two Appeal and the date of the response?
6. How does your disability diagnosis impact you in the academic, campus, and residential setting?

7. Please describe the legal obligation, if any, the individual believes SAS has violated.
8. Are there deadlines related to the SAS formal appeal (such as an appeal time or statute of limitations, if known)?
 - A. Provide copies of any documentation relating to the appeal.
 - B. Include a detailed Personal Statement.
 - Indicate in your personal statement that you understand the Step Three Appeal process determination is final and there will be no additional opportunities to appeal the determination.
 - C. Include all documents from the Step One AND Step Two Appeal.