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## Accessibility Services

A Division of Student Affairs

### Mission Statement

**Accessibility Services is committed to providing quality services for individuals with disabilities and ensuring equal access to the university environment while promoting self advocacy.**

### Introduction

The office of Accessibility Services offers services to the University of New Mexico (UNM) self-identified students with disabilities. Students with documented disabling conditions that affect a major life activity are eligible for these services. This includes students with visual, hearing, learning, and mobility disabilities, and chronic conditions. The primary duty is to help all students with disabilities gain equal opportunities throughout the campus community, with emphasis on education. Faculty and academic support staff should refer students when they have disclosed pertinent information regarding a specific disability. Publicity throughout the academic year promotes high visibility of the services we provide for students with disabilities.

### Eligibility for Services

According to the criteria stated in Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and UNM Policy 2310, we require that students give proof of a disabling condition by providing professional evaluations. Students requesting services must provide documentation of the disabling condition prior to initiation of services. The Accessibility Services Documentation Committee will meet to determine eligibility and reasonable appropriate accommodations. The final step in the process is a meeting with Accessibility Services staff and student to determine reasonable appropriate accommodations. Faculty notification occurs after determination of accommodations.

### Background

Disability is a natural part of the human experience ...  
-- *The 104th Congress of the United States*

### Professional Guidelines and Ethical Standards

*Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 are Civil Rights laws. They affirm that people with disabilities should have access to the social, economic, educational, and cultural aspects of national life. Their impetus is the assertion by people with disabilities of their inalienable right to be treated as equals.*

Section 504-Rehabilitation Act of 1973

In 1973, Congress passed Section 504 of the Rehabilitation Act of 1973 (Section 504), a law that prohibits discrimination on the basis of physical or mental disability (29 U.S.C. Section 794). It states:

*No otherwise qualified individual with a disability in the United States. . . shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . .*

The Office of Civil Rights in the U. S. Department of Education enforces regulations implementing Section 504 with respect to programs and activities that receive funding from the Department. Section 504 regulations apply to all recipients of this funding, including colleges, universities, and post-secondary vocational education and adult education programs. Failure by higher education schools to provide auxiliary aids to students with disabilities that results in a denial of a program benefit is discriminatory and prohibited by Section 504.

Section 504 requires that we inform faculty, administration, and staff of the following:

1. They cannot exclude a student from any course, major, or program solely based on a disability.
2. This law mandates that certain academic adjustments, commonly called accommodations, be used, especially regarding the provision of alternative testing and evaluation methods for measuring student mastery, unless such an alteration would result in a fundamental alternation of the course.
3. Modifications, substitutions, or waivers of a course, major, or degree requirement are discussed in the regulations implementing Section 504 and may be necessary to meet the needs of some students with learning disabilities.
4. Changes in time limits to complete a degree may have to be made.
5. It is discriminatory to restrict the range of career options in counseling/advising students with disabilities as compared to non-disabled students with similar interests and abilities unless such counsel is based on strict licensing or certification requirements in a profession that may comprise an obstacle. In such cases, the counselor/advisor should inform the student of these requirements so he or she can assess them in light of the disability and make an informed decision.

Violation of Section 504 carries with it the threat of loss of Federal funds, including Federal research grants and student financial aid. Violation may also allow plaintiffs to be awarded monetary damages.

Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA) of 1990 is the civil rights guarantee for persons with disabilities in the United States. It provides protection from discrimination for individuals based on disability. The ADA extends civil rights protection for people with disabilities to employment in the private sector, transportation, public accommodations, services provided by state and local government, and telecommunication relay services.

ADA expands the essential concepts of *Section 504* to all aspects of American society such as private employers, public accommodations (e.g., restaurants and motels), and the Telephone Relay system for the Deaf. Under Title II, the ADA strengthened the responsibility of public entities, such as state and local government, to ensure that qualified students with disabilities will not be discriminated against. Significantly, Title V of the ADA gives people with disabilities the opportunity to take their cases to court and to receive punitive damages along with their attorney's compensation. These additions give greater force to the law with which to overcome discrimination.

## What is meant by otherwise qualified?

In short, Section 504 and Title II of the Americans with Disabilities Act (ADA) prohibit discrimination against students with disabilities who are otherwise qualified, and that when appropriate, such students must be provided reasonable accommodations. A student who has a disability is considered otherwise qualified if the student meets the academic and technical standards for admission and participation in the program. When a student with a disability is accepted to the University, that student has demonstrated that he or she is a qualified individual, even with a disability. Thus, the University must then attempt to remove barriers within the student's program. All programs, but not necessarily all buildings or classrooms, must be accessible to students with disabilities. This is often referred to as program access.

In other words, students have a *right to access* upon meeting the qualifications. Once qualifications are met, it is illegal to arbitrarily eliminate students with disabilities solely on the basis of their physical or mental condition. To do so would be discrimination. Failure to remove program barriers by refusing or denying reasonable accommodations would also be a form of illegal discrimination. The law does not mean that students get special considerations, but that they should enjoy a level playing field in which to compete, succeed, and thrive.

## What is a Disability?

Eligibility for protection under the ADA and Section 504 requires the applicant to meet one of the following three criteria:

1. Have a physical or mental condition that substantially limits one or more major life activity.
2. Have a record of such a physical or mental condition.
3. Be regarded as having such an impairment, whether actually having the impairment or not.

Examples of disabilities include, but are not limited to the following:

- Arthritis
- Attention deficit disorders
- Blindness/low vision
- Cerebral Palsy
- Communication disorders
- Deafness/hearing impairments
- Emotional/psychological disabilities
- Multiple Sclerosis
- Muscular Dystrophy
- Seizure disorders
- Specific learning disabilities
- Spinal cord injuries
- Traumatic brain injuries
- Other health impairments

## How does Accessibility Services verify a disability?

### Students with Learning Disabilities, Attention Deficit Hyperactivity Disorder, and Traumatic/Acquired Brain Injury

A copy of the comprehensive psycho educational report must be provided to The University of New Mexico, Accessibility Services in order for the student to be eligible for accommodations and/or modifications. Documentation should include testing scores and a verifying statement from a school psychologist, clinical psychologist, neuropsychologist, or other qualified professional. This group of students comprises the largest population of students served by Accessibility Services. Learning disabilities affect the manner in which individuals acquire, integrate, and/or express knowledge. Learning disabilities may affect a student's performance in reading, writing, spoken language, mathematics, or orientation to space and time.

### Students with Visual, Hearing, Physical, and Chronic Medical Condition Disabilities

Accessibility Services requires medical records for students with visual and/or hearing disabilities and, in particular instances, may accept verification of disabilities from the Department of Human Services, Division of Vocational Rehabilitation (DHS/DVR). Documentation must include narrative explanation for clarification and may include an audiogram and/or optometric results. Documentation must include specific restrictions due to a physical disability and potential accommodations required.

#### VISUAL DISABILITIES

Visual disabilities may vary from total blindness to low vision. Students with visual disabilities may experience eyestrain, light sensitivity, and an inability to read printed material or to distinguish certain colors. Students who have been blind from birth have no visual memories. Their concepts of objects, space, and distance may be different from those persons who develop visual disabilities later in life. Mobility and orientation skills also vary due to numerous factors. Students with low vision may not have an apparent "visible" disability. Students may experience difficulty in performing in class readings, unannounced quizzes, open book tests, locating lecture information, completing scantron answer sheets, or viewing lecture notes.

#### DEAF AND HARD OF HEARING

The age of onset of a hearing disability will have a great impact upon the student's English ability, both spoken and written. Generally, English is considered a second language for deaf and hard of hearing students when signed language is the dominant mode of communication. Appropriate requests include use of a Signed Language interpreter, real-time captioning, note taking, providing all directions in writing, and closed captioned videos.

#### PHYSICAL DISABILITIES

Physical access is one of the major concerns for students with physical disabilities. Students may encounter unavoidable delays during inclement weather, heavy foot traffic times, and periods of construction. If a classroom is inaccessible, Accessibility Services will work with the department to relocate the class to an accessible location. In order to fully participate in classroom activities some students may require educational assistants as an approved accommodation. When a course requires travel to alternative locations, those locations and transportation must be accessible.

## CHRONIC HEALTH CONDITIONS

There are a number of chronic health conditions that may interfere with a student's academic work, concentration, and attendance. Some students may be in pain, or taking medication with varying side effects such as drowsiness. Students with seizure disorders may be affected at any time without warning. Some medication can lessen or control seizures, but produce side effects such as slowed response and impaired coordination. Such medication makes it unlikely a seizure will occur in class. Faculty should contact emergency personnel when seizures occur.

### Students with Psychological Disabilities

Accessibility Services requires a letter from a clinical psychologist, psychiatrist, or DHS/DVR. Documentation may include diagnostic treatment information, and potential medication side effects. Psychological disabilities include, but are not limited to, depression, bipolar disorder (or manic depressive disorder), anxiety disorders, and schizophrenia. Determination of eligibility for services is based on severity, duration, and onset of the disorder. On rare occasions, classroom behavior may become an issue. All students are expected to maintain appropriate behavior. If problems occur, consulting the Student Code of Conduct and handling the behavior issues according to departmental policies is appropriate. Accessibility Services is available for consultation when necessary. Some students undergoing treatment take prescription medication to help control symptoms. This medication may have side effects such as drowsiness or disorientation.

### What are functional limitations?

A disability must limit functioning in one or more major life activity before one can receive an accommodation. The effect of a disability on program access is referred to as a functional limitation. A physical or mental condition, in and of itself, does not necessarily require accommodations. There must be a logical link between the functional limitation stemming from the disability and the accommodation requested. Accessibility Services staff first identifies functional limitations through discussion with the student and a review of documentation. Accessibility Services staff provides the student with information about the accommodations for which the student is eligible.

**Example:** A student who is blind cannot see to read print in textbooks. The disability, blindness, causes the functional limitation, an inability to read printed text. Thus, the student may choose the accommodation of reading the text in an alternative format such as Braille or audiotape. On the other hand, blindness doesn't prevent one's ability to take notes during a course lecture when Braille and other electronic devices are available. Therefore, a student who is blind may not be eligible for the accommodation of note-taking services because the functional limitations of blindness do not affect the ability to take notes using Braille or electronic devices.

### What is the Responsibility of: Accessibility Services, Students with a Disability, and Faculty?

Accessibility Services is responsible for:

- Verifying disabilities and need for accommodations
- Recommending reasonable accommodations
- Informing students of their rights and responsibilities
- Advocating program access

Accessibility Services does not have either the right or the responsibility to look over the shoulders of students with disabilities. Students are ultimately responsible for themselves. Accessibility Services works with students and, when appropriate, with their instructors, to determine two things. First, which accommodations are reasonable and second, identification and referral for other campus and community services that may be appropriate. Accessibility Services provides students with the tools necessary for their academic success.

Students are responsible for:

- Self-Identification
- Requesting reasonable accommodations in a timely manner
- Meeting the academic standards expected of all students

Ultimately, responsibility lies with the student. They must contact Accessibility Services and faculty with questions and concerns in a timely manner. Through the cooperation of all parties reasonable accommodations are provided.

Faculty is responsible for:

- Being open to accommodating students
- Providing program access
- Meeting with students to discuss their needs
- Implementing reasonable accommodations
- Maintaining confidentiality

Faculty members have a responsibility to assist in the provision of accommodations as described in the accommodation letter.

Everyone is responsible for:

- Problem-solving issues/concerns
- Maintaining academic standards for course and degree program

## What is a reasonable accommodation?

Reasonable accommodations are adjustments in the learning environment that permit students with disabilities to compete at the University. The accommodations modify nonessential elements of University programs.

Examples include, but are not limited to:

- Extended testing times
- Books on tape
- Large print material
- Signed language interpreters
- Adaptive computer software
- Accessible classrooms
- Alternative textbook format
- Note takers

Accessibility Services coordinates and provides reasonable accommodations to qualified students with disabilities. Accommodations are individualized to address specific functional limitations resulting from a disability. There must be a logical link between the functional limitation and the accommodation.

The director and program specialists rely heavily on documentation of the disability when determining accommodations. The student also participates in a discussion of limitations and possible strategies. Accommodations not requested by students will not be provided.

Students with disabilities must perform at satisfactory levels in their academic pursuits at the University of New Mexico. If they do not request reasonable accommodations and perform poorly without them, their civil rights have not been violated. The student must then deal with the consequences of unsatisfactory academic progress.

### Are these accommodations fair to other students?

This question is often asked of students with disabilities. The underlying assumption of the question is that fairness and equal treatment are synonymous with “the same” treatment. However, the same treatment doesn’t always measure fairly.

ADA and 504 of the Rehabilitation Act protect students with disabilities. The assumption of the law is that modifying non-essential tasks through accommodations should give the student with a disability an equal or fair chance to demonstrate their ability.

A student whose limitations in the way they learn, i.e., a learning disability that involves eye hand coordination or thought processing, may need accommodations that assist with their learning. These include, but are not limited to books on tape, readers and scribes for tests, screen readers, or help with marking Scantron answer sheets. Providing these accommodations helps with effectively expressing the knowledge of the course subject.

Make a point to give case-by-case consideration as required under the law. What one student receives does not necessarily mean that other students with disabilities will receive the same accommodations. The laws protect students with disabilities from being measured in an area that they cannot show their true level of abilities. Reasonable modification allows students with disabilities an equal opportunity to perform at a standard equivalent to students without a disability. While an accommodation may present an advantage to students without a disability, it isn’t an advantage for a student with a disability, but an equalizer.

### **Example:**

A student whose limitations in the physical task of writing or other fine motor manipulations may be an excellent writer even though they cannot print or type the letters and words. Thus, the physical act of writing is a non-essential task. The student’s mastery of language and course material must not, under the law, be judged by their ability to manipulate a pencil or pen, or by use of a keyboard. Accommodating the student by providing a scribe or allowing the use of computer software to record the student’s essay responses permits the student to show whether they can write effectively and whether they have acquired the information and critical skills the instructor wished to convey in the course.

## Arranging for Accommodations

### Before Accommodations are Implemented

Students with disabilities meet with Accessibility Services staff confidentially as a first step in arranging accommodations. The staff verifies the disability and determines how the disability affects academic work. This is accomplished through discussion with the student and a review of documentation.

### Accommodation Process

After the disability and its functional limitations are verified, the student is provided information about the various reasonable accommodations that address the student's disability. The student then chooses the reasonable accommodations that best apply in a given course or semester.

1. Students indicate the need for accommodation letters through submission of course schedule each semester to the department.
2. Accommodation letters are sent through campus mail to each requested faculty member appearing on the student semester schedule.
3. Faculty are informed of the presence of a signed language interpreter or special accommodations in the classroom prior to the start of the semester.
4. When faculty/staff have been notified, additional clarification and discussion may occur.

### When are accommodations not provided?

The University provides accommodations unless they fall under one of the following three categories:

#### FUNDAMENTAL ALTERATION

If an accommodation reduces the academic standards of the University, its colleges, departments, or its courses, the University denies the accommodation and deems it unreasonable. Academic standards are essential for any student. Determination of a fundamental alteration is made by Accessibility Services after discussion with faculty on the essential components of the course or major. Students with disabilities must acquire the same knowledge and skills as other students.

#### UNDUE HARDSHIP

If an accommodation costs too much or is impossible to administer, the accommodation is deemed unreasonable. An undue administrative burden occurs when the University doesn't have enough time to respond to the request, or when it would be impossible or infeasible to administer. In every instance, the University reserves the right to offer other, equally effective accommodations. In twenty plus years of case law and findings under Section 504 and the ADA, the federal government has **never** allowed a post-secondary institution to claim undue financial hardship as a legitimate refusal to provide auxiliary aids or services.

#### PERSONAL SERVICE

If a request for an accommodation falls under the definition of a personal service, the University is not responsible for providing the request. Personal services are those that a person with a disability must use regardless of attendance at the University. In addition, personal services are those for which no correlation between the disability's functional limitation and program access can be established. The University, for instance, does not purchase wheelchairs or other assistive

technologies used in every setting to compensate for a mobility disability. Other examples of personal services may include independent living, mental health, rehabilitation, remediation and homework assistance.

## Academic Adjustments

The following is a descriptive list of typical academic accommodations available to students with disabilities. Determination of the appropriateness of any given accommodation is done by Accessibility Services prior to implementation by faculty.

### Alternative Textbook, Course packets, Syllabi, and Video Format

Students with visual or learning disabilities may arrange audio or electronic formats through the Accessibility Services. At the beginning of each semester the student is responsible for informing the Accessibility Services office of books that they need in alternative format.

Accessibility Services will provide alternative format for textbooks once the student provides a course syllabus and proof of book purchase for the class. The Accessibility Services office staff will complete the alternative formatting according to assignments in the respective syllabi. Textbooks may be available as audio files or electronic text that allows the student to *hear* or *enlarge* the text.

Please make your book selections, compiled course packets, and syllabi available prior to the start of the semester. Students who are blind, have visual impairments, or have learning disabilities affecting their reading rates and comprehension, require printed materials that are transformed into alternate formats. Conversion of text into a spoken format or Braille can be a time consuming process, taking several months to complete. Your syllabus is required to determine the extent to which each text will be used and the order in which reading assignments will be completed.

Some students will rely on having printed material scanned and saved in computer format that can be listened to using voice output software. If you are collating various journal articles and portions of books into course packets, please use original copies or a copy that is as clean as possible. Creating course packets using second, third, and fourth generation copies of material (copies made from copies, etc.) may cause images of text that are fuzzy. Such blurring often makes it impossible for character recognition software to decipher images as readable text. If material included in course packets is not all of top quality, Accessibility Services would appreciate being able to briefly borrow your originals for scanning.

You may also wish to ask if the publishers of the books you are considering have created electronic text (e-text) and/or audio versions of them. If possible, select a textbook with an accompanying study guide to maximize comprehension for all students. Choosing one that does will ensure that the reading materials are accessible.

Finally, consider using captioned versions of videos as these are extremely helpful for deaf or hard of hearing students and students who have auditory processing difficulties. Although some videos used in classes are already captioned, others are not. If you are aware that you will be using videos in a class with an enrolled deaf or hard of hearing student, please contact Accessibility Services to discuss how to determine if a video is captioned or what alternatives might be available. When requesting audio-visual equipment, make sure you request equipment with a captioning decoder.

## Equipment Loan

Students may check out equipment, e.g., tape recorders and FM Assistive Listening devices for use in the classrooms.

## Adaptive Equipment and Software

Adaptive equipment and software are available in the Accessibility Services, Alice Clark room of Zimmerman Library, and Law School, room 2421, and Law Library. Installation in other labs and classrooms is done upon request by faculty or student.

### CCTV

Students with low vision use the CCTV machine with magnification capabilities up to 7X. Portable versions are available for student use in high visual context courses (i.e. mathematics, chemistry, biology, etc.). Color video magnification and black/white models are assigned to classrooms on a priority need basis. The Zimmerman Library houses a CCTV in the Alice Clark Room and the Law School in room 2421.

### COMPUTER SCREEN MAGNIFICATION SOFTWARE

Screen magnification software is available for students with low vision who need 2X to 16X magnification.

### FM ASSISTIVE LISTENING SYSTEMS

FM Assistive Listening Systems are available in the classrooms for students who are hard of hearing. The system allows amplification of the lecturer's voice or audio portion of a videotape and filters out any extraneous noises.

### DIGITAL AUDIO PLAYER/RECORDERS

Digital players/recorders are available for student use throughout the academic year to record lectures.

### TIGER EMBOSSER, JULIET BRAILLER

This equipment converts printed English text to Braille through the Duxbury Braille Translator.

### PICTURE IN A FLASH (P.I.A.F.)

The P.I.A.F produces high quality tactile graphics by using heat sensitive capsule paper. The raised images provide quick and easy access to geography, mathematics, orientation and mobility training, all science subjects and more.

### VOICE ACTIVATED SOFTWARE

Voice Activated Software helps students with visual, learning, and physical disabilities complete written assignments independently by voice-activated processing rather than keyboard processing.

### SCREEN READING SOFTWARE

Screen reading software gives students with visual disabilities access to the Windows operating system environment.

For completion of essay exams or accessing information using adaptive software, computers are available for student use at the Accessibility Services, the Alice Clark in the Zimmerman Library, Law School room 2421, and Law Library.

## Alternative Test Taking Arrangements

Alternative test taking arrangements (oral testing, extended time, use of scribe, alternative format, and distraction free environment) are available to students approved for this accommodation.

### Test Requests

1. A student goes to Accessibility Services or telephones to schedule a test with 72-hour notice.
2. A test accommodation form noting pertinent information is prepared via the departmental website or hand written by the testing coordinator.
3. If 72-hour notice is not provided the testing coordinator will make a determination on if the accommodations will be afforded. When adequate advice warning is not given, the student should report to class and take the exam under standard conditions.
4. Notification to faculty occurs at the time the student requests the exam accommodation via an automated email from [tstacom@unm.edu](mailto:tstacom@unm.edu). Telephone contact may be made when less than 72 hours notice is provided by the student.
5. Faculty provide the exam to Accessibility Services:
  1. Leave the exam for pick up in the departmental office.
  2. Or email attachment to [tstacom@unm.edu](mailto:tstacom@unm.edu).
  3. Or faxing to 277-8750.

### Administering Tests

1. Student reports to Accessibility Services for exam at scheduled time.
2. Student is allowed only the items listed on test request or designated by instructor on exam or via email message.
3. Student is monitored by video camera throughout exam period.
4. Student is warned with 15 minutes remaining in the exam time.
5. Exam is picked up from student if time expires prior to completion.

### Returning Tests

1. Accessibility Services schedules two return deliveries of exams per day. Morning exams completed by 11:00 A. M. are returned between 11:00 A.M. and 12:00 P.M.. Afternoon exams completed by 3:30 P.M. are returned between 3:30 P.M. and 5:00 P.M.
2. Exams completed after 3:30 P.M. are returned as early as possible the next working day.
3. Faculty may pick up completed exams at the conclusion of the student's exam session if desired.
4. Completed exams may also be scanned into a PDF document and sent as an email attachment when requested.

### Note Takers

Students approved for note taking accommodations and who are requesting the services of a note taker, are required to be registered each semester with the office of Accessibility Services. Students are responsible for notifying the Program Specialist regarding their note taking needs. This should be done in advance of the start of each semester or as soon as the need arises. Every effort will be made to find a qualified note taker within 15 working days of the request as outlined in the University of New Mexico Policy 2310 "Academic Adjustments for Students with Disabilities."

In the event a note taker is not found, the coordinator of note taking services will announce the need for a note taker in the student's class in order to provide the service. Students needing a note taker will remain anonymous unless they wish to self identify to their note taker. Accessibility Services provides NCR notebook paper that produces an instant copy. Either the student with a disability or the note taker may pick-up the NCR paper from the Accessibility Services office. Professors may also provide notes and Power Point handouts.

Some students registered with Accessibility Services are approved to receive a copy of class notes as an academic accommodation related to the student's disability. These notes are generally intended to be a supplement to the student's own notes and not a substitute for class attendance.

### WAYS TO SECURE A COPY OF CLASS NOTES:

1. **Carbonless paper**—Accessibility Services provides carbonless (NCR) paper to students approved for note taking to facilitate the note taking process. The note taker uses two sheets of NCR paper at a time. As the note taker takes notes on the paper, a copy is automatically generated on the page behind it. The volunteer can then give the student with a disability or the instructor the copies immediately after class. When the student prefers to remain anonymous, the instructor can then give the notes to the student.
2. **Electronic notes**—Some students take notes on their laptops and do not want to use carbonless paper. In these situations, the note takers can email their notes to the student. When the student prefers to remain anonymous, the volunteer can email the notes to the professor or the appropriate Accessibility Services administrator.
3. **Blackboard/Classroom resources**—Some instructors put their own notes on Blackboard or WebCT and these may be sufficient for the student with a disability. In other instances, the teaching assistant takes notes, which can be made available after class. It is important to

remember that copies of Power Point presentations may not include additional information that was discussed in class and may not be sufficient. In addition, Power Point presentations are typically not accessible to students with visual disabilities who are using screen reading software. In these instances, they should be converted into an accessible format (e.g., Word or PDF). Please contact Accessibility Services if you need assistance.

4. **Departmental copy machine**—At times, it may be necessary for the note taker to use a departmental copy machine rather than carbonless paper. Arrangements are made for the department or Accessibility Services to cover the cost of the copying rather than the note taker or student with a disability.

#### IMPORTANT REMINDERS:

- The student with a disability is responsible for discussing note taking as an accommodation with you and presenting the accommodation letter prior to note taking assistance being arranged. This is an appropriate time to discuss some of the options listed above and to develop a plan for your course.
- If the student asks for your assistance in soliciting a volunteer, keep his/her name confidential.

### Educational Assistants

On occasion it is necessary to employ educational assistants so equal access can be provided. Arrangements are made by Accessibility Services in consultation with faculty. The purpose of the assistants is to perform tasks under the verbal direction of the student with disability due to limited mobility. Lab courses are a typical example of when an educational assistant may be used.

### Signed Language Interpreters

Accessibility Services schedules signed language interpreters when it is determined to be a reasonable accommodation. We will schedule signed language interpreters for both academic and University co-curricular activities when the student makes this request. Requests for interpreter services must be made at least one week prior to the event or activity taking place in order for Accessibility Services to have enough time to contact and schedule a qualified interpreter.

### Enlarged Material

The Accessibility Services office staff can enlarge exams and course handouts. Students should bring these materials to the office, allowing adequate time for completion.

### Accessible Classrooms

Accessibility Services will arrange access to classrooms for students with physical disabilities, photo sensitivity to florescent lighting, or chemical sensitivity and request a change of classroom location if necessary. We will make alternative desk or table accommodations for writing surfaces.

### Distinctive Classroom Accommodations

At times, a student may require a distinctive accommodation due to the nature of the course or current health issues. Accessibility Services will serve as liaison to the faculty for unique accommodations and assistance. Specific accommodations will be determined before enrollment or early in the current semester. Should a student approach with an accommodation request beyond those listed on the accommodation letter, contact the director of Accessibility Services to discuss.

## Tutoring Assistance

Students who have been approved for tutoring services will be referred to the Center for Academic Support (CAPS) located on the third floor of Zimmerman Library. CAPS provides tutoring for most undergraduate courses at the University of New Mexico. Students with special tutoring needs that cannot be provided by CAPS should speak with their assigned Program Specialist at Accessibility Services to arrange one-on-one tutoring services.

## Student Confidentiality

All student records that Accessibility Services collects are regarded with strict confidentiality. Accessibility Services does not reveal the details of the disability diagnosis of any student registered with the office.

No information will be released to any internal or external individual, departments or agency without the written permission of the student. Instructors are cautioned against identifying students with disabilities unnecessarily to their peers or other colleagues without the student's consent. Announcing, for example, at the beginning of an exam that all students with disabilities should come to the front of the class would violate the students' right to confidentiality.

## Accommodating Students with Disabilities Check List

- ✓ **On the first day of class announce an Accommodation Statement.** Include a statement on each course syllabus, such as, “In accordance with University Policy 2310 and the Americans with Disabilities Act (ADA), academic accommodations may be made for any student who notifies the instructor of the need for an accommodation. It is imperative that you take the initiative to bring such needs to the instructor’s attention, as I am not legally permitted to inquire. Students who may require assistance in emergency evacuations should contact the instructor as to the most appropriate procedures to follow. Contact Accessibility Services at 277-3506 for additional information.”
- ✓ **Grant reasonable accommodations.** Accommodations provide equal access to programs and classroom materials. They are reasonable so long as course standards aren’t fundamentally altered and there is a demonstrated need based on the student’s disability.
- ✓ **Consult with the student.** Students are encouraged to set up appointments to discuss one-on-one needs. Accessibility Services will notify faculty by letter each semester of students enrolled in their class who are approved for accommodations and requested faculty notification.
- ✓ **Verify existence of the disability and need for accommodations.** Accessibility Services will provide an accommodation letter that verifies the student’s qualifications for services. Students requesting accommodations without an accommodation letter should be referred to Accessibility Services so appropriateness of the request can be made.
- ✓ **Permit students to use auxiliary aides and technologies that ensure access.** Depending on the disability, students may use note takers, signed language interpreters, readers, scribes, and educational assistants. Others may use tape recorders/players, computers, adaptive software, assistive listening devices and other technologies for the same purpose.
- ✓ **Permit test-taking accommodations.** Depending on the particular needs of a student, it may be necessary to extend test-taking time to one and one-half or double time, provide a quiet environment, alternative testing formats, e.g., audio taping, reader, scribe, enlarged copy, or screen readers. Accessibility Services offers test accommodation services for all of these when they cannot be provided by a department.

✓ Regard disability-related discussions and information with confidentiality. All disability related information is strictly confidential. It is imperative that faculty not violate student confidentiality in any way. Divulge only what a student gives permission for, i.e., sometimes a student will allow identification to a classroom note taker.

### Common Things Overlooked by Faculty

- Refusing to provide approved accommodations. Contact Accessibility Services with concern that an accommodation request is a fundamental alteration or potential compromise of essential function of the course.
- Requiring the student to turn in accommodation letters by a specific date. A student may request accommodations at any point in the semester. While early notification is beneficial, it is not mandated.
- Questioning whether the student has a disability. Verification of the student's disability is provided through accommodation letter notification and is determined by the University to be adequate disability verification.
- Inadvertently disclosing to classmates that a student has a disability. All information about a student and accommodations must be kept confidential.
- Asking a student about his/her specific diagnosis. A student is not required to disclose information about the disability to discuss accommodation needs. Discussion must focus on how to implement accommodations.
- Asking to review the student's documentation. This documentation is confidential and is considered a part of the student's educational records. Therefore, the information is protected by the Family Educational Rights and Privacy Act (FERPA).
- Teaching assistants are often asked to coordinate aspects of the accommodation process such as proctoring exams or locating testing space. It is essential for the faculty member to train a TA on how to implement and provide accommodations. It is important they understand their responsibility in the accommodation process.
- Providing an inappropriate reduced-distraction environment. Reduced-distraction space for test taking should be in a quiet room such as a conference room, empty classroom, etc. rather than a hallway, stairwell or an office full of people or ringing telephone.

### Due Process Issues

If you are uncertain about the reasonableness of an accommodation, you have several options. First, you may ask the student for a letter of verification from Accessibility Services to ensure that the accommodation is one recommended. If the letter doesn't contain any mention of the requested accommodation, you may contact Accessibility Services. Some accommodations might be requested even though they have not previously been discussed with Accessibility Services. Contact Accessibility Services if you are unsure if a request is reasonable or disagree with the recommendation.

## What happens if I choose not to comply?

If an instructor does not provide an accommodation that is reasonable and legitimate, the student has several options, both formal and informal. While Accessibility Services staff defaults to the level of action that intervenes the least between the student and the instructor, we also have an ethical obligation to inform students of their rights to due process under the law.

Informal options, and therefore the least interfering ones include the following:

- Clarifying the student's rights in the situation at hand, and coaching them about how to best discuss the accommodations further with their instructor.
- Accessibility Services staff may phone the instructor to further clarify the issue and to ensure he or she understands the student's civil rights.
- Student and Accessibility Services staff meets with instructor.
- Student may contact chair or dean for assistance with the situation.

In most instances the academic adjustment determination made by Accessibility Services will be acceptable to the student and faculty. However, if that is not the case, the determination is subject to appeal. In addition, the student can appeal a determination by an academic unit that an adjustment would result in a fundamental alteration of a course or program. The Provost/HSC Dean, or designee, will convene an ad hoc committee to consider the appeal. Members of the ad hoc committee will include representatives from relevant University departments as determined on a case-by-case basis. The ad hoc committee will follow the appeal procedures listed in **Exhibit A** (appendix ii). The ad hoc committee will make a recommendation to the Provost/HSC Dean, or designee, whose decision on the appeal is final for the University. Every effort should be made to arrive at a determination of the appeal as expeditiously as possible.

The student may wish to file a formal, internal complaint with the OEO/ADA Compliance office on campus. This review process will attempt to determine if discrimination on the basis of disability has occurred, and recommend resolution.

The student always has the right to file formal complaints with either the New Mexico Human Rights Commission or with the U.S. Dept. of Education's Office of Civil Rights. This process takes longer for resolution, but carries with it greater threats to the University as a whole in the event of adverse findings. Also, the student has the right to file a lawsuit alleging that the University, individual faculty member, and administration violated their legal rights.

## What if a student with a disability is failing your course?

Equal access through use of reasonable accommodations for a student with disabilities does not ensure success. The possibility of a student with a disability failing a course exists when academic performance falls below minimal standards. The question to ask in this situation is “were requested accommodations provided in a satisfactory manner?” If so then the failing grade is an accurate measure of the student’s performance and has been earned.

The laws mandate access to education, not guaranteed academic success. When a faculty member has done all that is required, then failing the under-qualified student is proper and lawful. Here's a compliance checklist:

- Stand by academic standards and freedoms. Full and equitable access to academic programs serves as the foundation to standards and freedoms.
- Communicate clear and concise expectations for performance to your students. Care should be taken to distinguish between essential and non-essential components of the course.
- Allow reasonable accommodations. Accommodations are adjustments in the way things are done and affect only non-essential aspects of a course. They are reasonable so long as course standards are not fundamentally altered.
- Inform your students that you are willing to provide accommodations. This can be done verbally during lectures and in writing within a course syllabus. Accessibility Services recommends both. One might say “Students with disabilities are welcome to discuss accommodations with me.”
- Permit students to use auxiliary aides and technologies that ensure access. Depending on the disability, students may use note takers, signed language interpreters, readers, scribes, and educational assistants. Others may use tape recorder/players, computers, assistive listening devices, and other technologies for the same purpose.
- When requested, provide alternatives to printed information such as Braille, computer electronic text, large print, and tape cassettes. If Internet resources and other technologies are used, then they must be accessible to students with disabilities. Accessibility Services produces these alternative formats.
- Make academic adjustments in instruction. Some students need lecturers to face the audience while speaking. Others may need written or graphic information spoken aloud or described. Adjustments such as these may be made after the student requests them.
- Grant testing accommodations. Again, depending on the particular needs of a student, it may be necessary to extend testing times, change testing formats, test in a quiet environment, etc.
- Regard disability-related discussions and information with the strictest confidentiality.

Therefore, if compliance is adhered to, fail the student who is not otherwise qualified. Although it is possible for any student to file a complaint, it is another matter to demonstrate discrimination when the faculty person has complied with the law.

## What if...?

### What if

#### faculty suspects a student has a disability?

- Do not ask if he or she has a disability.
- Approach as any other student having difficulty.
- Inquire what might be impacting their performance.
- If presence of a disability is disclosed, refer the student to Accessibility Services.
- If the student suspects they have disability refer them to Accessibility Services.

### What if

#### a student with a disability requests a letter of recommendation?

- If the letter cannot be written without mentioning the student’s disability, it is better to decline the request.
- The letter should be written to report what was achieved, not how it was achieved.

- The letter should be written with regard to how well the student performed in relation to peers.

What if

a student says their disability may limit regular attendance?

- Attendance during scheduled class times is a necessary part of the learning process. Accessibility Services staff may recommend flexibility in attendance requirements for some students. Generally, this accommodation is requested when the nature of the disability results in varying functioning levels, i.e., “good and bad days.” Flexibility is negotiable, contingent upon the student and circumstance. Variables such as the course, the material and the necessity of interaction in the classroom are all factors considered.

**Example:** Discourse between an instructor and a student is a critical aspect of learning in a literature course. Thus, it would not be possible simply to read the assigned texts and copy another student’s notes before an exam. Similarly, a science lab course requires students to work, often together, to observe phenomena in experiments and record findings. In these examples, minimal leniency is appropriate.

In other courses, such as large lecture courses, there may be more flexibility in attendance than in the previous two examples. Discussion between the student and instructor is essential. Accessibility Services staff is also willing to participate in such discussions. Students should understand there is no substitution for attendance and participation. Exam grades may reflect this and would not be altered as a result of missed material due to absence leniency.

What if

a classroom is moved?







- Classrooms may be moved if the room is inaccessible to a student registered in the course. Whenever possible, the least intrusive intervention is taken. For instance, a student may be moved to another section of the same course at the same time if that section is scheduled in an accessible location. Faculty should be advised that not all students with severe mobility disabilities, who may require room changes, have visible disabilities. Instructors will be notified by Accessibility Services before classroom changes are finalized.

What if

a student misses class because of an elevator breakdown?

- Elevator breakdowns or other short-term barriers may constitute temporary access barriers for students with mobility disabilities. Students may miss critical course information, be unable to take scheduled exams or pop quizzes, or be unable to give required presentations. This is a no-fault situation in many respects, but the University still assumes the responsibility of equal access. In such circumstances, the student should contact the instructor as soon as possible. He or she should request some assistance in obtaining course notes or rescheduling an exam or presentation. The student should not be adversely affected in terms of attendance. Most elevator breakdowns last only a few hours. In rare instances though, breakdowns have lasted as long as several weeks. Accessibility Services will make alternative arrangements if a student’s attendance is affected for more than one day. In these instances, it may be necessary to temporarily relocate a class to ensure full participation of all students.

## What if a required field trip is planned?

- Many courses at The University of New Mexico occur outside the traditional classroom or laboratory, and many programs require the completion of such courses as part of the standard curriculum.
- Examples of such courses are:
  -  field trips
  -  field experiences
  -  practicum
  -  student teaching
  -  professional internships
  -  study abroad
- Accessibility Services adheres to its over-arching policies regarding program access, reasonable accommodations and prohibition against discrimination with respect to these educational experiences.
- When a student asks us to do so, Accessibility Services provides reasonable accommodations such as readers, scribes, signed language interpreters, and assistive technology. Accessibility Services covers the cost of some of these accommodations, and arranges cost sharing with DHS/DVR for others when the student is eligible for that program. Many accommodations are at no cost and can be provided on site. For example, desks can be raised by blocks of wood to permit use with a wheelchair, workstation lighting can be modified, and other no-cost accommodations can be provided upon request. At no time does a student pay fees for reasonable accommodations. However, personal services such as personal care attendants, drivers, etc. are the responsibility of the student.
- The student arranges a practicum, internship, field trip or field experience, or overseas study program through their instructor, advisor, professional school or other appropriate division of the University. If accommodations are likely to be required, the student must make the request. For example, use of an aid in student teaching would be requested by the student in advance. The purpose, activities, and time necessary for the accommodations would be discussed by Accessibility Services and the student, along with the practicum supervisor. Staff at the practicum site may need to be included as well. In other cases, the student makes the requests directly to the practicum site personnel, and comes to Accessibility Services only for services that would involve some cost, such as readers or scribes. Accessibility Services and the student agree on which accommodations are necessary and reasonable, and the authorization to implement them (such as hiring a reader or being assigned a signed language interpreter) is granted to the student. Supervising faculty should discuss the potential need for accommodations with students when appropriate.

## What if a student needs a Signed Language Interpreter?

- Students who are deaf may request the use of a signed language interpreter in order to have access to course lectures and other University activities. Signed language interpreters are professionals employed by Accessibility Services. Their job is to provide access by interpreting lecture and other spoken communication into signed communication, usually American Sign Language (ASL). Interpreters maintain a professional level of distance in the classroom when interpreting. Students handle requests for signed language interpreters directly with Accessibility Services.

Example: If a student is addressed by the instructor, the instructor should look directly at the student and speak in the first, not the second, person. Likewise, if a student wishes to ask a question, the interpreter will voice the student's question or comment. It is not ethical for the interpreter to carry the student's part of the conversation with the instructor or other students. The interpreter's job is to interpret spoken language into sign, and to voice signed language. The signed language interpreter is not responsible for the student's grasp of material, homework, testing arrangements, or attendance. These are the student's responsibility.

What if

a student needs to take a exam at Accessibility Services?

The first step involves the student acquiring the professor approval to test as Accessibility Services with accommodations. Second, as exams are scheduled, students have the obligation to inform the Accessibility Services office at least 72 hours before test taking time with the date, hour, course, and professor name. Then, Accessibility Services contacts the professor via telephone or email requesting a directive for acquiring the exam. A staff member from the Accessibility Services office may pick the exam up from the department office, the professor may hand deliver the exam, email the exam, or fax the exam. The completed exam is sealed and hand-delivered to the respective department office for placement in the professor's mailbox.

What if

a student is observed cheating on an exam at Accessibility Services?

All students must leave textbooks, notes, backpacks, and electronic devices in the main Accessibility Services office before beginning an exam. They are permitted additional materials only when the respective professor provides a note explaining exceptions. Copies of study aids for exams are copied by Accessibility Services and returned to faculty with the completed exam. Students are monitored by security cameras during the exam. In the rare instance when a student is found to be cheating on an exam Accessibility Services removes the exam and returns it uncompleted to faculty with a note explaining the situation. The course of action taken against the student is determined by the professor and based on the previously established policy. Further testing accommodations cannot be withheld from a student, but additional caution will be used to maintain the integrity of the exam.

What if

a student with a disability is enrolled in a program that requires specific certification?

No student can be denied access to any program based solely on his or her disability. All students must adhere to the standards of the program with necessary accommodations made according to his or her disability so long as the accommodations do not fundamentally alter the objectives of the program. When the standards are not met and the student has been given appropriate accommodations, it is reasonable that the student may be denied certification in the program.

What if

I am an adjunct faculty member and have a student with a disability enrolled in my course?

The Academic Adjustment Policy (UNM 2310) applies to all students enrolled in courses at UNM Main Campus, North Campus, and Branches. Adjunct faculty have the added burden of limited time on campus and access to departmental offices during business hours. Accessibility Services would be happy to assist adjunct faculty in implementation of accommodations.

What if

a student with a disability registered with Accessibility Services is absent from class, should I require a letter from a physician before excusing the absence?

Verification by accommodation letter of reoccurring illnesses is adequate notification. A request for additional verification is appropriate for extended absences and hospitalizations.

What if

a student in a wheelchair cannot evacuate using regular evacuation procedures?

- Students with orthopedic disabilities may not be able to evacuate the building during an emergency when elevators cannot be used. The student is to move into the closest stairwell once traffic flow allows and wait for assistance from appropriate personnel. The student will rely on your assistance in notifying emergency personnel of their location.

## Appendix i

2310

### ACADEMIC ADJUSTMENTS FOR STUDENTS WITH DISABILITIES

Effective Date: August 2, 2004

Subject to Change Without Notice

#### 1. Policy

In keeping with the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990, the University is committed to providing equal access to educational opportunities for qualified students with disabilities. The University shall provide reasonable academic adjustments as defined in **Section 3.3.** herein, to qualified students with disabilities as necessary to ensure equality of access to the courses, programs, services, and facilities of the University. However, students with disabilities are still required to adhere to all University policies, including policies concerning conduct and performance.

The student is responsible for demonstrating the need for an academic adjustment by providing University Accessibility Services with complete and appropriate current documentation that establishes the disability, and the need for and appropriateness of the requested adjustment(s). The University is responsible for all costs of academic adjustments. The following sections provide procedures for students, faculty, and staff on academic adjustment requirements.

#### 2. Procedures for Requesting and Determining Academic Adjustments

The first step in the process for a student who seeks academic adjustment because of a disability is to register with the Accessibility Services Office and submit documentation of the disability from a licensed or certified professional in order to become eligible for services. Applicants to, or students in, the UNM School of Medicine and the Colleges of Nursing and Pharmacy should contact the UNM School of Medicine Manager of Student Learning Support Services for information on requesting academic adjustment. Applicants to, or students in, the UNM Law School should notify the Law School Registrar as well as the Accessibility Services Office. Once a student establishes that he or she has a disability, the University will work with the student to determine what academic adjustments are appropriate and reasonable in accordance with **Section 3.3.** herein.

##### 2.1. Student Responsibilities

It is the student's responsibility to demonstrate the need for an academic adjustment by providing Accessibility Services with complete and appropriate current documentation that establishes the disability, and the need for and appropriateness of the requested adjustment(s). Accessibility Services can provide information on the kind of documentation that is required. If the initial documentation is incomplete or inadequate, the student will be required to provide additional documentation at the student's expense.

Accessibility Services will determine a student's eligibility and, in consultation with the student, will determine effective and appropriate academic adjustments in accordance with **Section 3.3.** herein. Accessibility Services may consult with other University departments, as necessary, in order to make a determination of eligibility and what academic adjustments are appropriate and reasonable. Accessibility Services will send a letter, per the student's request, to faculty, with a copy to cognizant department chairs, informing the faculty members of what adjustment(s) the student is to receive. Accessibility Services is responsible for costs relating to academic adjustments that are part of instructional courses at the Albuquerque campus. Branch campuses are generally responsible for costs relating to academic adjustments for their students.

Once the student has established his or her eligibility for academic adjustments, Accessibility Services will provide appropriate adjustments as expeditiously as possible. Generally, adjustments will be in place within fifteen (15) working days; however, some adjustments can require a longer period of time to arrange. Therefore, students are encouraged to pre-register with Accessibility Services before classes begin so that adjustments can be in place when needed at the start of the semester. If pre-registration is not possible, students should register at the start of the semester or as soon as the need for an adjustment becomes known, and Accessibility Services will make every effort to accommodate the student's needs as soon as possible. Requests received right at or after the start of a semester may result in the student being without the adjustment for part of the semester. Students should be aware that an academic adjustment does not apply retroactively, so that grades earned on exams, assignments, or other classroom activities before the adjustment takes effect will not be changed.

## **2.2. Faculty Responsibilities**

Faculty members must provide students with the academic adjustments identified in the letter from Accessibility Services. If the faculty member has questions or concerns, or needs help with making the modifications called for, he or she should contact Accessibility Services. If a student discloses a disability to a faculty member and requests an academic adjustment but the student does not have a letter from Accessibility Services, the faculty member should direct the student to Accessibility Services. It is not the faculty member's responsibility to decide whether the student has a disability and what adjustments are appropriate. Faculty can help the University meet its obligations to provide students with academic adjustments in a timely manner by stating on their class syllabus that students should inform them of any special needs as soon as possible. Students who do so should be referred to Accessibility Services.

## **2.3. Appeal**

In most instances the academic adjustment determination made by Accessibility Services will be acceptable to the student and faculty. However, if that is not the case, the determination is subject to appeal. In addition, the student can appeal a determination by an academic unit that an adjustment would result in a fundamental alteration of a course or program. The Provost/HSC Dean, or designee, will convene an ad hoc committee to consider the appeal. Members of the ad hoc committee will include representatives from relevant University departments as determined on a case-by-case basis. The ad hoc committee will follow the appeal procedures listed in **Exhibit A**. The ad hoc committee will make a recommendation to the Provost/HSC Dean, or designee, whose decision on the appeal is final for the University. Every effort should be made to arrive at a determination of the appeal as expeditiously as possible.

## **3. Criteria for Determining Academic Adjustments**

The University shall make academic adjustments for the known physical or mental limitations of a qualified student with a disability, unless the University can show that providing an adjustment would result in:

- a fundamental alteration of the service, course, program, or activity;
- an undue financial, administrative, or academic burden, and/or;
- a direct threat to the health or safety of the student or others.

### **3.1. Individual with a Disability**

An individual with a disability is a person who has, or has had a record of, or is regarded as having a physical or mental impairment that substantially limits a major life activity such as

caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

### **3.2. Qualified Student with a Disability**

A qualified student with a disability is a student with a disability who meets the academic and technical standards required for admission and participation in the programs and activities of the University of New Mexico.

### **3.3. Academic Adjustment**

An academic adjustment is a modification or adjustment to instructional methods and/or to a course, program, service, or facility of the University that enables a qualified student with a disability to have equal access and opportunity to attain the same level of performance and to enjoy equal benefits and privileges as are available to similarly-situated students without a disability. Determining reasonable academic adjustments must be done on a case-by case basis and in consultation with the student. The University is not required to provide the specific adjustment requested, but the adjustment must be effective to enable a qualified student with a disability to enjoy equal opportunity and access. All offers of adjustments are subject to applicable University policies.

#### **3.3.1. Course or Program Modifications**

The University shall provide such modifications to courses, programs, or educational requirements as are necessary and appropriate to enable a qualified student with a disability to enjoy equal opportunity and access. However, the University is not required to fundamentally alter the essential nature of a course or academic program. Reasonable academic adjustments may include, but are not limited to, extended time on an examination or paper, and oral instead of written examinations, where appropriate.

#### **3.3.2. Auxiliary Aids and Services**

Reasonable academic adjustments in the form of auxiliary aids and services may include, but are not limited to: note-takers, readers, Braille or large print materials, and sign language interpreters. However, the University is not required to provide devices or services of a personal nature such as personal attendants or personal devices utilized in activities of daily living.

### **4. Americans With Disabilities Act (ADA) Coordinator**

The Americans With Disabilities Act (ADA) Coordinator for The University of New Mexico is the Director of the University Office of Equal Opportunity. Students who believe that they have been discriminated against on the basis of a disability may contact the Office of Equal Opportunity to file a complaint.

### **5. Attachments**

**Exhibit A.** - Academic Adjustments for Students with Disabilities: Appeal Rights Procedures

**Appendix ii**  
**Exhibit A**  
**Academic Adjustments for Students with Disabilities: Appeal Rights Procedures**

Pursuant to **Section 2.3.** of "**Academic Adjustments for Students with Disabilities**" **Policy 2310, UBP**, the following process shall govern consideration of student appeals.

**Article 1. Submission of Appeal**

**1.1.** A student may utilize this appeal process in the event that:

- Accessibility Services finds that the student is not eligible for academic adjustments;
- the student disputes the academic adjustments that Accessibility Services determines to be appropriate; or
- an academic unit determines that an adjustment would fundamentally alter the nature of a course or program.

Prior to invoking this process, the student must have provided the required documentation to Accessibility Services and must have engaged with Accessibility Services to resolve the problem.

**1.2.** The student must submit an appeal in writing to the Provost. Students at the Health Sciences Center should submit their appeal to the dean of their college. The appeal must describe the student's reasons for challenging the decision and the student's attempts to date to resolve the problem. The student should attach copies of any relevant documents that he or she wants to be considered.

**1.3.** The Provost/HSC Dean, or designee, shall promptly review the appeal and decide within five (5) working days whether, under paragraph **1.1.** above, the appeal should proceed to review by a committee. If the appeal is not accepted, a written explanation shall be provided to the student. If the appeal is accepted, a copy shall be sent to Accessibility Services and/or the academic unit, if appropriate.

**1.4.** Upon receipt of the student's appeal, Accessibility Services and/or the academic unit has seven (7) days to respond in writing to the Provost/HSC Dean, or designee, and must include copies of any relevant documents it wants to be considered as evidence.

**Article 2: Appointment of Committee**

**2.1.** If the appeal is to proceed to committee, the Provost/HSC Dean, or designee, shall promptly appoint a committee made up of three (3) to five (5) members (faculty and/or staff) from relevant University departments. The student may challenge appointment(s) for cause. The Provost/HSC Dean, or designee, will decide the challenge. The Provost/HSC Dean, or designee, will promptly send a copy of the student's appeal and Accessibility Services' and/or the academic unit's response to the committee members.

**2.2.** Committee members must promptly review the student's appeal and Accessibility Services' and/or the academic unit's response(s) and will schedule a hearing. The committee will appoint a chairperson to preside at the hearing.

**Article 3: Hearing Procedures**

**3.1.** The student may have an advisor; however, the student is responsible for presenting his or her case. The advisor may be an attorney. The advisor is not permitted to present arguments or evidence or otherwise participate directly in the hearing.

**3.2.** Accessibility Services and/or the academic unit may appoint a hearing representative. The representative may also have an advisor but the representative must present the

department's case. The advisor may be an attorney. The advisor is not permitted to present arguments or evidence or otherwise participate directly in the hearing.

**3.3.** If the parties have any additional documentary evidence to be considered by the committee, it must be submitted at least three (3) business days before the hearing. A copy will be provided to the other party.

**3.4.** The committee has the right to secure evidence independently for the hearing. Any such evidence shall be provided to both parties at least three (3) business days before the hearing.

**3.5.** Parties may offer witness testimony. The names of any witnesses and a brief description of their testimony must be given to the committee at least five (5) business days before the hearing. The committee has the discretion to limit witness testimony.

**3.6.** The student and representative from Accessibility Services and/or the academic unit will have an opportunity to address the committee. Committee members may question them and may also permit them to question each other, within reasonable limits.

**3.7.** Witnesses offered by one party are subject to questioning by the committee and the other party, within reasonable limits.

**3.8.** The hearing will be tape-recorded and the Provost/HSC Dean's office will keep the tape. The tape is the property of the University. No typed record will be made.

**3.9.** The hearing is not subject to judicial rules of evidence.

**Article 4: Committee Decision**

**4.1.** The committee's decision on the appeal will take the form of a recommendation to the Provost/HSC Dean, or designee.

**4.2.** The committee will decide the appeal based on the documentary evidence, testimony, and arguments presented at the hearing. The committee will issue a written decision within ten (10) days after the hearing and will send it to the student, Accessibility Services, and/or academic unit, and to the Provost/HSC Dean, or designee.

**4.3.** After reviewing the committee's decision, the Provost/HSC Dean, or designee, may seek additional input from the student and Accessibility Services and/or the academic unit. The Provost/HSC Dean, or designee, will issue a decision as expeditiously as possible accepting, rejecting, or modifying the committee's recommendation. The student has no right to appeal the Provost/HSC Dean, or designee, decision, but the student may file a discrimination complaint with the University's Office of Equal Opportunity if the student believes that he or she has been discriminated against on the basis of a disability.