

 <b>BRANDON UNIVERSITY</b>	<b>Academic Accommodation for Students with Disabilities Appeal Procedure</b>	<b>First Approved:</b> <i>September 13, 2016</i>
		<b>Updated:</b>
<b>Senate Policy</b>	<b>Approved by</b> <i>Brandon University Senate</i> <b>Administered by</b> <i>President &amp; Vice-Chancellor</i> <i>through:</i> <i>Vice-President (Academic &amp; Provost), and</i> <i>Associate Vice-President (Student Services &amp; Enrolment Management), and</i> <i>Student Accessibility Coordinator</i>	<b>Reviewed:</b>

## 1.0 Scope

This procedure applies to all students experiencing disabilities enrolled at Brandon University, as well as to all those responsible for its implementation. All faculty or, administrative and support staff share Brandon University's legal responsibility under the *Manitoba Human Rights Code and The Accessibility for Manitobans Act* to accommodate students experiencing disabilities.

## 2.0 Reason for Procedure

- 2.1 To define a procedure for students to appeal decisions relating to accommodation of a disability that may adversely affect them in in the academic environment.
- 2.2 Brandon University acknowledges its duty to provide reasonable accommodation to students with documented disabilities. All members of the University community have a responsibility to take an active role in the accommodation process and to participate in the implementation of reasonable accommodations.

## 3.0 Procedure

### 3.1 Initial Reconsideration

- 3.1.1 Students who believe they have not been treated fairly in accordance with the *Academic Accommodation for Students with Disabilities Policy and Procedure*, or who believe they were not reasonably accommodated by the proposed accommodation, or who believe that the proposed accommodation may have been different in light of new or previously unavailable information or documentation shall first discuss this matter with the Student Accessibility Coordinator and request reconsideration. In seeking to resolve any disagreement, the Associate Vice President (Student Services and Enrolment Management), or designate may be consulted by either party.
- 3.1.2 Faculty members who believe that a proposed accommodation would compromise the Bona Fide Academic Requirements (BFARs) of the course may request that the Student Accessibility Coordinator reconsider the proposed accommodation. If the matter cannot be resolved, either the Dean of the Faculty or the Vice President (Academic & Provost) may be consulted. The faculty member must make the request for reconsideration in writing and be able to demonstrate a substantial,

viable and direct connection to the student and the proposed accommodation. In such cases, the student will be made aware of the request of reconsideration and have the opportunity to provide their position to the Student Accessibility Coordinator before a decision is determined.

- 3.1.3** Following a request for reconsideration from a student, a faculty member or both, the Student Accessibility Coordinator shall issue a decision in writing to both parties and the Dean of the Faculty, as appropriate, normally within 5 business days of the request for reconsideration.

## **3.2 Formal Appeal**

- 3.2.1** If a student or faculty member does not agree with the decision of the Student Accessibility Coordinator regarding the request for reconsideration, they may file a formal appeal to the Academic Accommodation Appeal Committee.

- 3.2.2** A student may appeal a decision when:

- i. **Failure of Judgement** - they believe that the Student Accessibility Coordinator was incorrect in his/her judgment regarding the need for, application of, or implementation of an accommodation.
- ii. **Failure of Process** - they believe the decision made by the Student Accessibility Coordinator was incorrect due to a failure on his/her part or the part of Student Accessibility Services to dutifully perform the process of determining eligibility, or determining a reasonable accommodation.
- iii. **Failure of Information** - they believe the determination made by the Student Accessibility Coordinator was incorrect due to a lack of information or documentation. A failure of information is informally handled by the student providing updated or requested documentation.

- 3.2.3** Faculty members may appeal a decision when:

- i. **Compromising Academic Standards** - they believe the decision made by the Student Accessibility Coordinator would undermine the Bona Fide Academic Requirements (BFARs) of the course. The onus is on the faculty or to establish how the standards would be compromised by providing the accommodations.

- 3.2.4** Faculty members filing an appeal under this policy must demonstrate a substantial, viable and direct connection to the student and the proposed accommodation.

- 3.2.5** Only those individuals with a real and direct connection to the academic accommodation decision have grounds to appeal the decision.

- 3.2.6** Academic accommodation decisions shall be upheld until the appeal process has been exhausted. The student's accommodation shall not be disrupted during the appeal process. If the appeal is upheld, the appropriate authority (Student Accessibility Coordinator or Dean) shall determine the most appropriate way to remedy the situation, in consultation with the relevant faculty and any other appropriate individual(s).

- 3.2.7** The composition of the Academic Accommodation Appeal Committee shall include: three faculty members appointed by Senate; two students appointed by Senate; and a Chair appointed by the Vice President (Academic and Provost).

- 3.2.8** Upon receipt of an appeal, the Academic Accommodation Appeal Committee will meet to determine whether there are grounds to hear the appeal and whether the appeal falls within the jurisdiction of the committee.

- 3.2.9** If the panel determines they will hear the appeal, the Academic Accommodation Appeal Committee will notify the Dean of the Faculty concerned, the Student Accessibility Coordinator, and the respondent of a hearing date.

- 3.2.10** They shall convene a hearing with the appellant, Student Accessibility Services Coordinator or others as soon as possible to consider submissions from all parties, including the Dean of the faculty if applicable. If the appellant is a faculty member, the student shall also be invited to attend the hearing.
- 3.2.11** The panel will establish rules and procedures for its hearings and meetings. Such procedures must ensure fairness for all parties and facilitate a timely resolution of the appeal.
- 3.2.12** The panel will determine the appropriate accommodation on the basis of the student's disability and the bona fide academic requirements of the course or program.
- 3.2.13** The panel will provide written reasons for the decision, which shall be final and binding on all parties.
- 3.2.14** All matters considered by the Academic Accommodation Appeal Committee shall be strictly confidential.
- 3.2.15** Decisions shall be made in a timely fashion, within ten (10) business days of the filing of an appeal.
- 3.2.16** At any time, a student retains their right to consult, request further assistance in resolving the dispute, or file a complaint with the Manitoba Human Rights Commission.

#### **4.0 Accountability**

- 4.1** The Student Accessibility Coordinator or designate may revise or rescind process as identified in these procedures to:
- 4.1.1** Comply with the revised policy; or
  - 4.1.2** Adjust process as reasonably necessary.

#### **5.0 Review**

- 5.1** Review of these procedures will be conducted every three (3) years. The next scheduled review date for this policy is January 2020 or earlier when there are significant changes in the related legislation.

#### **6.0 Cross Reference**

##### **6.1 Documents**

- *Brandon University Accessibility Policy*
- *Brandon University Academic Accommodation for Students with Disabilities Policy*
- *Brandon University Academic Accommodation for Students with Disabilities Procedure*
- *Brandon University Respectful Environment Policy*
- *Brandon University Student Rights and Responsibilities Policy*
- *Brandon University Academic Dishonesty Policy*
- *Brandon University Sexual Assault Policy (in development)*
- *University of Manitoba*

##### **6.2 Forms**

- *Academic Accommodation Appeal Form*