


**ADMINISTRATIVE PROCEDURE**  
**STUDENT-05**  
**APPEALS PROCESS FOR PROVISION**  
**OF REASONABLE ACCOMMODATIONS**

Number: STUDENT-05	Name: Appeals Process for Provision of Reasonable Accommodations
Purpose: This procedure outlines how students may appeal of the denial or the failure to provide a reasonable accommodation.	
Responsible Unit: Student Affairs	
Approved by: 	Approval Date: 8-15-2018

**Reasonable Accommodations for Students**

Marshall University recognizes its responsibility to provide reasonable accommodations, as defined under the Americans with Disabilities Act (ADA), for students. The goal of the accommodation is to afford students the opportunity to successfully participate in the curricular and co-curricular activities provided by the University. All students seeking an accommodation must follow the policies and procedures of the Office of Disability Services (<https://www.marshall.edu/disability/>).

**1.0 Appeal Refusal to Provide Accommodation**

1.1 Students who believe they have been inappropriately denied a reasonable accommodation by the Autism Training Center, the H.E.L.P. Program, or the Office of Disability Services may appeal as follows.

1.1.1 Step One: The student will submit the *Accommodation Appeal Form* to the Office of Disability Services within two (2) days of the denial of accommodations. This appeal form requires the recommended accommodations as provided by a licensed physician, psychologist or other appropriate medical professional. In addition, the student will provide a written statement indicating why the denial of the accommodations is in error and a potential detriment to the student's ability to participate in curricular and co-curricular activities.

The Office of Disability Services will, within 5 business days, attempt to informally resolve the appeal. Resolution may be an affirmation of the refusal of the accommodation with a rationale for the decision, recommend provision of the accommodation, or submission of the appeal form for a Step Two review.

- 1.1.2 Step Two: If the student is not satisfied with the decision from Step One, he or she may forward the *Accommodation Appeal Form* within two (2) days of receipt the Step One decision to the Vice President for Student Affairs (VPSA), or his/her designee who will further investigate the appeal. This investigation may involve a meeting with the student, staff of Autism Training Center, the H.E.L.P. Program, and/or the Office of Disability Services, faculty and staff involved in the appeal, and others whose expertise may inform the review. The VPSA will render a decision, including a rationale, in a timely manner within 5 business days. The VPSA may also submit the appeal form for a Step Three review.
- 1.1.3 Step Three: If the student is not satisfied with the decision from Step Two, he or she may forward the *Accommodation Appeal Form* within two (2) days of receipt the Step 2 decision to the Senior Vice President for Academic Affairs and Provost or his/her designee, (VPAA&P), who will further investigate the appeal. The VPAA&P will render a decision, including a rationale, within 5 business days. The decision of the VPAA&P shall be final.

## 2.0 **Failure to Provide An Accommodation**

2.1 Students who believe a member of the faculty or staff failed to provide an accommodation approved by the Autism Training Center, the H.E.L.P. Program, and/or the Office of Disability Services will submit the *Accommodation Complaint Form* to the Office of Disability Services. The Office of Disability Services will, within 5 calendar days, report to the student and the VPSA the result of an investigation of the complaint and the action taken, if any.

2.2 If the Student, the Office of Disability Services, faculty or staff believes that:

- 2.2.1 any agreed to resolution of the matter has not been adhered to or followed, or
- 2.2.2 the Accommodations are still not being provide,
- 2.2.3 no resolution can be reached concerning the issue, or
- 2.2.4 there is a dispute regarding how/what accommodations should be provided.

then the matter may be appealed.

## 2.3 Appeal of Failure to Provide an Accommodation

2.3.1 Step One: The student, the Office of Disability Services, the faculty or staff will submit the *Accommodation Appeal Form* within two (2) days of the issue or incident of providing an accommodation occurs to the Office of the VPSA. This appeal form requires the recommended accommodations as provided by a licensed physician, psychologist or other appropriate medical professional. In addition, the student, Office of Disability Services, the faculty or staff will provide a written

statement indicating what resolution attempts, if any, have been taken. Indicate which of the reasons indicated in 2.2 has occurred.

The Office of the VSPA will, within five (5) business days, attempt to resolve the appeal. This attempt at resolution may involve a meeting with the student, staff of the Autism Training Center, the H.E.L.P. Department, and/or the Office of Disability Services, faculty and staff involved in the appeal, their director, chair, dean, and/or others whose expertise may inform the review. The Office of the VSPA will render a decision, including a rationale, in a timely manner within 5 business days. The VSPA may also submit the appeal form for a Step Three review.

- 2.3.2 Step Three: If the student, the Office of Disability Services, faculty or staff is not satisfied with the decision from Step Two, he or she may forward, within two (2) days of the Step Two decision, the *Accommodation Appeal Form* to the Office of the Senior Vice President for Academic Affairs and Provost or his/her designee, (VPAA&P), who will further investigate the appeal. The VPAA&P will render a decision, including a rationale, within five (5) business days. The decision of the VPAA&P shall be final.

The VPAA&P shall have the authority to direct University faculty and staff to provide any accommodation to which the VPAA&P finds that the student is entitled to receive.

- 2.3.3 Accommodations which have been approved by the Autism Training Center, the H.E.L.P. Department, and/or the Office of Disability Services, must be provided during the appeal process.
- 2.3.4 If faculty or staff are found to have failed to provide an accommodation after all the measures outlined herein have been exhausted or at any time during the appeal process, then the matter will be referred to The Office of Equity Programs/Title IX for further investigation and possible disciplinary actions.

### **3.0 Right to Accommodation for Any Judicial or Appeal Process**

All students with a previously diagnosed disability may be entitled to receive reasonable accommodations during any judicial or appeal process. Upon notification by the student, or by the individuals conducting a judicial or appeal process, the Office of Disability Services will coordinate the provision of the accommodation and have the authority to identify how best to provide the accommodation. Provided that, the Student may be required to register to register with the Office of Disability Services to receive those accommodations in accordance with University policy and procedures.

### **4.0 Retaliation Prohibited**

- 4.1 No individual may retaliate against the student or any person that assists the student in the receipt of accommodations or this appeal process.

4.2 “Retaliate” means to take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual’s educational experience, work or academic performances, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did to further the University’s policy for providing accommodations.