

## Office of Disability Services Appeals Policy and Procedure

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### **Purpose**

La Sierra University is committed to full compliance with the Rehabilitation Act (Section 504) and the Americans with Disabilities Act as amended (ADAA). As part of the implementation of this law, the University will continue to provide reasonable accommodation of academically qualified students with disabilities, so that students can participate fully in the University's educational programs and activities. Although La Sierra is not required by law to change the "fundamental nature of essential curricular components of its programs in order to accommodate the needs of disabled students," the University will provide reasonable academic accommodations.

### **Procedure**

This procedure encourages students to communicate directly with the Office of Disability Services regarding any disability related appeals. The following options are available for filing an appeal;

- 1) Disability accommodation
- 2) Delivery of disability accommodations
- 3) Alleged discriminatory practices and decisions regarding eligibility

1) Filing an appeal about disability accommodation or alleged discriminatory practices and decisions regarding eligibility.

### **Level 1 (optional for student)**

Student registered with ODS files an appeal about disability accommodation to ODS director. If the decision was made by the ODS director, then the appeal may be brought to the Appeals Panel. Appeals may be verbal or in writing and must be clearly described. The director or the appeals panel will respond to the appellant within 10 working days of receipt of the appeal.

### **Level 2 (interactive process)**

If the appeal is not resolved in level 1, a level 2 appeal can be initiated by the student or ODS director. The ODS director will be responsible for notifying the Appeals Panel that a level 2 appeal has been initiated. During this time, ODS Counselor or the Director will be responsible for discussing with the student any interim remedies that may be necessary during the level 2 process. The panel will convene within 10 working days of receipt of notification from the ODS Director that a level 1 resolution was not successful or receipt of an appeal under this process from a student. The panel will consist of ADA Compliant Officer, a faculty or staff member

who is knowledgeable in disability accommodations and a faculty or a staff member who is knowledgeable in the area of learning and other disabilities. The panel will use a problem solving approach by including the following steps;

- Analysis of the particular class or activity for which accommodation is being sought
- Consultation with the student to learn about his/her limitations of the disability and what is requested as an accommodation to overcome the limitation.
- Consultation with the student to identify options and assess how effective each would enable equal opportunity to participate
- Consider student's preference for accommodation and implementation of accommodation that is most appropriate for both student and La Sierra University.

The panel will make a determination within 5 working days. The Appeals Panel has the authority to extend the time line for good cause measure. If an extension is needed, the student will receive a written explanation of the extension of timeline from the panel. In determining the need for extending the timeline, the panel will strongly consider the impact such a timeline extension may have on the student's current ability to effectively participate in his/her University education. The panel has authority in such matter and is an impartial arbitrator to ensure prompt and equitable determinations. The written notification to the student will describe the process for filing a level 3 appeal if the student continues to feel aggrieved.

### **Level 3**

If the student is not satisfied with level 1 and level 2 processes, then the student can file a formal appeal to the Provost. The form for filing a formal appeal can be downloaded at [www.lasierra.edu/disability-services/forms](http://www.lasierra.edu/disability-services/forms).