

Student Accommodation Appeal & Fundamental Alteration Procedures

Pages 1 – 2: Appeal Procedures for SAS Reasonable Accommodation Decisions

Pages 3 – 5: Appeal Procedures for Specific Access and Accommodation Use within the Classroom

Student Accessibility Services' (SAS) Accommodation Appeal Procedures

It is the responsibility of Student Accessibility Services to analyze all information when making equitable access decisions. Accommodations exist to ensure students with disabilities have equitable access to the UCF environment by reducing barriers created by the interaction between the impact of a student's disability and the design of the college environment.

Accommodations are not intended to ensure academic success, provide comfort, meet personal preferences, or support treatment needs.

On occasion, a student may not agree with the initial SAS accommodations decisions. As required by Section 504 and the Americans with Disabilities Act, SAS includes a procedures for prompt review and resolution in such situations.

If a student does not agree with an accommodation decision made by the student's SAS point of contact and the SAS team upon initial review, the student may file an appeal through the SAS Appeal Procedures. The student must actively initiate each step of the appeal procedures. Appeals may not be submitted on behalf of a student by a third party. Students may utilize the following steps:

Step 1 (Student Submits an Appeal Request):

After the SAS point of contact and SAS team make an initial non-approval decision, the student will receive a rationale for the decision and an appeal form via email communication from SAS personnel. The appeal form must be completed within ten (10) working days of the SAS decision. Completed appeal forms go to the SAS Director. Students must indicate on the appeal form whether they elect to meet with the SAS Director or designee as part of the appeal. Students are not required to participate in a meeting.

Process Note: If the appeal is not submitted within ten (10) working days, the initial decision is considered final. The same accommodation request will only be reconsidered upon submission of substantially new information to the SAS team.

Step 2 (SAS Director Reviews Appeal Request):

The Director of Student Accessibility Services, or their designee, will review the appeal form. If the student's appeal form requested a meeting with the Director or designee, the meeting will be scheduled within seven (7) working days of the receipt of the appeal. The SAS Director, or designee, will provide the student with a written decision and rationale via UCF email within three (3) working days of either the meeting with the student or after the appeal was submitted (if the student opts not to meet). (In some cases, the Director may need to defer the appeal to a designee if the Director cannot meet the timelines).

Process Note: When an appeal is being reviewed during Steps 1 – 2 and the student shares substantially new personal information or documentation that was not provided at an earlier step in the process, the appeal reviewer reserves the right to refer the student back to the student's initial SAS point of contact for an SAS team reassessment of the situation if the presence of the new information may have impacted the original decision if shared initially.

Step 3 (*ADA Coordinator Reviews Appeal*):

If the process set forth in Steps 1-2 does not resolve the issue, the student may submit an appeal request to the ADA Coordinator by completing the Accommodation Appeal to ADA Coordinator form within ten (10) working days of the SAS Director's written decision. Students must indicate on the appeal form whether they elect to meet with the ADA Coordinator or designee as part of the appeal. Students are not required to participate in a meeting.

Appeals to the ADA Coordinator will only be considered for the following reasons:

- **Procedural Error:** To allege a procedural error within the SAS interactive process or SAS appeal procedure that may have impacted the outcome.
- **New Information:** To consider new information that was not known or could not reasonably have been known to the student during the SAS interactive and SAS appeal processes. Please note that if new information is provided that may have impacted the original decision, the ADA Coordinator will typically refer the student back to the student's initial SAS point of contact for reassessment of the request. Existing documentation that was in the student's possession, or reasonably could have been obtained by the student, but was not presented by the student at earlier steps is not considered new information.
- **Bias in the Process:** To allege that the SAS Director's decision was tainted by bias or that the student was not treated fairly relative to similarly situated students by SAS.

The ADA Coordinator, or their designee, will review the appeal form. If the student's appeal form requested a meeting with the ADA Coordinator or designee, the meeting will be scheduled within seven (7) working days of receipt of the appeal. The ADA Coordinator or designee will provide the student with a written decision via UCF email within ten (10) working days of meeting with the student or after the appeal was submitted (if the student opts not to meet).

Process Note: Appeals at Step 3 will not be considered solely because the student disagrees with the decisions made at Steps 1 and 2. Students must provide information that supports one of the three reasons above for an ADA Coordinator review to occur. In the absence of such information, the decision made at Step 2 is final.

Specific Access and Accommodation Use within the Classroom

Students Accessibility Services (SAS) staff members aim to ensure that students with disabilities have equal access to participate in educational opportunities at UCF. Determining equal access requires both consideration of a disability along with consideration of the fundamental aspects of academic programs, courses, policies and practices.

If a professor and/or SAS determines that a specific accommodation would not be a reasonable accommodation in the classroom because it would fundamentally alter an academic program or course and the student disagrees with this decision, the student's appeal will be reviewed pursuant to the Procedure for Conducting Fundamental Alteration Assessments set forth below, which includes having a faculty committee review the situation and render a decision.

The student should email the SAS Director to initiate a fundamental alteration review. (In some cases, the SAS Director may initiate a fundamental alteration review on behalf of the student or the institution.) The SAS Director will work with the student through the review process and indicate what, if any, information the student will need to provide as part of the review. More details on the process of a Fundamental Alteration Assessment review can be found below:

Procedure for Conducting Fundamental Alteration Assessments

The University of Central Florida conducts an Individualized Assessment when an accommodation requested by a student presents the issue of whether the accommodation would “fundamentally alter” a course or academic program because the accommodation would result in the student not successfully completing an essential academic requirement of the course or program. For example, a student's request to make up work or to miss class which request would violate a professor's syllabus or other class policies may present a “fundamental alteration” issue.

1. Student Accessibility Services (SAS) will be the entity that initially assesses the accommodation question. The Office of Nondiscrimination & Accommodations Compliance (ONAC) will assist to fulfill the roles of the Rehabilitation Act §504 and/or ADA Coordinator. An ONAC representative should be consulted at any stage of this process when there is a question as to whether a proposed accommodation would cause an undue hardship on the University.
2. An SAS representative will consult with the student and the faculty member, conducting an interactive, collaborative process to determine reasonable accommodation implementation within a course. When a faculty member is inclined to deny the request on the basis that a requested course or program modification would fundamentally alter the course or academic program, an SAS representative will meet with the department faculty leaders. If there is no other effective accommodation that is agreeable to the faculty member and the department, SAS should advise the student of the faculty member's assessment and their (the student's and/or SAS') ability to appeal the request to a faculty panel for review and final decision (Faculty Review Panel).
3. If the student or SAS requests utilization of the Faculty Review Panel, the following will occur:
 - SAS will alert the department chair or program director that the Faculty Review Panel process is being utilized;
 - SAS will advise and select three members of the Faculty Review Panel to serve

- as the panel reviewing the particular request¹; and,
- The department chair or program director will designate two faculty members in the same college who have some knowledge of the subject matter of the course involved to serve as additional members of the Faculty Review Panel only for the particular request.²
4. The faculty member, SAS representative and student will have the option (not required) to present their positions to the Faculty Review Panel either in person when the panel meets to discuss the matter or by written statement submitted prior to the panel's first meeting. An ONAC representative may provide input as needed or requested.
 5. The panel will review the following information:
 - a) Course syllabus, assignment sheets and other materials establishing course/program requirements;
 - b) All written statements provided by the faculty member, SAS and/or the student;
 - c) Any medical documentation deemed relevant by SAS that the student provided to support the request³; and,
 - d) Any other relevant information that SAS, the faculty member and/or the student presents to the panel. In addition to the requested accommodation, the Faculty Review Panel will discuss with SAS, the faculty member, and the student whether there are other accommodations that could enable the student to meet the essential academic requirements of the course.
 6. The Faculty Review Panel will meet and deliberate in person or via synchronous conferencing to determine whether the requested accommodation would fundamentally alter the course/program and whether there are other accommodations that would be effective and would not fundamentally alter the course/program. SAS will moderate the conversation but will not be a voting member. Based on the final vote/decision, SAS will provide the student with a written decision on behalf of the panel providing the reasons for the decision, including identification of other accommodations discussed with the parties and considered by the panel. This decision will be issued within ten (10) business days of SAS' notification that the Faculty Review Panel process is being utilized. This timeframe may be extended for good cause, which includes but is not limited to the need to obtain additional medical documentation.
 7. If the student, faculty member, or SAS representative is dissatisfied with the Faculty Review Panel's decision, they may ask the ADA Coordinator or their designee to review the panel's decision. The ADA Coordinator or their designee will issue a written decision to the student, SAS and the faculty member involved in the matter within five (5) business days of ONAC's receipt of a request for a review of the panel's decision, the panel's written decision, and the documentation reviewed by the panel to reach a decision. ONAC's decision will be the University's final decision as to whether an accommodation requested by the student would "fundamentally alter" a course or academic program.
 8. The University will maintain the most current version of these procedures on the SAS website.

¹ When possible, in light of time constraints, one of the three members selected by SAS will be a faculty administrator.

² The department chair or program director may serve as one of these two faculty members that comprise the Faculty Review Panel.

³ The Faculty Review Panel may request additional medical documentation if necessary to determine the extent of the student's limitations related to the course requirements. Each member must maintain the confidentiality of the medical information examined. This information may be shared with other University employees only on a strict need-to-know basis.

The ONAC website will provide a link to these procedures.

The University will provide annual notification of this procedure to faculty members, students currently registered with SAS, and current SAS staff members.