

UNM Policy 2310 Exhibit A: Reasonable Accommodation for Students with Disabilities: Appeal Rights Procedures

Date Originally Issued: 08-02-2004

Revised: 06-28-2019

Pursuant to Section 2.3. of [UAP 2310 \("Reasonable Accommodation for Students with Disabilities"\)](#), 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:

- the [Accessibility Resource Center](#) finds that the student is not eligible for academic adjustments;
- the student disputes the academic adjustments that the Accessibility Resource Center 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 the Accessibility Resource Center and must have engaged with the Accessibility Resource Center 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/Chancellor for Health Sciences, or designee, shall promptly review the appeal and decide within five (5) business 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 the Accessibility Resource Center and/or the academic unit, as appropriate.

1.4. Upon receipt of the student's appeal, the Accessibility Resource Center and/or the academic unit has seven (7) business days to respond in writing to the Provost/Chancellor for Health Sciences, 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/Chancellor for Health Sciences, 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/Chancellor for Health Sciences, or designee, will decide the challenge. The Provost/Chancellor for Health Sciences, or designee, will send a copy of the student's appeal and the Accessibility Resource Center's and/or the academic unit's response to the committee members.

2.2. Committee members must review the student's appeal and the Accessibility Resource Center's and/or the academic unit's response 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. The Accessibility Resource Center and/or the academic unit may appoint a representative for the hearing process. 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 the Accessibility Resource Center and/or the academic unit will have an opportunity to address the committee. Committee members may question them and may also permit the student and representative 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/Chancellor for Health Sciences 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/Chancellor for Health Sciences, or designee.

4.2. The committee will make their recommendation based on the documentary evidence, testimony, and arguments presented at the hearing. The committee will issue a written decision within ten (10) business days after the hearing and will send it to the student, the Accessibility Resource Center and/or the academic unit, and to the Provost/Chancellor for Health Sciences, or designee.

4.3. After reviewing the committee's decision, the Provost/Chancellor for Health Sciences, or designee, may seek additional input from the student and the Accessibility Resource Center and/or the academic unit. The Provost/Chancellor for Health Sciences, 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/Chancellor for Health Sciences, 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.