UNIVERSITY OF NEW ENGLAND

INNOVATION FOR A HEALTHIER PLANET

UNIVERSITY ACCOMMODATIONS APPEALS POLICY

March 2021

Consistent with the spirit of the Americans with Disabilities Act (ADA), the University of New England ("the University") determines accommodations through an individualized yet collaborative approach to determine possible barriers and generate effective accommodations.

The Student Access Center recognizes that disagreements may occur about the appropriateness of accommodations. We also acknowledge that even with the best efforts, a conflict or problem may occur. To this end and to support positive resolutions, our office uses an appeals process should a student disagree with the accommodations process, or final determination of an accommodation plan. We recommend a range of options to resolve concerns about accommodation and eligibility decisions, services received, and University policies related to students with disabilities. Issues often occur as a result of misunderstandings, miscommunication, or lack of education around disability. In these instances, clarification and effective communication can lead to a quick and effective solution.

The University is not obligated to provide accommodations which fundamentally alter the nature of a program or course of study. The Student Access Center works with students individually to identify barriers faced and determine effective accommodations to address those barriers. We also identify and connect students to academic resources available on campus.

The Student Access Center will attempt to serve students' needs and concerns through internal resolution as a first step. If no adequate resolution can be found, the student may seek a formal appeal.

Throughout any of the procedures, students can expect to be treated with respect, receive a timely response, not experience any form of retaliation, and have their concerns dealt with in a confidential manner to the greatest extent possible.

Internal Resolution

If a problem arises regarding the delivery of accommodations, determination about accommodations, or other issues of access, students are encouraged to reach out to the Director of Student Access Center, Diana Mayo, dmayo1@une.edu, 207-602-4438 immediately, to allow for the opportunity to resolve the issue.

If the Director was the primary contact during the accommodation process, the student will contact the Assistant Provost for the Division of Student Support, Hahna Patterson, hpatterson@une.edu, 602-221-4418.

Upon notification from the Director or Assistant Provost that the requested accommodation cannot be granted or modified, a student has up to 15 days to submit a formal written appeal.

Appeal Procedure

A student wishing to appeal must file the appeal in writing within 15 calendar days of the notification from the Director or Assistant Provost that the requested accommodation cannot be granted or modified. Appeals will be directed to Jennifer DeBurro, Dean of Students and Assistant Provost for Student Affairs at jdeburro@une.edu, (207) 602-2372. The alternate contact is Ray Handy, Associate Dean of Students, Graduate & Professional Student Affairs at rhandy@une.edu, (207) 221-4213.

Appeals must include a completed appeal form along with a detailed description of the nature of the appeal, relevant documentation and a suggested resolution. Note that disagreement with the decision alone is not grounds for an appeal, rather it must be based on one of the following reasons:

- A failure to follow the process for determining an accommodation or its implementation and how this resulted in a denial of rights or negative impact.
- The existence of new evidence, not known or available when the decision was made, which would have significant bearing on the decision.
- A failure to comply with laws, regulations, rules, policies, or procedures governing the Accommodation process.

New evidence that was not known or available when the decision was made may be submitted in the form of additional documentation, a written or taped report, or oral testimony, all at the student's own expense.

If the appeal is not based on one of the three reasons listed above, the appeal will be dismissed. If the appeal is dismissed, the student will be notified by the Dean of Students and Assistant Provost for Student Affairs or designee.

If the appeal is based on one of the three reasons listed above and is timely received, within 15 calendar days of the receipt of the appeal, the Dean of Students and Assistant Provost for Student Affairs or designee will respond to inform the student of the names of the Accommodation Appeals Committee, the deadline for the student to submit any additional information, and the date by which the committee will notify the student of the appeal decision. The Accommodation Appeals Committee will be comprised of one chairperson, one faculty representative from the student's program and one faculty representative from any college.

If the student wishes to object to the presence of any of the members of the Committee because the student believes that the member or members has or have a conflict of interest that would prevent them from being impartial, the student must communicate that objection to the Dean of Students within 5 business days of the student's receipt of the letter informing the student of

the composition of the Committee. If the student does not wish to object, the student is encouraged to advise the Dean of Students as soon as possible so as to avoid unnecessary delay in the appeals process. The Dean of Students must rule on the objection and, if the objection is sustained, replace the Committee member or members within 5 business days, unless an extension of up to an additional 10 calendar days is necessary because the Dean of Students is unable to replace the Committee member or members within the initial 5 business days.

Once the composition of the Accommodation Appeals Committee is determined finally, the Dean of Students will provide to the Committee within two business days all relevant information, including but not limited to any additional information submitted by the student. The Committee will then meet and confer. The Committee may request to meet with the student and the student may request to meet with the Committee. The Committee may also request additional relevant information from the student or others who might have relevant information to provide the Committee in rendering its appeal decision.

The student appeal process is designed to resolve internal differences and is not a legal proceeding; therefore, neither the student nor the University will have an attorney present. However, students needing assistance with the process may select an advisor of their choice to assist them in all appeal proceedings. This advisor must be from within the University community and may not have otherwise been involved in the process, and may not be legal counsel, or a member of the student's family.

The Accommodation Appeals Committee will render its decision and communicate in writing its decision to the student within 15 calendar days of the first provision of information from the Dean of Students, unless an extension of time is necessitated by the Committee's request for additional information, the unavailability of a witness or the student's request for additional time. Extensions should not exceed an additional 10 calendar days unless extraordinary circumstances warrant.

The decision of the Committee is final and will be made in writing to the student. The decision may include a referral back to the Student Access Center with a recommendation based on the information provided in the appeal.

Non-Discrimination Policy

Complaints of disability discrimination, including disability harassment, perpetrated by anyone on campus, following the UNE Non-Discrimination, Anti-Harassment, And Sexual Misconduct Policy. Submit complaints to the Title IX Coordinator Angela Gamache Shambarger at ashambarger@une.edu, (207) 221-4554.

If a student is subjected to disability harassment, the University will act promptly to end such behavior and to correct any discriminatory effects that resulted from it. Retaliation against a person because of their participation in the appeals process will not be tolerated.