

UNIVERSITY OF NEW ENGLAND’S NONDISCRIMINATION GRIEVANCE PROCEDURE, POLICY AND NOTICE OF NONDISCRIMINATION FOR STUDENTS

(FALL 2024.) Please refer to <https://www.une.edu/title-ix-civil-rights-compliance> for the most current Policy.

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Compliance Inquiries

Inquiries regarding compliance with this Policy may be directed to any of the following:

Angela Shambarger <i>Senior Director for the Office of Title IX and Civil Rights Compliance/ Title IX Coordinator</i>	207-221-4554	ashambarger@une.edu	11 Hills Beach Road, Biddeford, ME 04005)
Bobbie Kallner <i>Associate Vice President of Human Resources & Chief Human Resources Officer</i>	207-602-2339	bkallner@une.edu	11 Hills Beach Road, Biddeford, ME 04005)
Office of Civil Rights, Department of Education	617-289-0111	OCR.Boston@ed.gov	8th Floor 5 Post Office Square, Boston, MA 02109-3921 -

- When a student's reported conduct alleges discrimination (other than sex discrimination) covered by this Policy, the investigation and grievance process set forth in this Policy will be used.
- To the extent that alleged misconduct by a student implicates the University's, a College's, or a Program's Professional Codes of Conduct, the matter may be, but is not required to be, referred for adjudication under the applicable progression or conduct board or committee proceedings following an investigation and hearing under this Policy-This referral to a professional code of conduct board may occur even if no determination of responsibility is found under this Policy.
- When the reported conduct alleges discrimination by an employee, the investigation in the University's Personnel Handbook will apply. These grievance procedures are set forth in Appendix A and Appendix J of the Personnel Handbook. The complete Personnel Handbook can be found here: <https://www.une.edu/hr/policies>.

Whatever process is followed, any behavior by either P

ashambarger@une.edu | 207-221-4554
 The Office of Title IX and Civil Rights Compliance
 Human Resources Office (both campuses)
 11 Hills Beach Road, Biddeford, ME 04005 and
 716 Stevens Avenue, Portland, Maine, 04103.

Deputy Coordinators with Responsibilities for Student or Employee Conduct

Ray Handy	Associate Dean of Student Affairs	207-221-4213	rhandy@une.edu	For complaints involving students
Shaylah Kelly	Senior Employee Relations and Talent Development Manager	207-602-2524	skelly14@une.edu	For complaints involving employees

The Associate Vice President of Human Resources & Chief Human Resources Officer for the University of New England is Bobbie Kallner, 207-602-2339, bkallner@une.edu, Human Resources Office, both campuses, 11 Hills Beach Road, Biddeford, Maine 04005 and 716 Stevens Avenue, Portland, Maine, 04103.

The Director/ Deputy Title IX Coordinators will:

- Provide oversight of any investigation of claims of discrimination, harassment, or retaliation in violation of this Policy;
- Be available to assist any individual in accessing the resources of the University or the community in the event of any complaint under this Policy;
- Assist anyone who wishes to report a crime to local law enforcement.

Confidential Resources

Individuals may disclose incidents and seek support in a confidential manner to a “confidential employee” as defined below. A disclosure to a confidential resource in that person’s capacity as a confidential resource does not constitute a report to the University or a complaint that will trigger an investigation or adjudication under this Policy unless the person who reveals the alleged misconduct consents to the further disclosure to UNE or unless the law supersedes the confidential employee’s professional duties and mandates a report.

Individuals may also file anonymous reports that can be anonymous on the University’s Title IX and Civil Rights Compliance webpage using the anonymous reporting feature here: <https://www.une.edu/title-ix/reporting>. Individuals filing an anonymous report must understand that while UNE may act on such reports, UNE’s investigation may be impacted by the fact that a report is anonymous.

A "confidential employee" is:

- A UNE employee whose communications are privileged or confidential under Federal or State law.

(G) Disability Accommodations

This Grievance Procedure does not alter any institutional obligations under applicable federal state, and/or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Senior Director of the Office of Title IX and Civil Rights Compliance at any point before or during this Grievance Procedure that do not fundamentally alter the Procedure. The Director will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

If the Complainant or Respondent discloses a disability, the Director or designee may consult, as appropriate, with the University's Student Access Center to provide support to Students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

(H) False Claims

It is a violation of this Policy to knowingly make false statements or to knowingly submit false information during any process covered under this Policy. In such instances, the parties may be subject to disciplinary action, which may be determined by the body adjudicating the underlying allegation(s). The level of discipline will depend on the severity of the false claim or information as well as professional codes that may apply to the person and may include, but is not limited to, probation, suspension, expulsion, or termination.

Failure to prove a claim of discrimination, harassment, or sexual misconduct does not constitute proof of a false and/or malicious accusation.

(I) Retaliation

When UNE receives information about conduct that reasonably may constitute retaliation, UNE will investigate and apply this Policy as appropriate. Upon receiving a complaint alleging retaliation, UNE will initiate the grievance procedures under this Policy, or, as appropriate, an informal resolution process. If the complaint is consolidated with a complaint of sex discrimination, including sex-based harassment, involving a student complainant or student respondent, the grievance procedures initiated by the consolidated complaint will comply with the [University of New England's Title IX Grievance Policy for Students](#).

If you believe that you or another person has been the subject of retaliation, please contact the Director or one of the Designated Deputy Title IX Coordinators as soon as possible.

(J) Sanctions for Violation of this Policy

Any Party found responsible for violating this Policy may be subject to disciplinary sanctioning. Sanctions are determined on a case-by-case basis.

Any student found responsible for any element of this Policy will be referred to and disciplined in accordance with the University of New England Student Conduct Code as outlined in the [University Student Handbook](#)

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- Whether a Supportive Measure is reasonably available;
- Whether a Supportive Measure is being imposed for punitive or disciplinary reasons;
- Whether the Supportive Measure is being imposed without fee or charge; and
- Whether the Supportive Measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

Request for a modification or reversal of a supportive measure must be timely and should be submitted in writing within **ten (10) business days of receiving the initial notice of the implementation of the supportive measure**. This review will be conducted by an impartial employee of the University, who did not make the challenged decision on the original supportive measure request. The impartial employee of the University who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing Supportive Measures.

Parties are only allowed to challenge their own individual Supportive Measures. Challenges by one Party will not be heard to Supportive Measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

(P) Applicable Procedures Under This Policy

Once a complaint has been received by the Director or their Designee, as set forth above, the following steps will be taken:

- The Director of Title IX and Civil Rights Compliance/Title IX Coordinator or designee (hereafter referred to as the Director) will meet with the Complainant and conduct an initial assessment. As part of the initial assessment, the Director will determine whether the University has jurisdiction and which policy (or policies) and grievance process applies. The Complainant may be asked but is not required to provide a statement of the allegations in writing.
- If the allegations in the complaint would constitute a violation of the discriminatory harassment provisions of this Policy and/or the Student Conduct Code if proved, then the Director will coordinate with the Director for the Office of Student Resolutions to coordinate the investigation in a manner consistent with the Student Handbook and this Policy. The Director will assign the person who will serve as the investigator of alleged violations under this Policy as well as any allegations consolidated in accordance with this Policy.
- The Director will issue a letter to the Respondent outlining (1) the nature of the alleged violation, (2) the date of the reported incident, (3) the specific sections of the Policy and/or Student Conduct Code and/or applicable professional codes of conduct the Respondent is alleged to have violated. and (4) their opportunity to attend a meeting to discuss the potential violation. The Director may

