



Equal Opportunity Office

GUIDE TO APPEALS FROM DISABILITY ACCOMMODATION DECISIONS*

❖ Under what circumstances can I appeal a disability accommodation decision?

You may appeal from any accommodation decision denying an accommodation request in full or in part. You also may appeal from a decision concluding that you are not eligible for a disability accommodation because you have not established that you have a disability.

The appeal process is intended to provide employees and students with the opportunity to bring forward questions regarding substantive or procedural errors or evidence of bias that occurred during the accommodation review process. The appeal process is not intended to initiate a new accommodation review process at a higher level.

General dissatisfaction with an accommodation decision is not grounds for an appeal.

An appeal from an accommodation decision must be based on one or more of the following grounds:

- 1) There was a **procedural error** made during the accommodation review process that substantially impacted the outcome of the decision (*e.g.*, you were not given an opportunity to participate in an “interactive process,” or the collaborative effort to arrive at a reasonable accommodation).
- 2) There was a **substantive error** (such as a misunderstanding of your accommodation request) made during the accommodation review process that substantially impacted the outcome of the decision. **To submit an appeal based on substantive errors, you must demonstrate that you already attempted to address the error(s) with the person(s) who made the original accommodation decision and were unable to resolve the issue.**

* This Guide also applies to decisions regarding alternative work arrangements in response to the COVID-19 public health emergency.

- 3) There is **evidence of bias** on the part of the person(s) who made the accommodation decision that rendered them unable to consider your accommodation request objectively and completely.

❖ **How much time do I have to appeal?**

Your appeal period begins on the day you receive your accommodation decision. You have **10 business days** from the date of receipt to submit an appeal.

❖ **How do I submit an appeal?**

Please submit an appeal here: https://uga-gme-advocate.symplicity.com/care_report

Note that you will need to supply the following three items:

- 1) A copy of your accommodation decision or notification letter.
- 2) A written statement in support of your appeal, setting forth:
 - a. what accommodation(s) you originally requested (you may attach your original request instead), and
 - b. an explanation of why you believe that a procedural error, substantive error, and/or evidence of bias impacted the decision regarding your accommodation. **You must indicate clearly which of these reasons is the basis for your appeal. If you are submitting an appeal based on substantive error, please provide evidence of your attempt to resolve the issue.**
- 3) All documentation supporting your written statement. The appeals process does not necessarily involve an interview, so you should make sure that all necessary information is contained in your written submission. Please attach copies of relevant documents; do not cut and paste documents into your email.

Please do not send EOO medical documents or information. If you believe that medical information is relevant, please contact us prior to your appeal deadline for further instructions.

❖ **What should I do while my appeal is pending?**

Employees are expected to fulfill their job responsibilities and meet their deliverables while appeals are pending. Please consult your supervisor if you need guidance. Employees whose appeals concern accommodations related to scheduling or location, such as flexible scheduling or telework, should continue working as they did during the consideration of their original accommodation. If you worked on-site while your accommodation request was under consideration, you should continue to do so, and if you teleworked part or all of the week and/or observed an amended schedule while your accommodation request was under

consideration, you should continue to do so. You also should continue to observe the schedule you maintained while your request was under consideration.

Students should maintain the status quo in the course(s), program(s), or activity(ies) affected by their appeal while it is pending.

Appeals are reviewed in the order in which they are received. Please do not contact EOO about the status of your appeal unless it has been **seven business days or more** and you have not received acknowledgment of your submission.

❖ **What are the possible outcomes of my appeal?**

GRANTED: This means that EOO has determined that the denial of your original accommodation was the result of error or bias. Faculty & Staff Relations (employees) or the Accessibility and Testing (students) will be instructed to revisit your accommodations request and will receive guidance on how to address the subject of your appeal. If there is a finding of bias on the part of a decision maker, that individual may be asked to recuse themselves from the review of your accommodation request.

If your appeal concerned a decision that you do not have a disability or did not provide sufficient documentation, granting of your appeal means that EOO will instruct Faculty & Staff Relations (employees) or the Accessibility and Testing (students) to revisit your accommodation request and treat the information previously provided as sufficient to establish a disability.

DENIED: This means that EOO has determined that your original accommodation decision was not the result of error or bias, and you are required to follow any instructions that it contained.

❖ **What if new information becomes available during the accommodation review process or after my accommodation is issued/denied?**

If you obtain new information during the course of the accommodation review process, please submit it promptly to Faculty & Staff Relations (employees) or the Accessibility and Testing (students) so that it may be taken into consideration. If you obtain new information after the completion of your accommodation review process, please resubmit your accommodation request with the new information.

❖ **If I disagree with EOO's decision, can I appeal it?**

EOO's decision on appeal represents the institution's final decision. There is no further right of appeal within the University.

❖ **What if I have questions about the appeals process?**

EOO is happy to answer any procedural questions you may have; please do not hesitate to [email us](#) or call us at 706-542-7912. Please be advised that we cannot provide you with guidance regarding the content or potential outcome of your appeal.

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