

Standard Operating Procedures for the University Appeals Board

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Introduction

The following procedures implement the [Student Conduct Code](#) (Code) as it relates to appeals in cases where the University Appeals Board (UAB) has been designated as the University Appellate Body.

These procedures incorporate by reference the definitions of the [Student Conduct Code](#). In particular, “Respondent” means any student reported to have violated the Student Conduct Code. “Director” refers to the Director of Student Conduct and Community Standards, or their designee. “Appealing Party” means the person who submits an appeal. “Board” refers to the three-person Appeal Review Board of UAB members established to review individual appeals.

The University of Oregon is committed to providing an education environment that is accessible to all students. Students in need of accommodations due to a disability should contact the [Accessible Education Center](#) (AEC) as soon as possible. Any accommodations deemed necessary and approved by the AEC will be incorporated into the student conduct process as possible.

Initiating the Appeals Process

Per the Code, an administrative conference decision may be appealed by the Respondent and, when applicable, the faculty member.

Submitting the Appeal

In order to be considered, a completed [appeal form](#) must be submitted within 10 business days of the decision letter. On the form, the Appealing Party will be required to identify at least one (1) basis for appeal. They will also be asked to provide any supporting information and/or documentation.

The Appealing Party should review the form first, then gather their materials and write draft response to the form's questions. Preparing this material in advance is important because you cannot save this form "in progress" and come back to it later. Submitting an incomplete form will delay the process outlined below and may ultimately result in the denial of an appeal.

Bases for Appeal

An appeal will only be accepted for one or more of the following bases:

- To determine whether there was any procedural irregularity that affected the outcome of the matter;
- To determine whether the action plan imposed was appropriate for the violation(s);
- To determine whether the finding is not supported by the preponderance of the evidence; and/or
- To consider new information that could alter a decision, only if such information could not have been known to the Appealing Party at the time of the administrative conference.

Additionally, the following applies to review of an appeal under these procedures:

- Cases which are resolved prior to an administrative conference may not be appealed.
- Failing to retrieve official UO email communications does not constitute a deviation from procedure and cannot be the basis for an appeal.
- An appeal cannot be submitted solely because the Appealing Party is dissatisfied with the decision.
- If the Respondent did not attend the scheduled administrative conference, any information that could have been known to the Respondent at the time of the scheduled administrative conference will not be considered new information.
- An academic sanction may not be appealed to the UAB. The Respondent may appeal an academic sanction to the designated university official within the department, college, or school from which the academic sanction originated.
- The faculty member may only appeal the violation finding and may not appeal on the basis that the action plan imposed was inappropriate for the violation.

Access to the Case File

Prior to submitting an appeal, the Respondent may request access to review the case file, which includes:

- a. The report;
- b. Other documentation which was considered in decision making;
- c. Official communications (e.g. Notice of Allegations, Decision Letter, and Notice of Appeal); and

- d. Any notes from the case manager.

To make an appointment to review the case file, the Respondent should contact their case manager. If the Respondent is unable to come to campus for a meeting, the case manager will arrange another option to review the case file.

Support Person

The Respondent may continue to work with a Support Person as they consider submitting an appeal. If the Respondent has formally designated a Support Person the Director will copy the Support Person on official communications to the Respondent.

Scope of Appeal

Except for new information, an appeal is limited to the case file. The Appeal Review is not a new administrative conference. The Board will only review the decision made by the case manager to determine whether the decision was made based on sufficient evidence, whether there were procedural errors, whether the Action Plan is appropriate, or whether new information should be considered by the Director. As such, the appealing party does not have an opportunity to meet with the Board.

Stay Pending Appeal

The action plan imposed by the University will remain in effect through the appeals process. Exceptions to this rule may be granted as outlined below.

Within 10 business days of submitting the appeal, the Respondent may request a stay of the entire action plan or individual outcomes and sanctions pending the appeal decision. Upon request, the Director will generally grant a stay for educational, reflective, and restorative outcomes. If the Respondent requests for a stay of an administrative sanction (e.g. exclusion, eviction, suspension, expulsion, or transcript notation), the Respondent must show that irreparable harm will occur if the sanction is not held pending the appeal decision. The Director will decide whether to issue a stay of an administrative sanction upon considering the harm caused to the Respondent as well as the University community.

After the University's appeals process has concluded, any action plan imposed will take effect. This means that the action plan imposed will remain in effect through any external appeals process, unless the court or other review body issues a stay of the action plan.

Processing the Appeal

Preliminary Review

Appeals will be routed to the Director to determine if the appeal meets the eligibility requirements for appeal and to determine if the appeal provides information to support the identified basis(es) for appeal. If the administrative conference decision was made by the Director, then the eligibility determination will be made by the Dean of Students.

Within five (5) business days, the Appealing Party will receive a response to their submitted appeal as outlined below:

- If the Director determines the Appealing Party is ineligible to appeal, the Director will send a communication explaining the ineligibility. This decision is final.
- If the Director determines the appeal *does not provide information to support* the identified basis(es), the Director will send an Appeal Decision Letter to deny the appeal and state the reason for that decision. The appealing party will have five (5) business days to provide supplemental information in response to the Director's decision. Then,
 - If the appealing party does not respond within five (5) business days, the Director's denial is final.
 - If the supplemental information is insufficient to support the identified basis(es), the Director's denial is final.
 - If the supplemental information is sufficient to support the identified basis(es), the Director will reverse the denial and send a Notice of Appeal as outlined below.
- If the Director determines the appeal *does provide information to support* the identified basis(es) for appeal, the Director will accept the appeal and send a Notice of Appeal to the Respondent and, if applicable, the faculty member. In Academic Misconduct cases, the non-Appealing Party will be permitted to respond to the appeal within five (5) business days.

The Director may copy that University units and/or employees on official communications when it is determined that they have an educational need to know about the status of the appeal.

Establishing the Board

Upon accepting an appeal, the Director will establish an Appeal Review Board. The Board will consist of three (3) UAB members, including at least one (1) faculty person and one (1) student. The three members are drawn in rotation from the current pool of faculty, professional staff, and students. Before finalizing the Board, the Director will confirm the UAB members do not have a conflict of interest in reviewing the appeal.

The Director will use the availability of the Board to schedule the Appeal Review meeting, generally within 25 business days of the Notice of Appeal.

Compiling Appeal File

The Director will compile the appeal file for the Board's review. The Appeal file will include the appeal and supporting documentation, any response from the non-Appealing Party, and the case file. The appeal file will be provided to the Board at least five (5) business days in advance of the scheduled Appeal Review meeting.

Appeal Review

Participants

Appeal Review meetings are closed proceedings not open to the public. The individuals who may be present during an Appeal Review meeting are the three (3) members of the Board, the Director, and other individuals the Director may deem necessary or appropriate such as support for logistics.

The Board will select one of the three (3) members to serve as chair. The chair is responsible for facilitating the meeting and providing the Board's decision to the Director.

Deliberation

During the meeting, the Board will consider each identified basis of appeal. If the Board determines that the Appealing Party has not met the basis for appeal, the Board will deny the appeal. If the Board decides the Appealing Party has met the basis for appeal, the Board will grant the appeal.

When an appeal is granted, the Board will decide to modify the action or send the matter back to the Director with a recommendation for additional fact finding, other resolution, or dismissal of the case. If the appeal was granted on the basis of “new information,” the only action the University Appellate Body may take is to send it back to the Director with a recommendation for additional fact finding, other resolution, or dismissal of the case.

Decision Letter

Within five (5) business days of the Appeal Review meeting, the Director will send an Appeal Decision Letter on behalf of the Board which outlines their decision and any next steps. The letter will be delivered to the Respondent and, if applicable, the faculty member.

If the appeal is granted, the decision letter will indicate that:

- The violation decision has been upheld but the Board has modified the Action Plan;
- The Director has decided to dismiss the case;
- The Director has decided to offer an informal or alternative resolution; or
- The Director has assigned the case to a new case manager to be redecided.

Exceptions to Procedures

The Appealing Party may submit a petition to the Director to request exceptions to these procedures for good cause. To be considered, petitions must provide a brief written statement regarding the reason for the exception and must provide the Director a reasonable amount of time to consider the request. The Director has the discretion to grant or deny petitions.

For good cause, the Director may also make an exception to these procedures without a petition. If an exception is made by the Director, the Respondent, and faculty member if applicable, will receive written notice within a reasonable time.