

## **Appeal FAQ**

### **Q: What types of determinations can be appealed?**

**A:** Both parties may appeal either a determination regarding responsibility or a dismissal of a complaint (or any allegations within that complaint). The appeal must focus on specific grounds established in the procedures.

### **Q: What are the approved bases for filing an appeal?**

**A:** An appeal must be based on one or more of the following:

- **Procedural Irregularity:** An error or deviation in the process that affected the outcome of the matter.
- **New Evidence:** Evidence that was not reasonably available at the time of the original determination and that could potentially change the outcome.
- **Conflict of Interest or Bias:** Any conflict or bias exhibited by the CRCO Director, investigator(s), or resolutions officer (or their designee) that impacted the decision for or against complainants/respondents, either generally or specifically.

Additionally, in cases involving a faculty member respondent, further grounds may be available in accordance with University Faculty Rule 3335-5-04.

### **Q: How must an appeal be presented?**

**A:** The party seeking an appeal must:

- Clearly articulate which of the specified bases the appeal falls under.
- Provide specific details and supporting documentation demonstrating that the grounds for appeal are met.

Vague or blanket assertions without specific details and supporting documentation will result in the appeal being denied.

### **Q: Who conducts the initial review of an appeal?**

**A:** The initial review is conducted by the Director of Resolutions or a designee. It is important that this person is not involved in the case as the assigned investigator or resolutions officer to prevent any conflict of interest.

**Q: What are the next steps if the appeal request meets the criteria?**

**A:** If the initial review finds that at least one valid ground for appeal is clearly articulated, the appeal will proceed through the formal process which includes the following steps:

- **Notification:** Both parties receive written notice when an appeal has or has not met the bases for an appeal.
- **Response Period:** If one or more parties' appeal meets the bases for the appeal the other party will have the right to review and respond to the appeal.
- **Appeal Officer Review:** A third party appeal officer, who is a university employee, but not within CRCO, will review the appeal and any responses.
- **Issuance of a Written Decision:** A final, written decision is provided that explains the result and the rationale behind it. This decision is simultaneously shared with both parties.

**Q: What happens if the appeal does not meet the clearly outlined bases?**

**A:** If the Director of Resolutions or their designee determines that the appeal does not clearly fall within one of the outlined grounds, the appeal will be denied. In that case, the findings remain intact, and the appeal is kept in the investigation file.

**Q: What possible outcomes can result from an appeal review?**

**A:** After reviewing the relevant records and supporting documents, the appeal officer may:

- Uphold the original decision, including any sanctions or corrective actions.
- Dismiss the appeal, which may result in vacating all or part of the imposed sanctions or corrective actions.
- Remand the case for further investigation.
- Remand the case to the original hearing body or refer it to a new resolutions officer for a rehearing. (In a rehearing, if the respondent is found in violation, the resulting sanction may differ from the original decision.)

**Q: How many appeals are permitted per party?**

**A:** Each party is limited to one appeal involving a decision made by a CRCO Resolutions Officer or a dismissal of a complaint or any of its allegations.



**Q: Do parties have to respond to an appeal?**

**A:** No, neither party is obligated to respond to an appeal notification. Importantly, silence or non-response does not imply an agreement with the appeal.

**Q: Is the decision made by the appeal officer final?**

**A:** Yes, the decision of the appeal officer is final. (Additional procedures, however, may be applicable for appeals involving a faculty member respondent based on University Faculty Rule 3335-5-04.)