

**Student Conduct Appeal Form
Office of Student Conduct
Western Oregon University**

General Information	
Name:	
Email Address:	
Phone Number:	Today's Date:

Whose Decision are you Appealing?	
<input type="checkbox"/>	Resident Director If you check this box, do you wish for your appeal to be reviewed by: (please check one) <input type="checkbox"/> Residential Conduct Board <input type="checkbox"/> Administrative review
<input type="checkbox"/>	Residential Conduct Board
<input type="checkbox"/>	Dean of Students or Coordinator for Conduct and Community Standards
<input type="checkbox"/>	Student Conduct Committee

Reason for Appeal	
<input type="checkbox"/>	The original hearing was not conducted in conformity with the procedures described in the Code.
<input type="checkbox"/>	The decision(s) reached during the original hearing was not based on a preponderance of the evidence.
<input type="checkbox"/>	One or more sanction(s) imposed were not appropriate to my previous conduct history and to the present violation(s) of the Code or Guide to Residential Living.
<input type="checkbox"/>	New evidence or other relevant facts now exist sufficient to alter the original decision. <u>This new information was not brought out in the original hearing, because such evidence and/or facts were not known to me at the time of the original hearing.</u>

Explanation of your appeal **REQUIRED**
YOU MUST ATTACH A SEPARATE DOCUMENT WITH AN EXPLANATION OF YOUR APPEAL (You may not just check a box above)

The person or body considering your appeal may request to meet with you. If the person or body does wish to meet with you, you will receive a phone call to schedule an appointment. If you have any questions, please contact the Office of Student Conduct at 503-838-8930.

Signature: _____ **Date:** _____

**** This form MUST have your actual signature on it to be accepted****

Submit completed form AND the appeal explanation to the Office of Student Conduct (located in Ackerman Hall).

Appeal

An appeal is not a new hearing and the hearing body has no obligation to meet with you. Therefore, it is imperative that you complete the appeal form accurately and with as much detail as possible. The appeal body will review the case information to determine if one or more of the following conditions exist:

- The original hearing was not conducted in conformity with the *Guide to Residential Living* or the *Code of Student Responsibility*.
- The decision reached was based on less than a preponderance of the evidence.
- The sanctions imposed were not appropriate to the student's previous conduct history and to the present violation.
- New evidence exists that was not available at the time of the hearing.

If one or more of these conditions exists, the appeal body will find that a basis for an appeal exists and may alter the decision or sanction, or send the case back to the original hearing officer to be heard again.

If you are appealing a decision made by your Resident Director, you may choose an Administrative Review or Peer Review. If you choose an Administrative Review, your appeal will be reviewed by the Dean of Students. If you choose a Peer Review, your appeal will be reviewed by the Residential Conduct Board.

If you are appealing a decision made by the Residential Conduct Board, your appeal will be reviewed by the Dean of Students.

If you are appealing a decision made by the Dean of Students, Coordinator for Conduct and Community Standards or Student Conduct Committee, your appeal will be reviewed by the Vice President for Student Affairs.

Appeal forms are available in the Office of Student Conduct (located in Ackerman Hall) or online at www.wou.edu/studentconduct and click on Students.

All appeals must be submitted within five (5) working days upon the date the notification of the hearing results was sent. You may not appeal a decision about an appeal you have already made.

VII. Appeal of Hearing

1. The Respondent may appeal decisions reached at a hearing. The appeal must be filed within five Working Days following the date the Student receives notice of the hearing results. Appeals must be delivered, in writing, to the Office of the Vice President for Student Affairs or the Office of Student Conduct. An appeal form must include specific justification for the appeal as listed in (3) below.
2. In hearings involving a Survivor of sexual harassment or sexual misconduct, the Survivor may appeal decisions reached at a hearing to the Vice President for Student Affairs if the Survivor believes the decision is not in compliance with University standards. The appeal must be filed within five Working Days following the date the Survivor receives notice of the hearing results. An appeal form must include specific justification for the appeal as listed in (3) below.
3. Except as required to explain the basis of new information, an appeal will be limited to review of the accurate record of the initial hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the original hearing was conducted in conformity with the procedures described in the Code. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results;
 - b. To determine whether the decision reached regarding the Respondent was based on a Preponderance of the Evidence;
 - c. To determine whether the sanction(s) imposed were appropriate to the Respondent's previous conduct history and to the present violation(s) of the Code; or
 - d. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence or facts were not known to the person appealing at the time of the original hearing.
4. The following decisions may be made by the Appeals Body described in (5) below:
 - a. That evidence exists not available at the time of the hearing sufficient to alter the original decision. In this case the Appeals Body remands the case to the original hearing body for a supplemental hearing;
 - b. The appeal is denied. In this case, the entire decision of the original hearing body, including sanctions, remains effective. New violations can never be found through the appeal process; or
 - c. The appeal is upheld. In this case, the Appeals Body renders a new decision, including reducing or removing sanctions, or replacing the findings and sanctions of the original hearing body or officer.
5. Procedure

- a. The Vice President for Student Affairs will hear appeals of hearings with the Hearing Sub-Committee and appeals of hearings with the Dean of Students, Coordinator for Conduct and Community Standards or designee;
- b. The Dean of Students will hear appeals of hearings with the University Residential Conduct Board and Resident Directors;
- c. Upon receipt of the appeal, the Appeals Body may suspend any or all sanctions pending its decision;
- d. The Appeals Body must consider the appeal based on the record, with no new evidence considered, except new evidence that meets the requirements of subsection (3)(d) above. If new evidence becomes available, the Appeals Body must remand the case to a new hearing with the original hearing body. The Office of Student Conduct must provide a complete and accurate record of the original hearing to the Appeals Body. The Appeals Body may, but is not required to, meet with the person appealing the decision; and
- e. Within ten Working Days following receipt of the appeal, the Appeals Body will notify the Student submitting the appeal in writing of the results of the appeal.
- f. A Respondent and Complainant are allowed one route of appeal.