

## Decision and Appeal Information

### I. Decisions

#### A. Standard of Review – Preponderance of the Evidence

1. The Decision-Maker (e.g., OSCCS, SCB Hearing panel, or another Student Conduct Administrator), after reviewing the evidence, must find in favor of the Respondent unless the Decision-Maker is persuaded that the evidence establishes that the Respondent more likely than not engaged in conduct in violation of the Code.
2. The Respondent is considered not responsible if the evidence related to the alleged Complaint does not meet the Standard of Review.

#### B. In cases decided by the Student Conduct Administrator, the following shall apply:

1. The SCA will make the determination of responsibility of each of the alleged Code violations as well as decide any Sanctions, if applicable.
2. The SCA will send a written decision to the Respondent's University email address. The decision will include a finding of responsibility for each of the alleged Code violations, any Sanctions, if applicable, and appeal information.

#### C. In cases decided by the SCB Hearing panel, the following shall apply:

1. The SCB Hearing panel will make the determination of responsibility of each of the alleged Code violations as well as decide any Sanctions, if applicable.
2. A majority vote of the SCB Hearing panel participating in the case is required for a decision.

3. The SCB Chair may participate in Hearing Panel deliberations and vote on the decision.
  4. The SCB Chair shall issue a written decision as soon as reasonably practicable, which will include findings and conclusions of the SCB Hearing panel that explain the basis for the SCB Hearing panel's decision and, if applicable, the Sanctions to be imposed. OSCCS will promptly forward the decision (redacted as needed) to the Respondent and to the Complainant, if Complainant is entitled to appeal.
  5. If the SCB Hearing panel concludes that the evidence presented does not meet the Standard of Review and therefore does not warrant a finding that the Respondent committed a violation of the Offense(s), the Respondent is found not responsible, and the case is closed.
  6. If after a Phase 1- Responsibility Hearing the SCB Hearing panel concludes the evidence presented does meet the Standard of Review and therefore the Respondent is in violation of the alleged Offense(s) the Parties will be notified verbally by OSCCS. A Phase 2- Sanctions Hearing will commence as directed by the SCB Chair.
- D. In determining appropriate Sanctions, the Decision-Maker may consider:
1. The Respondent's University records, including their prior student conduct record;
  2. The Respondent's criminal record, if appropriate and relevant;
  3. The Respondent's conduct during the investigation and resolution procedures;
  4. Nature and severity of the Offense(s) in violation of the Code;
  5. Mitigating, aggravating or compelling factors;

6. Previous Sanctions imposed for similar offenses;
  7. Sanction(s) that adequately protect the safety of the Campus and the University community and the integrity of the academic and learning environment.
- E. A decision may also be shared with University officials with a legitimate educational interest, as determined by OSCCS. This includes notifying a Student's home or host institution (applicable for Students who are studying abroad or who are exchange students at Washington University in St. Louis) of any serious violations of University policy.

## II. Appeals

### A. Who Can Appeal

1. A Respondent who has been determined to have violated the Code may submit a written appeal of decisions by a Decision-Maker who has imposed Sanctions.
2. A Student Complainant has the right to appeal a decision of the OSCCS which result in dismissal of their Complaint. A Student Complainant also may appeal a finding that the Respondent did not commit an Offense.
3. If the University served as the Complainant in a case, it may not appeal a decision that is adverse to the University.

### B. Time Limit and Filing of Appeals

1. Any appeal authorized by the Code must be filed within fourteen (14) calendar days of the date of the written decision by the Decision-Maker.
2. An appeal is filed electronically by following the directions provided in the Student's outcome notice of the conduct process.

C. Grounds for Appeal

1. A Student may initiate an appeal on any of the following grounds:
  - a. A procedural irregularity that materially affected the determination.
  - b. Except for Academic Integrity Cases, new evidence that was not reasonably discoverable or available before the decision was made that could have affected the determination.
  - c. A conflict of interest or bias on the part of the Decision-Maker that affected the determination.
  - d. The claim that the Sanctions imposed are excessive.
2. Grade penalties imposed by a faculty member for academic misconduct are not considered a Sanction under the Code and are not appealable.

D. The Appeal is limited to 2,500 words and should include the following:

1. Grounds for appeal in accordance with the Scope of Review identified above;
2. Explanation of the support for the Appeal; and
3. Copies of any new evidence referenced in the appeal that was not included in the original case materials (this is not applicable to Academic Integrity cases).

E. Appeal Officer Authority and Actions: The appeal officer is not permitted to substitute their judgment of the facts for that of the Decision-Maker. The appeal officer, whose decision is final, may take the following actions:

1. Affirm the original finding and Sanction (or Sanctions).

2. Remand the case to the appropriate Decision-Maker for further procedures.
  3. Modify the imposed Sanction (or Sanctions).
  4. If there was a procedural or factual defect that cannot be remedied by a remand, dismiss the case.
- F. Sanctions are stayed pending the disposition of an appeal, but a temporary suspension or other interim measures (see section VII) remain in effect. If a Hold was placed on the Student's record for a suspension or an expulsion, it will remain until final disposition of the case.
- G. Appeal Officers
1. The Director of OSCCS shall be the appeal officer for the following cases:
    - a. Administrative Hearings by a Residential Life Student Conduct Administrator
    - b. Administrative Hearings by a Campus Life Student Conduct Administrator
  2. The SCB Chair shall be the appeal officer for the following cases:
    - a. Administrative Hearings by a OSCCS Student Conduct Administrator
    - b. Academic Integrity cases appealed on the basis of procedural irregularity, or the Decision-Maker had a conflict of interest or bias
  3. The Provost or their designee shall be the appeal officer for the following cases:
    - a. SCB cases

- b. Academic Integrity cases appealed on the basis that the Sanctions imposed are insufficient or excessive
- 4. In the event of absence or disqualification of the Appeal Officer, the appeal will be determined by the Vice Chancellor for Student Affairs, the Office of the Provost, or their designee.
- 5. Upon receipt of an Appeal, the Appeal Officer may, in their sole discretion, seek additional materials or information as needed or request that the other Party provide a response to the Appeal.