Appeal Process

Appeal Submitted

Appellate Officer

Copy of appeal sent to Complainant
Copy of appeal sent to SCO

Appeal warrants further review

Appellate Officer reviews appeal
Renders a determination
Yes, appeal warrants a review
No, appeal does not warrant a review

Case closed

Appellate Officer decision shall be FINAL and BINDING

Appeal denied

4 basis to appeal shall be considered
- Material deviation,
- Bias, ONLY if recorded
- Sanctions disproportionate to the sanction
- New information unavailable at the time

Assign another SCO & re-notice. Start the process over

Appeal granted

Issue appropriate sanctions
Consider the new information. Make a determination on responsibility & impose sanctions.

Another SCO reviews the information and make a decision regarding responsibility

Copy of appeal sent to Appellate Officer

Appeal-warrants further review

Bias, ONLY if recorded
Sanctions disproportionate to the sanction
New information unavailable at the time
Assign another SCO & re-notice. Start the process over
Issue appropriate sanctions
Consider the new information. Make a determination on responsibility & impose sanctions.

Another SCO reviews the information and make a decision regarding responsibility
Appeal Submitted: The VCSA assigns an Appellate Officer or shall serve as the Appellate Officer. A copy of the appeal given to the non-appealing party and the SCO to respond and provide information including the incident report to the Appellate Officer.

Decision: The Appellate Officer shall consider the basis for the appeal and make a determination on the issue presented that fairly addresses the alleged appeal issue ONLY.

Four Basis to Appeal:
1. A material deviation from the procedure that substantially jeopardized the fairness of the process
2. New information that was unknown or unavailable at the time would have resulted in a substantially different outcome.
3. A demonstrable bias by the SCO (only if the meeting is recorded).
4. The sanction was substantially disproportionate to the severity of the violation.

No Review: The appeal does not warrant a further review according to the 4 basis to appeal. The appeal is denied. The case is closed and the decision of the Appellate Officer shall be FINAL and BINDING. Both parties are notified via email regarding the appeal and the reason for the denial.

Review: The appeal granted, according to the 4 basis to appeal. The Appellate Officer will either:
1. Assign another SCO & re-notice the Respondent. The process starts over.
2. Consider the new information & make a final decision of responsibility & impose sanctions.
3. Another SCO reviews the information & make a determination on responsibility.
4. Issues appropriate sanctions that are proportionate to the severity of the violation.