

APPEAL TO THE OFFICE OF THE PRESIDENT

Individuals may appeal a final determination issued by OEO to the President of the University of New Mexico within five (5) business days of the date of issuance of the Final Letter of Determination from OEO.

The President will consider an appeal of a final OEO determination only if the appeal alleges one or more of the following extraordinary circumstances:

1. **Proper procedure has not been followed.** If an appeal states this as its basis, the specific procedure that was allegedly not followed should be identified and a description of how that procedure was not followed should be provided.
2. **The determination is unsupported by the facts.** If an appeal states this as its basis, the specific allegations of fact and specific conclusions that the appealing party wishes to dispute should be identified, and the appealing party should describe how the conclusions being challenged are not supported by the identified facts.
3. **The decision violates University policy.** If an appeal alleges this as its basis, the specific policy that was allegedly violated by the decision should be identified, and a description of how that policy was allegedly violated should be provided.

The appeal must clearly state which one (or more) of these three grounds for appeal is alleged. No other grounds for appeal will be considered.

Appeals to the President must be received by the Office of the President within five (5) business days of the date the OEO determination was issued. Exceptions to this time limit will only be considered on a case by case basis with sufficient justification provided by the individual seeking the exception. Appeals that are not received within five (5) business days of the date of the OEO determination will be denied unless an exception to the appeal time limit has been granted by the President.

Appeals must be in writing and must identify the person appealing the determination; identify the determination(s) being appealed; contain a clear summary of the ground(s) for the appeal; state the date upon which the appeal was submitted to the Office of the President. No additional written documentation will be required to appeal an OEO determination. Appeals that fail to meet these minimum criteria may be denied.

Parties are encouraged to utilize the [appeal form provided online](#).

Appeals may be submitted electronically to presidentstokes@unm.edu, submitted by mail to **MSC05 3300, Scholes Hall Suite 144, 1 University of New Mexico, Albuquerque, NM 87131**, or hand delivered to the Office of the President at **Scholes Hall, Suite 144**. Emailed appeals will be considered received by the Office of the President the date and time they are sent. Appeals

sent by mail will be considered received by the Office of the President as of the date of postmark on the document. Hand-delivered appeals will be considered received by the Office of the President when a representative from the office physically accepts delivery of the document and notes the date and time of receipt thereon. Appeals that are not submitted as provided above may be denied.

If an individual files an appeal of an OEO determination, OEO will be informed of the appeal. OEO will provide the Office of the President with the contact information for both parties. The Office of the President will notify the other party that an appeal has been filed and provide them a copy of the appeal. The non-appealing party may file a response within (5) days of the notification of appeal.

Best efforts shall be made to make a decision within 20 business days after the appeal is received. If the appeal exceeds 20 business days, the Office of the President will notify the parties of the delay and the estimated date of decision. If the appeal is considered, the President may choose to uphold the determination being appealed, over-turn the decision, or remand the determination back to OEO for information if necessary. Written notice of the President's decision will be provided to the appealing party, non-appealing party and OEO.

If the Office of the President denies an appeal of OEO's final determination or upholds the final determination without change, OEO may take further action it deems is warranted on the matter, including but not limited to forwarding its final determination to appropriate disciplinary bodies or administratively closing the matter.

Under Regents' Policy Manual - Section 1.5: Appeals to the Board of Regents, the Board of Regents has the discretion to review the President's decision on an appeal of OEO's final determination. An appeal may be submitted to the Board of Regents only after the President's review and decision are completed. The Board of Regents has sole discretion to determine whether the appeal will be accepted and/or considered. Additional information on Appeals to the Board of Regents can be found at <https://policy.unm.edu/regents-policies/section-1/1-5.html>