

DESCRIPTION OF THE PROCESS

IV. D. APPEALS PROCESS

OPPORTUNITY FOR APPEAL

An institution may appeal an adverse decision by the Accreditation Council for Occupational Therapy Education (ACOTE®) to deny Developing Program Status, deny a request for reactivation, withhold accreditation, or withdraw accreditation by submitting in writing its objections, together with supporting data and a request for reevaluation. ACOTE awards of Probationary Accreditation are final and not subject to appeal.

APPEALS PROCEDURES

ACOTE provides clearly delineated fair opportunities for programs wishing to appeal actions of Developing Program Status Denied, Request for Reactivation Denied, Accreditation Withheld, or Accreditation Withdrawn.

1. Criteria for Appeal

Institutions are entitled to file an appeal only in the event of an ACOTE action to deny Developing Program Status, deny a request for reactivation, withhold accreditation, or withdraw accreditation. An appeal filed in accord with the ACOTE Appeals Procedures automatically delays the decision to deny Developing Program Status, deny a request for reactivation, withhold accreditation, or withdraw accreditation until its final disposition.

2. Initiation of an Appeal

All correspondence referred to herein shall be sent by certified mail, return receipt requested. All days refer to business days.

The chief executive officer of an institution sponsoring a program that has had Developing Program Status denied, request for reactivation denied, accreditation withheld, or accreditation withdrawn by ACOTE may request a hearing before an appeals hearing panel. Appeals may be based only on the contention that the ACOTE decision was not supported by documented evidence. The institution's request for a hearing shall be made in writing and shall include a concise statement of the basis on which the accreditation decision is being contested. The request must be received by the director, AOTA Accreditation Department, ***within 15 days after the program receives the ACOTE notice of its action to deny Developing Program Status, deny a request for reactivation, withhold accreditation, or withdraw accreditation.***

3. Criteria for Selecting an Appeals Hearing Panel

An appeals hearing panel shall be composed of three individuals who are familiar with the accreditation process and who have a working knowledge of the ACOTE Accreditation Standards and the administration and functional components of the specific type of institution sponsoring the educational program under review (e.g., community college, university). No individual is eligible for membership on an appeals hearing panel who is or has been previously involved with the sponsoring institution or the accreditation review activity that led to this specific ACOTE action or who is a current member of ACOTE or the AOTA Board of Directors.

4. Process for Selecting an Appeals Hearing Panel

A list of 5 individuals qualified to serve as members of an appeals hearing panel shall be prepared under the direction of ACOTE from recommendations submitted by the director, AOTA Accreditation Department. ***The list shall be sent to the institution within 7 days of AOTA's receipt of the request for a hearing. Within 10 days of receipt of the list, the institution shall select three individuals from the list to constitute the appeals hearing panel and shall notify the AOTA Accreditation Department of the names of the persons selected.***

5. Appeals Hearing Date and Participants

The hearing shall be held as soon as feasible, within 45 days of the selection of the appeals hearing panel. After consultation with the chief executive officer of the institution appealing the accreditation decision and the panel members, the ACOTE chairperson shall establish the date, time, and place for the hearing.

At least 10 days before the hearing, the institution shall be notified by the director, AOTA Accreditation Department, of the date, time, and place of the hearing.

At least 7 days before a hearing, the institution may submit a request for the presence of any individual with information relevant to the issue on appeal whom it wishes to question. This request shall be submitted in writing to ACOTE, c/o the AOTA Accreditation Department. The director, AOTA Accreditation Department, will invite such individuals to the hearing, but cannot compel attendance. The appeals panel may request ACOTE representatives familiar with the issue on appeal to testify at the hearing to provide information when necessary.

6. Panel Preparation Summary

- a. The 3-member hearing panel shall meet with the director, AOTA Accreditation Department, in private prior to the hearing to review hearing procedures.
- b. The panel will elect a chairperson from its members.
- c. The director, AOTA Accreditation Department, will review policies, correspondence, and documents related to the issues in the hearing and respond to questions from panel members.
- d. The chairperson shall prepare a preliminary statement which shall be reviewed by the panel.

7. Hearing Format

- a. Chairperson's Preliminary Statement

Each person present will be identified and the chairperson will describe the procedures.

- b. Appellant's Presentation

A verbal presentation, approximately 30 to 40 minutes in length, may be made by the appellant's representative. The appellant may be represented by legal counsel. Appellants may offer testimony that is relevant to the issues to be decided by the panel (i.e., the existence of the cited areas of noncompliance and observation of proper accreditation procedures). The presentation shall be limited to the issues related to the adverse decision of ACOTE.

- c. ACOTE shall have an opportunity to reply to the appellant's presentation. ACOTE may be represented by legal counsel.

d. Clarification

The chairperson shall allow for questions and answers from any participant and panel member during the hearing.

e. Recess

The chairperson may recess the hearing at any time.

f. Concluding the hearing

The chairperson may call for a final statement from each party before concluding the hearing.

8. Ground Rules

- a. With the exception of new information pertaining to failure to meet a standard related to finances, information relevant to an appeals hearing will consist of that evidence presented to ACOTE with regard to the conditions that existed at the time of submission of the Application for Developing Program Status (if appealing denial of Developing Program Status), the Application for Reactivation (if appealing denial of a request for reactivation), or that were present at the time of the latest site visit (if appealing a decision to withhold or withdraw accreditation). Evidentiary matters not included in the record shall not be introduced with the exception of new information pertaining to failure to meet a standard related to finances. The program may on one occasion seek review of significant financial information that was unavailable to the institution or program prior to the determination of the adverse action, and that bears materially on the financial deficiencies identified by ACOTE. Any determination by the Appeals Board and ACOTE with respect to the new financial information described shall not be separately appealable by the program.
- b. The appeals hearing panel will determine the relevance of the information presented. The panel will determine what information is pertinent and will ignore that which is not.
- c. With the exception of information pertaining to failure to meet a standard related to finances, the appellant may not present the appeals hearing panel with revised data or program descriptions that were not reviewed initially by ACOTE. Such information offered by the appellant at the time of the appeals hearing shall be ignored by the panel.
- d. Definitions:
 1. **ACOTE** means the Accreditation Council for Occupational Therapy Education.
 2. **Appellant** means the institution appealing the decision of ACOTE.
 3. **Testimony** means statements provided in writing or in person.

9. Appeals Hearing Panel Decision

With the exception of new information pertaining to failure to meet a standard related to finances, the decision of the panel shall be based on the record and the evidence presented to it with regard to the conditions that existed at the time of submission of the Application for Developing Program Status (if appealing denial of Developing Program Status), the Application for Reactivation (if appealing denial of a request for reactivation), or that were present at the time of the latest site visit (if appealing a decision to withhold or withdraw accreditation). The appeals hearing panel shall issue its findings and decision in final form to the AOTA Accreditation Department. ACOTE and the appellant shall be sent the final report of the appeals hearing panel within 10 days of the AOTA Accreditation Department, receipt of the prepared appeals panel decision.

Under extraordinary circumstances, the specified time limits may be extended with the mutual consent of ACOTE, the chairperson of the appeals hearing panel, and the appellant.

10. Post-Hearing Procedure

The appeals panel may take action by telephone conference call or in executive session. The panel members shall decide on the issues presented in the appeal. The panel shall issue its findings and decision as follows:

- a. Each area of concern or cited area of noncompliance will be considered separately and the panel will determine whether each concern or area of noncompliance is supported by substantial evidence. Substantial evidence is such relevant evidence which might reasonably be accepted as supporting the concern or area of noncompliance cited. It does not require 100% agreement from panel members.
- b. The panel will determine whether those concerns or areas of noncompliance that are supported by substantial evidence are sufficient to support the adverse action of ACOTE.
- c. The panel will also consider whether the procedures used to reach the adverse action were contrary to established ACOTE procedures, policies, or practices and whether the procedural error prejudiced ACOTE's consideration.
- d. The panel then will draft a report detailing its findings as described in paragraphs a through c above and will issue a decision to sustain, remand, or reverse the adverse action of ACOTE.
- e. The findings and decision of the appeals hearing panel shall be submitted by its chairperson to the ACOTE chairperson and the appellant.

FINAL ACTION AND NOTIFICATION

If the appeals hearing panel sustains the adverse action of ACOTE, the decision becomes final as of the date of the decision of the panel and is not subject to further appeal. ACOTE will meet in person or by telephone conference to review a decision of the appeals hearing panel to remand or reverse the findings of the panel on which the remand or reversal was based. ACOTE's decision on remand or reversal is final and not subject to further appeal.

The director, AOTA Accreditation Department, shall notify the appellant in writing of ACOTE's final action. The United States Department of Education, the appropriate state regulatory authority, and the appropriate institutional accrediting agency will be notified of final ACOTE decisions to deny Developing Program Status, deny a request for reactivation, withhold accreditation, or withdraw accreditation at the same time as the program. The public will be notified of final adverse actions via AOTA's Web site within 24 hours of confirmation that the program has received notification of ACOTE's final decision.

FINANCIAL RESPONSIBILITY FOR AN APPEALS HEARING

The institution making the appeal shall assume the expense involved in the development and presentation of its appeal. All expenses associated with the hearing, such as those for the meeting room, transcribing, travel, meals, and lodging for members of the panel, shall be the sole responsibility of the appellant. The expenses of witnesses providing testimony or evidence for the hearing shall be assumed by the party requesting their presence.