



CHANCELLOR STEVE WRIGLEY
270 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334

**BOARD OF REGENTS OF
THE UNIVERSITY SYSTEM OF GEORGIA**

PHONE: (404) 962-3000
FAX: (404) 962-3013
EMAIL: CHANCELLOR@USG.EDU

February 15, 2019

Presidents
University System of Georgia
sent via email

Dear Presidents:

The Board of Regents of the University System of Georgia met on February 12, 2019, in Atlanta, Georgia. During this meeting, revisions were made to the following Board of Regents Policies:

Student Affairs

- **Board of Regents' Policy 4.7 Appeals**

Campus Affairs

- **Board of Regents' Policy 6.26 Application for Discretionary Review**

Personnel

- **Board of Regents' Policy 8.2.21 Employment Appeals**

The attached exhibit sets forth the rationale for the policy edits, the effective date of the edits, and the edited policy language, as approved by the Board of Regents. Please share widely with the appropriate offices on your campus to include Human Resources, Academic Affairs, Legal Affairs, and Student Affairs.

Sincerely,

Dr. Steve Wrigley
Chancellor

Enclosure

cc: Tricia Chastain, Executive Vice Chancellor for Administration
Tracey Cook, Interim Executive Vice Chancellor for Strategy and Fiscal Affairs
Dr. Tristan Denley, Executive Vice Chancellor for Academic Affairs
Teresa MacCartney, Executive Vice Chancellor for Operations
John Fuchko, III, Vice Chancellor for Organizational Effectiveness
Dr. Juanita Hicks, Vice Chancellor for Human Resources
Jim James, Vice Chancellor for Real Estate and Facilities
Dr. Joyce Jones, Vice Chancellor for Student Affairs
Dr. Bobby Laurine, Vice Chancellor and Chief Information Officer

Karen McCauley, Vice Chancellor of Development
Jen Ryan, Vice Chancellor for Communications
Claire Arnold, Interim Vice Chancellor for Internal Audit
Edward Tate, Vice Chancellor of Legal Affairs and Secretary to the Board
Ashley Jones, Chief of Staff
Kimberly Ballard-Washington, Associate Vice Chancellor of Legal Affairs
Dr. Martha Venn, Vice Chancellor for Academic Affairs
Brooke Bowen, Legal Counsel
Jason Matt, Executive Budget Director
Wesley Horne, Interim Executive Director of Risk and Compliance
Institutional Vice Presidents of Academic Affairs
Institutional Vice President of Student Affairs
Institutional Chief Business Officers
Institutional Chief Human Resources Officers
Institutional Legal Officers
Institutional Audit Directors
Institutional Athletic Directors

Exhibit
BOARD OF REGENTS POLICY MANUAL
Revised Policy and Background Information
Meeting of February 12, 2019

I. Revision of Board Policy 6.26 Application for Discretionary Review and related revisions to Board Policy 4.7 Appeals and Board Policy 8.2.21 Employment Appeals

A. Background:

The revisions to these policy sections provides additional guidance to USG employees and students regarding appeals from institutional decisions.

Questions regarding these policy revisions should be directed to the USG Office of Legal Affairs at 404-962-3255.

B. Effective Date:

The effective date of this policy change is February 12, 2019

C. Changes to Board Policy 6.26 Shown with Markup

6.26 Application for Discretionary Review

Any **University System of Georgia (USG)** student or employee in the ~~University System~~ aggrieved by a final decision of the ~~President of a University System of Georgia~~ **USG** institution may apply to the University System Office of Legal Affairs (“**USO** Legal Affairs”) for a review of the decision **subject to the parameters set forth below**. Review of the decision is not a matter of right, but is within the sound discretion of **USO Legal Affairs**. **USO Legal Affairs may issue guidelines governing the process for review**. If granted, the discretionary review shall be limited to the record from the institutional appeal process. ~~Nothing in this policy shall be construed to extend to any party substantive or procedural rights not required by federal or state law. This policy shall not be construed to extend to any party any expectation of employment, admission, or additional due process rights. This policy is not part of the due process rights afforded to students or employees of the University System; those rights have been fully afforded upon the decision of the President. The Board of Regents reserves the right to change this policy at any time and to make such changes effective retroactively to any pending application.~~

Applications from USG students are permitted for final institution decisions other than decisions on admissions (including program admissions), residency, student grades, and traffic citations, as the final decision on those matters rests with the President of the institution at which the appeal is heard. Applications from USG employees are limited to instances in which an employee is terminated, demoted, or otherwise disciplined in a manner that results in a loss of pay. Notwithstanding the foregoing, an application may be reviewed if (1) the record suggests that a miscarriage of justice might reasonably

occur if the application is not reviewed; or, (2) the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance.

Each application for review shall be submitted in writing to USO Legal Affairs within a period of twenty 20 calendar days following the final institution decision of the President. USO Legal Affairs shall determine whether the application for review shall be granted. USO Legal Affairs may, at in its discretion refer a matter for mediation, arbitration, reconsideration, or evaluation of settlement options. deny the application for review or refer the application to If an application for discretionary review is granted, a Committee composed of the following USO administrators or a designee of each administrator shall review the final institution decision: the chief legal officer, who shall serve as the Chair of the Committee; or his or her designee, the chief academic officer or his or her designee, the chief operating officer; the chief human resources officer; or his or her designee, and any other person or persons deemed appropriate by the Committee. USO Legal Affairs may issue guidelines governing the process for review. Upon referral, the Committee shall review the application and take any action that it deems appropriate.

The decisions of the USO Legal Affairs and the Committee shall be final and binding for all purposes. There shall be no recourse to the Chancellor or the Board of Regents from such decision; provided, however, that the Board of Regents' Committee on Organization and Law retains the authority to make an exception to this policy in its discretion. USO Legal Affairs shall periodically report to the Committee on Organization and Law Committee regarding applications for discretionary review filed and their dispositions.

Nothing in this policy shall be construed to extend to any party substantive or procedural rights not required by federal or state law or any expectation of employment, admission, or additional due process rights. This policy is not part of due process rights afforded to students or employees of the University System; any such rights have been fully afforded upon the final institution decision. The Board of Regents reserves the right to change this policy at any time and to make such changes effective retroactively to any pending application.

4.7 Student Appeals

Student appeals of final decisions of University System of Georgia institutions are governed by the Board of Regents' Policy on Application for Discretionary Review.

Final judgment on all appeals regarding admissions (including program admissions), residency, student grades, and traffic citations rests with the President of the institution at which the appeal is heard. Any University System student aggrieved by a final decision of the President of an institution, other than those stated above, may apply to the Board's Office of Legal Affairs for a review of the decision, in accordance with the Board of Regents' Policy on Applications for Discretionary Review; provided, however, that an application may be reviewed if (1) the record suggests that a miscarriage of

~~justice might reasonably occur if the application is not reviewed; or, (2) the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance.~~

8.2.21 Employment Appeals

Employee appeals of final decisions of University System of Georgia institutions are governed by the Board of Regents' Policy on Application for Discretionary Review.

~~Applications from University System employees for Board of Regents' review of presidential decisions shall be limited to instances in which an employee is terminated, demoted, or otherwise disciplined in a manner which results in a loss of pay. Any University System employee aggrieved by a final decision of the President of an institution, other than those stated above, may apply to the University System Office of Legal Affairs for a review of the decision, in accordance with the Board of Regents' Policy on Applications for Discretionary Review; provided, however, that an application may be reviewed if (1) the record suggests that a miscarriage of justice might reasonably occur if the application is not reviewed, or (2) the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance.~~

D. New Policy Language

6.26 Application for Discretionary Review

Any University System of Georgia (USG) student or employee aggrieved by a final decision of USG institution may apply to the University System Office of Legal Affairs USO Legal Affairs for a review of the decision subject to the parameters set forth below. Review of the decision is not a matter of right, but is within the sound discretion of USO Legal Affairs. USO Legal Affairs may issue guidelines governing the process for review.

Applications from USG students are permitted for final institution decisions other than decisions on admissions (including program admissions), residency, student grades, and traffic citations, as the final decision on those matters rests with the President of the institution at which the appeal is heard. Applications from USG employees are limited to instances in which an employee is terminated, demoted, or otherwise disciplined in a manner that results in a loss of pay. Notwithstanding the foregoing, an application may be reviewed if (1) the record suggests that a miscarriage of justice might reasonably occur if the application is not reviewed; or, (2) the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance.

Each application for review shall be submitted in writing to USO Legal Affairs within 20 calendar days following the final institution decision. USO Legal Affairs may, in its discretion, deny the application for review or refer the application a Committee composed of the following USO administrators or a designee of each administrator: the

chief legal officer, who shall serve as the Chair of the Committee; the chief academic officer; the chief operating officer; the chief human resources officer; the chief student affairs officer; and any other person or persons deemed appropriate by the Committee. Upon referral, the Committee shall review the application and take any action that it deems appropriate.

The decisions of the USO Legal Affairs and the Committee shall be final and binding for all purposes. There shall be no recourse to the Chancellor or the Board of Regents from such decision; provided, however, that the Board of Regents' Committee on Organization and Law retains the authority to make an exception to this policy in its discretion. USO Legal Affairs shall periodically report to the Committee on Organization and Law regarding applications for discretionary review filed and their dispositions.

Nothing in this policy shall be construed to extend to any party substantive or procedural rights not required by federal or state law or any expectation of employment, admission, or additional due process rights. This policy is not part of due process rights afforded to students or employees of the University System; any such rights have been fully afforded upon the final institution decision. The Board of Regents reserves the right to change this policy at any time and to make such changes effective retroactively to any pending application.

4.7 Student Appeals

Student appeals of final decisions of University System of Georgia institutions are governed by the Board of Regents' Policy on Application for Discretionary Review.

8.2.21 Employment Appeals

Employee appeals of final decisions of University System of Georgia institutions are governed by the Board of Regents' Policy on Application for Discretionary Review.