

APPEALS PROCESS AND PROCEDURES

1. **Right to Appeal.** When the Respondent is found to have violated the Code of Conduct and is sanctioned with Disciplinary Probation, University Housing Removal, University Suspension, or University Dismissal, the Respondent has the right to request an appeal of the original decision. Appeals are documentary reviews, narrowly tailored to the specific grounds identified by the filing party, and not intended to rehear or reargue the same case. Appellants shall be limited to one appeal of a disciplinary outcome. Non-attendance by the parties may not be the sole grounds for an appeal nor is mere dissatisfaction with the decision grounds for appeal.
 - a. **Grounds for Appeal.** An appeal may be based only upon one or more of the following grounds:
 - i. **Procedural Error.** A Procedural irregularity that significantly affected the outcome; deviations from the designated procedures will not be a basis for sustaining an appeal unless the error had a prejudicial effect on the hearing results.
 - ii. **Sufficiency of Evidence.** The finding did not meet the required standard of evidence and the decision rendered is clearly erroneous.
 - iii. **New Evidence.** Discovery of substantial new evidence that was not known nor available at the time of the hearing and that would, with high probability, have affected the outcome.
 - iv. **Disproportionate Sanction.** The sanctions or remedies imposed are substantially disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors, or are otherwise manifestly unjust.
 - b. **Jurisdiction.** The Director accepts all appeal submissions except when any such petition is appealing an academic penalty assessed by a faculty member. The Director will evaluate the appeal request to determine whether it meets the stated criteria for convening a review. Key to this evaluation is whether the claims presented in the request for appeal individually or collectively were more likely than not to have had a bearing on the outcome. The Dean of Students or their designee will review an appeal for standing when the decision-maker is the Director. Upon receipt of the appeal request, the Director may do one of the following:
 - i. **Deny the appeal.** Determine that the appeal lacks standing and is dismissed, in which case the original decision stands is final
 - ii. **Grant the appeal.** Determine that the appeal has standing and appoint the appropriate Appellate Body to review the record limited to the grounds identified by the filing party.
 - c. **Deadline.** No later than three (3) days from receipt of the disciplinary outcome, the appellant may submit a notice of appeal and all supporting documentation to Community Standards. Although rare, should a party intending to appeal believe they have inadequate time to prepare written documents, a request for extension of time and rationale supporting such a request must be submitted in writing to the Director. Requests will be considered on their merits and will not be granted automatically; any extension granted is at the discretion of the Director.
2. **Content of Appeal.** The Notice of Appeal must contain at least the following: (1) specific grounds for appeal; (2) specific outcome requested; and (3) the appellant's reasons in support of the grounds

identified and outcome requested. The appellant must sign and submit the notice of appeal in writing, in the manner and method prescribed by Community Standards. Oral appeals, appeals authored by a third-party including advisors, and physical appeals mailed or submitted in person to Community Standards will not be accepted.

- a. **Sanctions Held in Abeyance Pending Appeal.** Any formal or educational sanctions imposed will be held in abeyance automatically during the period in which the appeal may be filed and, once an appeal is filed, until a decision on the appeal has been reached. Behavioral restrictions and/or administrative actions, however, remain in place pending the appeal.
3. **Authority of the Appellate Body.** The Appellate Body is responsible for determining if the procedures were followed to a fair result or to identify a clear error. In its review of the appellate documents, the Appellate Body may not substitute their judgment for that of the original decision-making body merely because they disagree with the findings or conclusion, nor will they make new findings of fact. Moreover, the Appellate Body may not substitute its opinion on credibility for the judgment of the review officer who saw and heard the witnesses and parties. Great deference is given to the original decision. The role of the Appellate Body is not to decide whether it would have reached the same factual conclusions as the conduct officer, but rather to decide whether a reasonable factfinder could have come to the same conclusion based on the facts in the record. If there is a conflict in the evidence and a reasonable fact-finder could have resolved the conflict either way, the Appellate Body will generally not reverse findings of fact by the original decision-making body.
4. **Appeal Decision.** After the review process, the Appellate Body will do one of the following:
 - a. Affirm the findings of responsibility and sanctions imposed. The original decision stands.
 - b. Affirm the findings of responsibility and moderately adjust, but not eliminate the sanction, if the ground for appeal was disproportionate sanction.
 - c. Remand the case to the original decision-making body with recommendations if there were procedural errors.
 - d. Remand the case to the original decision-making body for clarification or reconsideration in light of new, relevant information that was not reasonably available prior to or during the hearing.

The Appellate Body's decision will be communicated in writing. The Appellate Body will review and respond to the appeal within five (5) business days of receipt of all documentation but may extend this time for specific reasons that will be communicated in writing to the appealing party. The Appellate Body's decision is final, binding, and non-reviewable.