

# APPEALS PROCESS AND PROCEDURES

When the Respondent is found to have violated the Code of Conduct or another university policy and is sanctioned with Disciplinary Probation, University Housing Removal, University Suspension or University Expulsion, the Respondent has the right to challenge the disciplinary results.

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. Non-attendance at a disciplinary proceeding or mere dissatisfaction with the decision is not grounds for appeal.

## Grounds for Appeal

An appeal must meet one or more of the following grounds:

1. **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.
2. **Sufficiency of Evidence.** The finding did not meet the required standard of evidence, and the decision rendered is clearly erroneous.
3. **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.
4. **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.

## Timeline for Filing an Appeal

No later than three (3) business days from the date the disciplinary outcome was issued, the appellant may submit a notice of appeal and all supporting documentation. 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.

## Content of Appeal

Minimally, the appeal must contain: the specific grounds for appeal; the specific outcome requested; and 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.

## Appeal Screening and Response

The Director accepts all appeal submissions and will evaluate the appeal contents 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, the Director may do one of the following:

1. **Deny the appeal.** Determine that the appeal lacks standing and dismiss it, in which case the original decision stands and is final.
2. **Grant the appeal.** Determine that the appeal has standing and appoint an Appellate Body to review the record limited to the grounds identified by the filing party.

## 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. Interim restrictions or administrative actions, however, remain in place pending the appeal.

## 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 factfinder could have resolved the conflict either way, the Appellate Body will generally not reverse findings of fact by the original decision-making body.

## Appeal Decision and Effects

After the review process, the Appellate Body will do one of the following:

- Affirm the findings of responsibility and sanctions imposed. The original decision stands.
- Affirm the findings of responsibility and moderately adjust, but not eliminate the sanction, if the ground for appeal was disproportionate sanction.
- Remand the case to the original decision-making body with recommendations if there were procedural errors.
- 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.

If the appeal remands the case to a new hearing, the results of the new hearing can be appealed, once, on any of the available appeal grounds.

The Appellate Body's decision will be communicated in writing. The Appellate Body will review and respond to the appeal within fifteen (15) 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.