

Appeals

Process Guidelines

Sanctions imposed during the conduct process post-investigation can be appealed by any party according to the grounds, below. Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described, below.

- All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the Vice President for Enrollment & Student Services for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. **do NOT** in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.
- The decision of the original hearing body may be appealed by petitioning the Vice President for Enrollment & Student Services. Accused students or complainants must petition within **3 business days** of receiving the written decision for a review of the decision or the sanctions imposed. Any party who files an appeal must do so in writing to the **Dean of Students Office**. The **DOS** will share the appeal with the other party (e.g., if the accused student appeals, the appeal is shared with the complainant, who may also wish to file a response), and then the DOS will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer/committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately. The **ONLY** grounds for appeal are as follows:
 1. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
 2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
 3. The sanctions imposed are substantially disproportionate to the severity of the violation.
- If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the original hearing body to reconsider in light of the new evidence, only. The reconsideration of the hearing body is not appealable.
- If the appeals officer or committee determines that a material procedural error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. In rare cases, where the procedural [or substantive] error cannot be cured by the original hearing officers (as in cases of bias), the appeals officers or committee may order a new hearing on the complaint with a new body of hearing officers. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the four applicable grounds for appeals.
- If the appeals officer or committee determines that the sanctions imposed are disproportionate to the severity of the violation, the appeals officer or committee will return the complaint to the student conduct office, which may then increase, decrease or otherwise modify the sanctions. This decision is final.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full rehearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- This is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- Sanctions imposed are implemented immediately unless the Dean of Students & Director of Residence Life stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeals committee or officer will render a written decision on the appeal to all parties within seven (7) business days from hearing of the appeal. The committee's decision to deny appeal requests is final.