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## Appeal Review Procedures

Any party may request an appeal of the decision of an Administrative Hearing by filing a written request to the Chair of the Student Discipline Committee, subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and 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.

Appeals requests are limited to the following grounds:

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 [preferred: "the sanctions imposed are substantially outside the parameters or guidelines set by the College/University for this type of offense or the cumulative conduct record of the responding student].

Appeals must be filed in writing with the Student Discipline Committee Chair within seven (7) school days of the notice of the outcome to the Administrative Hearing, barring exigent circumstances. Any exceptions are made at the discretion of the Director of Student Rights and Responsibilities and, when appropriate, the Title IX Coordinator.

The Chair of the Student Discipline Committee will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). The responding student will refer the request(s) to the University's designated Student Discipline Committee Chair, appointed by the President. All request-related documents are shared with all parties prior to submission to the Chair of the Student Discipline Committee, who serves a one-year term.

The Chair of the Student Discipline Committee will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Director of Student Rights and Responsibilities and/or Title IX Coordinator on any procedural or substantive questions that arise.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the Chair of the Student Discipline Committee determines whether to refer the appeal to the Student Disciplinary Committee or to remand it to the original decision-maker(s), typically within 3-5 business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new panel will be

decision maker may be arbitrary based by a procedural or substantive error, a new panel will be constituted to reconsider the matter, which can in turn be appealed, once. Full rehearing by the Student Discipline Committee is not permitted [are very rarely used]. Where new evidence is presented or the sanction is challenged, the Student Discipline Committee Chair will determine if the matter should be returned to the original decision-maker for reconsideration or if it should be reviewed by the Student Discipline Committee with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Student Discipline Committee must limit its review to the challenges presented.

On reconsideration, the Student Discipline Committee or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural or substantive errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions of the Student Discipline Committee are to be made within five (5) days of submission and are final, as are any decisions made by the original hearing body, Director of Student Rights and Responsibilities as the result of reconsideration consistent with instructions from the Chair of the Student Discipline Committee.



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