

## **10.0. APPEAL POLICY FOR UNIVERSITY HEARING PANELS**

Administrative Decisions, if mutually agreed upon by the SAA Official and the student, are not subject to an appeal. However, a Student may decline the Administrative Decision and proceed forward with a University Hearing Panel. Only decisions of a University Hearing Panel can be appealed.

### **10.1. Basis for Appeal:**

- A. Students availing themselves of the right of appeal are reminded of the nature and purpose of an appeal. The purpose of the appeal procedure is to provide the opportunity for questioning the appropriateness of the proceedings or the recommendations of a University Hearing Panel. It is not the nature or purpose of the appeal procedure to provide for a new hearing at a higher administrative level.
- B. The following procedures for making an appeal are established:
  - 1. The appeal must be in the form of a written memorandum addressed to the Dean of Students;
  - 2. This memorandum should clearly state the specific actions or recommendations that are being appealed, and shall meet the criteria specified in Section 10.2;
  - 3. This memorandum should clearly present specific reasons and grounds, therefore;
  - 4. The memorandum must be signed by the person making the appeal; and
  - 5. The Dean of Students or designee shall receive and decide all appeals.

### **10.2 Appeal Criteria:**

An Appeal will only be considered if one or more of the following events have occurred:

- A. Evidence of bias on the University Hearing Panel.
- B. Failure to follow the procedures outlined in Section 7.0-7.9.
- C. New information has become available since the University Hearing Panel.
- D. Normally, an appeal relating to a decision regarding a finding of violation by a University Hearing Panel will be successful only if clear and convincing new information is presented in the appeal. A successful appeal based on new information will result in the case being referred to the original University Hearing Panel for reconsideration or, if the situation merits it, in the establishment of a new University Hearing Panel to consider the charge, based on the facts of the case, including the new information.
- E. The sanctions assigned do not follow the suggested guidelines instituted by Student Advocacy and Accountability and mitigating circumstances are not noted.
- F. An appeal which does not clearly raise, in writing, one or more of the four issues listed above shall be dismissed without further consideration. The Appeal shall be limited in its review to the issue or issues raised in the written appeal.

The Appeal is submitted to the Dean of Students or designee for review.

### **10.3 Appellate Process**

- A. The student who plans to make an appeal must provide written notification to the Office of the Dean of Students within 48 hours of the University Hearing Panel findings or within 48 hours of becoming aware of new information.
- B. The actual written appeal must be received in the Office of the Dean of Students within 7 business days after the Student is notified of the decision of his or her University Hearing Panel, unless an extension of time is requested in writing and approved by the Office of the Dean of Students.
- C. Once the Office of the Dean of Students receives the written appeal, the SAA Official will compose a rebuttal statement within 7 calendar days from the receipt of the Student's written appeal.
- D. Modifying a sanction - At the Deans sole discretion, upon a successful appeal, the following may result:
  - 1. The University Hearing Panel decision will be upheld;
  - 2. The case will be reheard by the original University Hearing Panel;
  - 3. The case will be reheard by a new University Hearing Panel; or
  - 4. The Dean modifies or reverses the sanctions.

The decision by the Dean of Students concludes the appellate process for that specific University Hearing Panel decision.

#### **10.4. Request for Review by the Chancellor**

- A. The Chancellor's review will be limited to the question of serious procedural errors and/or the abuse of discretionary authority by the Dean of Students.
- B. The Chancellor in his/her sole discretion may decline a request to review.
- C. The request must:
  - 1. Be in writing and signed by the Student requesting the review;
  - 2. Be delivered to the Chancellor's office within 7 business days after the Charged Student's receipt of the Dean of Students' decision;
  - 3. Contain a complete statement of the alleged serious procedural errors and/or specific examples of abuse of discretionary authority;
  - 4. Outline the relief sought.
- D. The imposition of the sanction will not be delayed by a review by the Chancellor.