

Code of Student Conduct

(H) University appeals board.

(1) Composition.

- (a) The university appeals board shall be composed of three members including one student and at least one faculty member; it may include one contract professional. The appeals board shall be selected by the director of the department of student conduct and community standards from the pool of hearing board members. No appeals board member may have participated in the initial adjudication of the case. All appeals board members must be members of the hearing board pool.
- (b) The university appeals board shall meet in closed session to review all records of the hearing and to determine whether the grounds presented for appeal have merit.

(2) Procedures.

- (a) The complainant or adjudicated student (“the appellant(s)”) shall have five business days from the time that s/he is notified of the outcome of the hearing in which to petition the appeals board in writing for a review. In order to prepare for the appeal the appellant(s) may have access to materials that shall be provided to the appeals board, including a complete record of the hearing.
- (b) The appellant(s) must prepare a written statement appealing the outcome of the hearing and deliver it to the department of student conduct and community standards. The appeal must specify the applicable grounds for appeal, as listed in paragraphs (H)(3)(a) through (H)(3)(e) of this rule, and the facts that support the appellant(s)’ claim that an error was made.
- (c) The department of student conduct and community standards may provide the appeals board with a written response, a copy of which shall be provided to the appellant(s).
- (d) If the appellant(s)’ appeal(s) the outcome of the hearing, the sanction issued shall not be imposed until the appeal has been considered by the university appeals board and the appellant has been notified of the outcome of the appeal process; provided, however, that a student suspended pursuant to paragraph (F)(2)(e) of this rule shall remain suspended during the pendency of an appeal. Upon conclusion of this appeal process no additional appeal may be requested.

(3) Grounds for appeal. An appeal shall be limited to review of the record of the hearing and the supporting documents for one or more of the following purposes:

- (a) To determine whether there was a misapplication or misinterpretation of the rule alleged to have been violated;
- (b) To determine whether the hearing was conducted in violation of procedural requirements set forth in the code of student conduct, and whether these violation(s) could have affected the outcome of the hearing;
- (c) To determine, based solely upon a review of the original hearing record, whether there was a reasonable basis for the hearing board’s or student conduct administrator’s conclusion that a violation of the code of student conduct had been proven by the applicable standard of the evidence;
- (d) To determine whether the sanction(s) imposed were grossly disproportionate to the violation(s) of the code of student conduct for which the appellant(s) was found responsible; or
- (e) To consider new evidence unavailable to the appellant(s) at the time of the hearing, which is sufficient to alter a decision.

(4) Possible dispositions by the university appeals board. The university appeals board may exercise one of the following options in response to the appeal:

- (a) The appeal may be denied and the outcome of the hearing upheld.
- (b) The case may be remanded for a new hearing.
- (c) The university appeals board may reverse the finding of responsibility, in whole or in part, made by the university hearing board or student conduct administrator.
- (d) The university appeals board may uphold, reduce or increase the sanction(s) imposed by the university hearing board or student conduct administrator.
- (e) The university appeals board may dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in paragraphs (H)(3)(a) to (H)(3)(e) of this rule.
- (f) The decision of the university appeals board is final, subject only to the limited right for presidential review pursuant to paragraph (I) of this rule.