

Student Discipline Procedures | Appeal Process

Students who have been found responsible for a conduct violation may appeal. The appeal process is outlined in Section 7 of the Student Discipline Procedures. Please review the information below to learn more about this process.

As outlined in the [Student Discipline Procedures](#):

7.1 Appeal Routes

7.1.1 Any disciplinary decision, other than expulsion decisions or where the Respondent has waived their right to appeal, may be appealed to the Vice Chancellor and Dean of Academic and Student Affairs, the Dean of the Graduate School (for graduate Students), or the Dean of CVM (for CVM Students), whose decision shall be final, and no further appeal of the decision is permitted.

7.1.2 Expulsion decisions may be appealed to the Chancellor. The Chancellor's decision on appeal shall be the final decision.

7.2 Grounds for Appeal

7.2.1 An appeal of a disciplinary decision is limited to the following grounds:

A) Violation of Procedural Standards means that the respondent was not provided the required notice or an opportunity for a fair hearing due to specified procedural errors, or errors in interpretation of University policies, regulations, or rules that were so substantial as to effectively deny the respondent a fair hearing. Reasonable deviations from the procedures set out in these Procedures will not invalidate a decision or proceeding unless the respondent can show that, but for the deviation or error, there likely would have been a different outcome in the case.

B) Violation of Substantive Standards means there is a lack of information in the record that could support the decision or sanction(s). This last ground for appeal does not mean the information presented at the hearing can be re-argued on appeal; rather, it requires a showing that no reasonable person could have determined the respondent was responsible or could have imposed the sanction that was issued.

C) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.

Student Discipline Procedures | Appeal Process

How long do I have to appeal?

Student appeals must be **received within ten (10) calendar days** from the date that the written decision or sanctions is provided, or attempted to be delivered, to the Student through any delivery method where receipt can be verified. If the tenth (10th) calendar day falls on a Saturday, Sunday, or day that the University is closed (such as a holiday), the deadline for filing the appeal will be extended to the next University business day.

Failure to submit the appeal within this time limit will render the original decision final and conclusive. An extension of time may be requested in writing within the ten-day limit, but it is within the discretion of the person deciding the appeal to grant or deny such requests. The appeal must be delivered to the Office of Student Conduct.

(Student Discipline Procedures 7.4.1)

What should I include in my appeal?

The appeal must contain the following:

- a. A copy of the decision being appealed;
- b. A detailed written statement specifying the grounds for appeal, a list of alleged errors in the decision or procedure, an explanation for why those decisions are in error, and the complete factual basis for the appeal;
- c. A requested remedy; and
- d. The signature of the appellant and date the appeal is being submitted.

(Student Discipline Procedures 7.4.2)

What information will be used to make a decision on my appeal?

Appeals will be decided on the record of the original proceedings. New hearings will not be conducted on appeal. However, if the hearing body is alleged to have violated these Procedures, a written response may be solicited from the hearing body or the Office of Student Conduct on its behalf. Any such written statements from the parties or the Office of Student Conduct must be drawn on information in the record; they cannot include new information or facts bearing on responsibility that were not presented at the hearing, unless the grounds for appeal is based on new information defined in 7.2.1(c). These written statements become part of the record. Any decision to allow new information in the appeals process will be made by the person(s) reviewing the appeal.

(Student Discipline Procedures 7.5.3)

Can any decision be appealed? How many levels of appeal are available?

Any disciplinary decision, other than expulsion or where the Respondent has waived their right to appeal, may be appealed to the Vice Chancellor and Dean of Academic and Student Affairs, the Dean of the Graduate School (for graduate Students), or the Dean of CVM (for CVM Students), whose decision shall be final, and no further appeal of the decision is permitted.

Expulsion decisions may be appealed to the Chancellor. The Chancellor's decision on appeal shall be the final decision.

Student Discipline Procedures | Appeal Process

(Student Discipline Procedures 7.1.1 and 7.1.2)

Where do I submit my appeal?

You must submit your appeal either through an online form found [here](#), or you may deliver a paper copy of it to the Office of Student Conduct in 300 Clark Hall.

What happens after I submit my appeal materials?

Staff in the Office of Student Conduct put together a packet of materials that includes the appeal documents, the record of the disciplinary process, and a copy of the audio recording if the decision was a result of a formal hearing. This packet is then provided to the appellate reviewer.

How long will it be before I hear a decision on my appeal?

The time frame depends on a number of factors, including how long it takes you to file the appeal, whether the appellate reviewer is immediately available to review the materials, and whether or not the appeal generates additional questions to be answered before the appeal can continue.

Following review of the appeal, you will be notified in writing of the decision of the appellate reviewer. This is typically delivered to you via email. To guarantee prompt delivery of the decision, please ensure that an accurate email address is on file with the Office of Student Conduct.

Do I need to complete my sanctions while my appeal is pending?

This may become a concern for a student who has been removed from the residence halls, suspended, or expelled. Typically, sanctions go into effect at the time of the decision. The imposition of sanctions may be deferred during the pendency of appellate proceedings, at the discretion of the person(s) reviewing the appeal, upon written request of the Respondent. This request should be made separately from the appeal and may be submitted prior to the appeal submission. Students will be notified by the appellate reviewer if a deferral of sanctions has been granted.

(Student Discipline Procedures 7.5.1)

Are there ramifications for requesting a deferral of sanctions?

Possibly. Where sanctions are deferred during the pendency of the appellate proceedings and the student's appeal is ultimately unsuccessful, students may fail to receive grades or credit for courses or assignments already completed while awaiting a decision, or, in cases resulting in the sanction of suspension or expulsion, even cause a student to pay back previously received financial aid for the semester completed.

(Student Discipline Procedures 7.5.2)

Student Discipline Procedures | Appeal Process

What are the possible outcomes from an appeal?

Following their review, the person(s) reviewing the appeal may decide:

- a. To affirm the findings and sanction(s) imposed by the original Board/staff member.
- b. To reverse or modify the decision and/or sanction(s) of the Board/staff member.
- c. To remand the case to the Board/staff member or another Hearing Officer.

Cases will only be remanded based on:

- (i) Specified procedural errors or errors in interpretation of University policies or regulations that were so substantial as to effectively deny a fair hearing; or
 - (ii) New and significant material information that has become available, and was not reasonably available previously, which could have affected the outcome of the proceeding.
- d. To dismiss the entire case. Dismissal will occur only if there is insufficient information to support a finding of responsibility.

Could the sanctions increase if I appeal?

Possibly. As the result of an appeal, a case could be remanded back to the hearing body. Therefore, the subsequent hearing could result in different sanctions.

Self-Care

Students whose behaviors are reviewed by the student disciplinary process often feel a great deal of stress. For some students, that additional time taken by the hearing process further aggravates their discomfort.

If you are finding that you are having difficulty focusing on your daily activities or you are finding that stress resulting from your current disciplinary status is manifesting itself in other negative ways in your life, please contact the **University Counseling Center at 919.515.2423**.