X. Appeals

Any recommendation of a hearing body which affirms the charges against a student may be appealed to the associate vice president and dean of students or designee by the student found responsible by the board, including those cases where it has been recommended that a student be suspended. For cases where it has been recommended that a student be dismissed or expelled from the university, the student found responsible by the board may appeal to the president or designee. In all cases, the request for appeal must be submitted in writing to the student conduct and mediation programs office within three (3) business days of the date of receipt of the original written decision by the student. The original decision of the hearing body shall be final and conclusive, if no appeal is made within the prescribed time.

1. The possible criteria for appeal are whether:
   a. the original hearing was not conducted in conformity with established procedures.
   b. there is new evidence or relevant facts not brought out in the original hearing which was not available at the original hearing.
   c. the sanction imposed was inappropriate for the offense committed.

2. All requests for appeal must outline the following:
   a. Any appeal based on criterion “a” must include all of the following:
      1) Citation of specific procedural errors with appropriate reference to the Student Conduct Code;
      2) Reason(s) why procedural error was not mentioned in the original hearing;
      3) Reason(s) why correction of error can contribute to a decision other than that which was originally made;
   b. Any appeal based on criterion “b” must include all of the following:
      1) Nature of the new evidence;
      2) Name(s) of anyone who will present this evidence;
      3) Reason(s) why evidence was not discussed at original hearing;
      4) Reason(s) why evidence can contribute to a decision other than that which was originally made;
   c. Any appeal based on criterion “c” must include specific information indicating that the sanction is unreasonable in light of the conviction.

3. The following general rules of procedure shall govern all appeal proceedings:
   a. The appellant may submit any additional supporting papers, testimony, and evidence at the time the appeal request is filed.
   b. The reviewer will consider the request for appeal, the tape recording of the original hearing if deemed necessary, and all case materials. He or she shall then determine whether the basis for the appeal is legitimate.
   c. If the reviewer determines that the appeal does not meet any of the criteria for appeal, the appellant will be notified in writing three (3) business days after the date of decision.
   d. The reviewer may affirm or modify the decision and/or sanction, or he/she may determine that an appeals hearing is necessary.
   e. If the reviewer determines that the appeal meets any of the criteria for appeal, the appellant will be notified and an appeals hearing will be scheduled at least three (3) business days from the date of receipt of the notification by the appellant.

4. The appeals hearing will generally include the following:
   a. The chairperson of the original-level hearing.
   b. The appellant, the person bringing charges, and advisors for either party may be present. Witnesses for either side are excluded from the meeting room at this time.
   c. Opening statements - appellant shall outline the justification for the appeal, and the person bringing charges shall be given a chance to respond.
   d. The remainder of the appeal hearing shall concern itself solely with the grounds presented for appeal. The sequence of procedures will be essentially the same as at the original hearing. A complete rehearing of the original case will not be conducted.
   e. The reviewer may affirm, mitigate, (lessen, including reversal) or remand (return) the decision to the original hearing body with specific instructions.
   f. Pending the outcome of the appeal hearing, the disciplinary sanctions stipulated in the original hearing shall be imposed.
   g. Under normal circumstances, an appeal shall be heard within ten (10) business days after it has been filed in the student conduct and mediation programs office.
   h. The associate vice president and dean of students or designee is the final appellate level for students receiving sanctions of anything less than suspension, dismissal or expulsion from the university.
   i. In those cases when it has been recommended that a student be suspended from the university, the student shall have the right of appeal to the associate vice president and dean of students or designee. This appeal must be filed within three
(3) business days of receipt of the written decision of the hearing body.

j. The president or designee is the final appellate level for sanctions of dismissal or expulsion from the university. This final appeal must be filed within three (3) business days of receipt of the written decision of the associate vice president and dean of students.