### 3341-2-39 Student Conduct Appeals.

<table>
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<th>Applicability</th>
<th>All University units</th>
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<td>Responsible Unit</td>
<td>Office of the Dean of Students</td>
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<td>Policy Administrator</td>
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(A) Policy Statement and Purpose

To set out the procedure for student conduct appeals.

(B) Policy

(1) Right to Appeal

A Complainant or Respondent may appeal the sanction imposed by the Associate Dean of Students or designee (informal disposition) or the decision rendered by the Dean of Students (formal disposition.)

(2) Grounds for Appeal

Appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the conduct meeting or hearing. The specifics to be addressed on appeal are:

(a) Were the procedures of the Code of Student Conduct followed?

(b) If a procedural error occurred, were the rights of the student or organization violated to the extent that the student or organization did not receive a fair hearing?
(c) Was the meeting or hearing conducted in a way that permitted the student or organization adequate notice and the opportunity to present its version of the facts?

(d) Was the information presented at the meeting or hearing sufficient to justify the decision and/or sanctions reached?

(e) Was there information existing at the time of the meeting or hearing that was not discovered until after the hearing?

(3) Appeal of Informal Disposition (Individual Hearing Officer)

Appeals shall be made to the Dean of Students within five days that the Complainant or Respondent was emailed the sanction notification letter rendered by the Associate Dean of Students or designee. The appeal shall be in writing, stating the ground(s) for appeal. The decision of the Dean of Students is final.

(4) Appeal of Formal Disposition (UCC/ARB Hearing)

Appeals shall be made to the Vice President for Student Affairs within five days of the Complainant or Respondent was emailed the sanction notification letter of the decision of the Dean of Students. The appeal shall be in writing, stating the ground(s) for appeal. The decision of the Vice President for Student Affairs is final.

(5) Appeal Proceedings

An appeal is confined to the criteria set forth in Section 11. (B).

(6) Potential Appeal Outcomes

(a) Uphold the original sanction(s) in the informal disposition process;

(b) Uphold the original sanction(s) and/or decision in the formal disposition process;

(c) Dismiss the case or individual charge(s) against the student;
(d) Modify or eliminate the sanction(s); or

(e) Refer the case to a new hearing board to be reheard. This process includes a new recommendation on responsibility and, if applicable, sanctions. Potential Appeal Outcomes (a-d) are final and may not be appealed.

(7) Implementation of Sanction(s)

Sanctions shall not begin until either the time for appeal has expired without an appeal, or until the appeal process is exhausted. The Vice President for Student Affairs may impose sanctions during the appeal process to ensure the safety and well-being of members of the university community or preservation of university property.

Registered Date: March 12, 2015
Amended Date: February 22, 2016