Appeals (for students only)
An Appeals Board shall be convened when either the reporting party or the responding party choose to appeal the sanction decision of the Judicial Sanctioning Board, or choose to appeal the finding of the investigating officers. No member of the Judicial Sanctioning Board who determined the sanctions in this case shall be part of the Appeals Board. The same rules that apply in selecting members of the Judicial Sanctioning Board shall apply here as well. The Appeals Board composition shall be:

- The Vice President for Student Affairs (VPSA) or his/her designee, and
- One faculty or staff member, and
- One student.

Appeal of Finding
The appealing student shall file a written appeal to the VPSA. Appeals may be filed for the following reasons:

- Material procedural defect in the original investigation, and/or
- Presence of new material evidence that was not available through no fault of the appealing party throughout the course of the investigation, and/or
- Erroneous finding of fact, or factual evidence was blatantly disregarded.

Appeal for Review of Sanction
The Appeals Board will hear appeals in cases where the sanction is expulsion, suspension, loss of good disciplinary standing, or loss of campus residency, and the student believes that the sanction is disproportionate to the offense. Other sanctions are not subject to review.

Appeal Procedure
The appealing party must file the appeal electronically as a Word Document attachment via University email to the VPSA within five class days of notification of the outcome of the hearing stating the specific reason and justification for the appeal. The VPSA will review the appeal request and determine whether or not the appeal request meets the criteria outlined under “Appeal of Finding” or “Appeal for Review of Sanction”. If the VPSA determines the appeal meets the criteria, the Appeal Board will convene.

1. The Appeal Board is not a “re-hearing” of the case. It will only consider facts and issues relevant to the basis for the appeal, and will not be conducting new investigations.
2. It will be assumed by the board that the original investigation and sanctions are sound, and the burden is on the appealing party to prove otherwise. Small procedural errors that do not affect the overall outcome of a case, such as typos, misspellings, or other errors or mistakes that have no bearing on the bearing on the outcome will not be considered grounds to overturn a decision.
3. The Board shall meet with the appealing party, and may meet with anyone else deemed necessary to make their determination, including the investigators in the case.
4. Within 5 class days, the Board will make one of the following decisions:
a. **Finding/Sanction Stands:** If upon review of relevant information the Board finds that there is no merit to the appeal, or that any issue brought up in the appeal would not change the finding or the appeal, then the Board will affirm the finding and sanction. This decision is final, and the case is closed.

b. **Remand to Investigators:** Only in cases where new evidence is available, or a procedural defect occurred, should a case be remanded to the investigators. The purpose for remanding to investigators is **not** for an entire new investigation, but only to correct the procedural defect, or consider the new evidence. Upon correcting the defect or considering new evidence, the investigators should determine whether their finding would change in light of this information. Any changes or new information should be prepared as an addendum to the original report, and should be re-submitted to the Appeals Board. The Appeals Board will review the addendum with the Title IX Coordinator to ensure its efficacy, and determine proper courses of action. Should the original report’s finding change, and a student is now found “Not Responsible” for the violation, and the Board upon review accepts this new finding, all sanctions will be overturned and the case will be closed. Accommodations may remain in place, including no-contact orders. Should the original report’s finding change, and a student is now found “Responsible” for the violation, then a Sanctioning Board will be convened, and follow the procedures outlined under “Sanctioning Board”. The Sanctioning Board will submit their finding to the Appeal’s Board, whom will review to ensure efficacy and notify the reporting and responding parties. The case will then be considered closed.

c. **Determine New Sanction:** Should the Board determine that disproportionate sanctions were given, the Appeals Board will determine new sanctions. The Appeals Board Sanctions are final. No corrective action will be implemented that violates any provision of a St. Bonaventure University employment contract. All sanctions/corrective actions shall be in accordance with the University’s Discrimination and Harassment Policy found in the Governing documents.