

## **Appeals (for students only)**

An Appeals Board shall be convened when either the reporting party or the responding party choose to appeal the finding of the investigating officers and/or the sanction imposed by the Judicial Sanctioning Board. Additionally, the Appeals Board may consider appeals for removal of a suspension notation from the official transcript. If granted, the suspension notation will be removed no less than one year after the suspension is completed. No member of the Judicial Sanctioning Board who determined the sanctions in the case shall be part of the Appeals Board. The same rules that apply in selecting members of the Judicial Sanctioning Board (including rules with respect to conflicts of interest) shall apply to the Appeals Board. The Appeals Board composition shall be:

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

### **Appeal of Investigative 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 that is likely to have impacted the outcome, 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 that, if known, would be likely to have impacted the outcome, and/or
- Substantial disregard for factual evidence that is likely to have impacted the outcome.

### **Appeal for Review of Sanction**

The Appeals Board will hear appeals of sanctions in cases involving a finding of responsibility for Sexual Assault, Domestic Violence, Dating Violence or Stalking, and in other cases where the sanction is expulsion, suspension loss of good disciplinary standing, or loss of campus residency, if either party contends that the sanction is disproportionate to the nature of the severity of the violation. Other sanctions are not subject to review.

### **Appeal Procedure (Students Only)**

The appealing party must file the appeal electronically as a Word Document attachment via University email to the VPSA within five class days of the letter of notification of (a) the outcome of the investigation or (b) if applicable, the outcome of the Judicial Sanctioning Board 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 states a proper basis for appeal. If the VPSA determines the appeal states the proper basis, the Appeals Board will convene. Sanctions imposed are implemented immediately unless the VPSA stays their implementation pending the outcome of the appeal.

1. The Appeals Board process 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.
3. The Board shall meet with the appealing party and the non-appealing party (if requested), and may meet with anyone else deemed necessary to make their determination, including the investigators in the case.
4. 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 (if applicable) the sanction. This decision is final, and the case is closed.

- b. **Appeal Granted:** If upon review of relevant information the Board finds that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the Board has discretion to take action consistent with that determination. That may include, without limitation, in the case of procedural error or new information, remanding the case in whole or in part to the original investigators or new investigators or, in the case of disproportionality of a sanction, modifying that sanction as appropriate.
- 5. Once an appeal of a case is concluded, no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the Appeals Board on remand.