Procedure for Student Conduct Appeal Hearings
Revised July 2014

The following procedures will be used in Appeals Cases for individuals and organizations

1. The Appeals Board Chairperson reads the appeal.
2. The appellant presents his/her/its appeal.
3. If the ground for appeal is “new evidence,” the Hearing Officer or Conduct Board, through one or more of its members, through written or oral statements, may offer testimony about the evidence that was presented during the original hearing and the basis of the decision in that case.

If the ground for appeal is the “sanction,” the Coordinator of Student Conduct or designee, through written or oral statements, may offer testimony about the reasons for the sanction.

If the ground for appeal is “procedural error,” the party that is alleged to have committed the error (e.g., the Hearing Officer, Members of the Conduct Board, Coordinator of Student Conduct, Public Safety Officials) through written or oral statements, may offer testimony about the alleged procedural error.

4. Questions may be asked of all parties by Members of the Appeals Board. When recognized by the Appeals Board Chairperson, the appellant, appellee, witnesses, the Coordinator of Student Conduct or designee and others whose decisions in the early parts of the conduct process are at issue in the appeal may raise questions about or comment on evidence and relevant rules. If the appellant or appellee, wish to ask another party a question(s), the question(s) must be submitted to the Appeals Board, which will screen the question(s) for appropriateness and, if appropriate, pose the question(s) to the relevant party. This phase of the hearing is designed to be a conversation, controlled by the Appeals Board, between the eligible participants to allow rebuttals, and to reveal all relevant facts and points of view.

5. Closing statement(s) by the side of appellant.
6. Closing statement(s) by the side of the appellee.
7. The Appeals Board Chairperson dismisses all participants. The Appeals Board will notify the respondent and the complainant that they will be informed of the outcome by the Coordinator of Student Conduct as soon as possible after the Board reaches its decision. The Student Advisor(s) and Coordinator of Student Conduct or designee may wait outside the hearing room to learn the Board’s decision immediately after it is made.

8. The Appeals Board recesses to determine the outcome. Based on the preponderance of evidence standard, and by majority vote, the Board decides whether to affirm or reverse the decision(s) that is being appealed.
   • When considering (a) claims of procedural error, if the Appeals Board determines that a procedural error occurred, it must decide whether the error was sufficiently severe such that the finding of the Hearing Officer of Conduct Board should be reversed or whether the error was harmless to the appellant’s original case;
   • when considering (b) claims about the appropriateness of the sanction, the Appeals Board has the authority to modify a sanction that was imposed by the Coordinator of Student Conduct, except that the Appeals Board will not impose a more severe sanction than the one that it is modifying;
   • when considering (c) claims of new evidence, the Appeals Board may reverse the
decision of a Hearing Officer or Conduct Board if it determines that new evidence, when added to the existing record, establishes a preponderance of evidence that the decision by a Hearing Officer or Conduct Board should be reversed.

9. The Appeals Board Chairperson or designee, contacts the Coordinator of Student Conduct following the Board’s deliberation. It also prepares a written statement containing the Board’s decision and rationale for it. Specifically, it states:
   a. The facts found to be true
   b. The section(s) of the Harassment Policy and/or Code of Conduct found to be violated (if any)
   c. The rationale for decision of responsibility (if relevant)
   d. The sanction(s) to be imposed (if relevant)

The statement is forwarded to the Office of Student Conduct, which informs the appellant and appellee in writing. The decisions of the University Appeals Board are final.