SECTION 2: CONDUCT REGULATIONS AND PROCEDURES

2-7 APPEAL OF AN ADMINISTRATIVE HEARING

Students have the right to appeal the decision of the SSCA or SCA.

A. SRC Appeal Procedures are provided at Appendix VII-5-K-I of the Code.

B. The letter to the student indicates the path for filing an appeal. Each student is entitled to one level of appeal.

   - Appeals of decisions made by a Residence Hall SCA are made to the Association of Residence Halls Conduct Council. In the event the Conduct Council is not in session, the appeal is then made to the Director of Residence Services, or designee.

   - Appeals of decisions made by a Housing Hearing Officer related to a non-residence hall student are made to the Director of Residence Services, or designee.

   - Appeals of decisions made by Dean of Students SCAs are made to the VPSA or designee.

C. An appeal from any decision must be made in writing to the designated Appellate Body. Once the letter documenting the decision and sanction has been posted, the student has five business days to submit the appeal. (The time limit for an SRC decisions to be appealed is ten business days.) A notice of appeal shall contain the student’s or student organization’s name, contact information, the date of the decision or action, the reason for appeal, and the name of the student’s advisor, if any.

D. An appeal may only be based on the belief that alleged errors committed during the investigation and/or hearing process had a substantial effect on the determination of whether the violation occurred or not.

   The specific questions for the review that should be addressed in any written appeal are the following:
   1. Were the procedures, as stated in Section 2-5 of the Code, followed?
   2. Was a procedural error committed? Were your rights were violated? Please explain.
   3. Were you given an adequate opportunity to make your presentation?
   4. Is there any additional information that was unavailable at the time of the hearing and that may have affected the outcome of the hearing and/or the sanctions?

E. Filing of a Notice of Appeal suspends the sanctions until the appeal is finally decided. However, interim action may be taken as outlined in Section 3 of the Code.

F. The case will be reviewed by the appropriate Appellate Body and a determination will be made if the action taken involved any one, or a combination of, the following:

   1. The sanction was too severe for the offense.
   2. The decision for sanction/action was made in an arbitrary or capricious manner.
   3. The finding of a violation of the Code was not substantiated by the information.
   4. The student’s rights were violated.

G. After the Appellate Body reviews the case materials, a decision will be made to either:
1. Resolve the matter administratively, with or without speaking again to the witnesses and/or the parties involved;

2. Call for a full hearing on the matter, in which case the procedures outlined for full hearings will be followed by the Appellate Body; or

3. Instruct the lower body/administrator to conduct a new hearing with instructions to observe all student rights, including those identified by the Appellate Body as being violated.

H. Any Appellate Body may uphold or lessen the original decision for sanction/action but may not increase the sanction/action imposed by the Hearing Officer or other Judicial Body. Appellate Bodies may require that the original hearing be reopened for the presentation of additional information and reconsideration of the decision. The Appellate Body’s written decision on the appeal must be issued within ten business days of the date of the appeal, except in the case of an appeal of an SRC decision.

I. The action of the VPSA shall be final.

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