

**3359-41-06 University appeals board.**

**(A) Composition.**

- (1) The university appeals board shall be composed of three faculty members and two student members of the university hearing board pool who did not adjudicate the case.
- (2) The university appeals board meets in closed session to review written records of the university hearing board and to determine whether the procedural and substantive decisions made were proper. The associate vice president and dean of student life or his/her agent shall have the right to attend all meetings of the appeals board as a non-participating member.

**(B) Procedures.**

- (1) The appeals board shall hear all cases upon the request of the accused student. The accused student shall have seven business days from the time that s/he is notified of the decision of the university hearing board in which to petition the appeals board in writing for a review. If the student petitions the university appeals board for a review, the sanction issued by the university hearing board will not be imposed until the appeal has been considered by the university appeals board and the student has been notified of the outcome of the appeal process.
- (2) The accused student should prepare a written statement and state in plain and simple language that the decision of the hearing board is being appealed and deliver it to the associate vice president and dean of student life. The appeal should also describe, in plain and simple language, each alleged error of procedure or fact made by the associate vice president and dean of student life or his/her agent or the university hearing board and the facts that support the student's claim that an error was made.
- (3) In order for an appeal to be considered by the university appeals board, it must satisfy the following requirements:
  - (a) The petition for the appeal must be in writing and it must set forth the grounds for the appeal.
  - (b) The accused student shall direct his/her written request for review to the associate vice president and dean of student life or his/her agent, who shall initiate the formation of the appeals board as specified heretofore.

**(C) Grounds for appeal.**

- (1) An appeal shall be limited to review of the verbatim record of the initial hearing and the supporting documents for one or more of the following purposes:
- (a) To determine whether the original hearing was conducted fairly in light of the charges and evidence presented.
  - (b) To determine that the hearing was conducted in conformity with the procedures set forth in the student code of conduct, to give the student a reasonable opportunity to prepare and present evidence that the student code of conduct was violated and to provide the accused student a reasonable opportunity to prepare and present a rebuttal of those allegations.
  - (c) To determine whether the decision reached regarding the accused student was based on substantial evidence to establish that a violation of the student code of conduct occurred.
  - (d) To determine whether the sanction(s) imposed were appropriate in relation to the violation of the student code of conduct for which the student was found responsible.
  - (e) To consider new evidence not known to the appealing student at the time of the hearing board that is sufficient to alter a decision, or other relevant facts not presented in the original hearing.

(D) Standards of review.

- (1) The university appeals board may find it appropriate to exercise one of the following options in response to the student's appeal:
- (a) The appeal may be denied and the decision of the university hearing board upheld.
  - (b) In cases where the basis for the appeal is the existence of new evidence, the university appeals board may remand the decision to a new hearing board.
  - (c) The university appeals board may reverse the finding of responsibility determined by the university hearing board.
  - (d) The university appeals board may uphold, reduce or increase the sanction imposed by the university hearing board.

- (e) The decision of the university appeals board is final subject only to the vice president for student affairs' right to request a presidential review.