

## Appeals for Incidents Not Involving Sexual Misconduct

1. A complainant may not request an appeal of a decision made by a conduct body or conduct officer except in instances of violence.
2. A respondent, whether an individual student or student organization, may request an appeal of a hearing outcome. Appeals are not granted automatically. A request for appeal must be well-reasoned, substantive, and demonstrative of at least one of the following criteria:
  - a. That there was a substantive procedural error that was prejudicial to the outcome of the hearing or may have prohibited the hearing from being conducted fairly in light of the charges.
  - b. For a case in which the respondent was found responsible, that the facts in the case were insufficient to establish that a violation of the Code occurred. Alternatively, for a case in which the respondent was not found responsible, that the facts in the case were sufficient to establish that a violation of the Code did occur.
  - c. The sanction(s) imposed was not appropriate for the violation of the Code for which the student was found to be responsible.
  - d. New evidence that was not available at the time of the hearing has become available, and is potentially sufficient to alter a decision.
3. Failure of the respondent to appear at the initial hearing involving the original charges, without obtaining prior approval due to documented extenuating circumstances, will result in the respondent's loss of their opportunity to appeal.
4. Each student has one opportunity to appeal the outcome of a hearing.
5. A request for appeal must be submitted in writing within 5 business days of the decision dated by the conduct officer (date listed on the hearing outcome letter), unless otherwise approved by the Vice President and Dean of Students or designee. The request for appeal must clearly demonstrate the grounds for appeal, and not exceed 5 double-spaced pages in length with 12-pt. font. All appeal requests, regardless of the hearing body, should be submitted to the Director of Student Conduct or as otherwise instructed in the hearing outcome letter.
6. For situations in which the Vice President for Student Affairs/Dean of Students serves as the conduct officer, an appeal body or person will be appointed by the University Provost.
7. The Vice President for Student Affairs/Dean of Students or designee has the discretion to submit a request for appeal if deemed necessary.
8. Upon receipt of the request for appeal, the request will be reviewed by the Appeal Body to determine if the appeal has merit. A request for appeal must be limited to review of the documentation associated with the initial hearing, supporting documents and statements made during the hearing. If none of the criteria for appeal is determined to have been met, the Appeal Body shall sustain the decision of the respective conduct body. If, however, any of the conditions is found to exist, the Appeal Body may grant the full appeal or grant only a circumscribed portion of the appeal, either with or without meeting with the relevant party(ies).
9. Depending on which criteria the Appeal Body determines have been met in granting all or part of an appeal, the Appeal Body may elect either to leave unaltered any of the findings of responsibility or sanctions imposed by the original hearing body or to alter the findings of

responsibility and/or severity of the sanctions. In determining whether to modify the outcome of a hearing, the Appeal Body is not bound by any requests made by the appealing party.

10. In cases when the complainant is granted the opportunity to appeal the complainant will be offered the opportunity to submit a rebuttal statement to the Appeal Body. Response statements must be within 5-double space pages with 12-pt. font, must be received 2 business days prior to the hearing or review, and will be made available to the other party as part of the appeal record.
11. In cases when a complainant is granted the opportunity to appeal, the complainant will be notified of the outcome of an appeal of the case, in accordance with FERPA (See *Appendix 2*).
12. All appeal decisions are final and binding to all parties.