

3344-83-10 Appeal process.

- (A) Rights of appeal are available to the charged party.
- (B) Grounds for appeal

A party's appeal is limited to the following considerations:

- (1) Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
 - (2) Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body; or
 - (3) Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.
 - (4) Non-attendance by the charged student may not be the sole grounds for an appeal.
- (C) Procedures - If a decision of any university hearing body specified in this Code is appealed by one of the eligible parties, notice of such appeal shall be given within five (5) working days of the receipt of the decision. Notice of appeal shall be submitted in writing to the JAO by the appealing party. The written request for appeal shall state the grounds on which the appeal is being made.
- (D) The university appeal board (UAB).
- (1) The membership of the university appeal board shall consist of the chairperson of the student life committee of faculty senate, the editor-in-chief of the "law review" and the vice provost for student affairs who shall convene the board, and two student representatives to the board of trustees. If any member of the university appeal board is not available to hear

an appeal, the provost shall appoint a replacement for that appeal; a minimum of three board members are needed to hear an appeal.

- (2) The university appeal board shall hear appeals of:
 - (a) Decisions of the student conduct officer;
 - (b) Decisions of the judicial board;
 - (c) Decisions of the judicial affairs officer, or
 - (d) Any grievance or complaint regarding questions of jurisdiction of the judicial board.
- (3) The decision of the university appeal board may be appealed by one of the parties to the university president.

(E) Review procedures.

The UAB shall:

- (1) Consider the grounds for appeal as stated in the written request for appeal; and
- (2) Review all materials of the hearing, including the recording of the hearing. This review can include a review of the process and procedures of the hearing.
- (3) The recording of the hearing shall be released only to the university appeal board. The tape may be reviewed by an involved party for the purposes of preparing an appeal only under the supervision of the JAO or the JAO's designee.
- (4) The UAB may hold an appeal hearing to review a case on appeal at its discretion. Both the charged party and the charging party can be present during this hearing with the respective community support persons.

(F) Decisions.

The UAB may:

- (1) Dismiss the appeal;
 - (2) Affirm the decision on which the appeal is based; or
 - (3) Alter the sanction imposed by the original hearing body:
 - (a) For appeals made by the party against whom the charges were filed, the sanction may be reduced; or
 - (b) If the appeal board finds a party in violation who was previously found not in violation, the appeal board may impose appropriate sanctions.
 - (4) Decisions of the appeal body shall be presented in writing to the parties involved within fifteen (15) working days of the receipt the notice of appeal from the JAO.
 - (5) The decision of the UAB may be appealed to the provost or the provost's designee by any of the parties involved. This appeal must be in writing and received by the provost or the provost's designee within five working days of the presentation of the UAB's written decision. Failure to deliver timely the appeal may result in the provost or the provost's designee dismissing the appeal. This appeal is limited to those grounds found in 3344-83-10(B). The provost or the provost's designee can affirm the UAB decision, reverse it, or return the appeal to the UAB for further consideration. The provost's or the provost's designee's decision is final.
- (G) Training and orientation sessions. The provost or the provost's designee and members of the UAB are required to attend the training and orientation program prior to hearing any appeals.

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