

APPEALS

SPAS Student Progress Committee Appeals

1. Per School policy, a student may appeal a decision of the SPAS SPC within three (3) business days of the student's receipt of the committee's decision.
2. Appeals must be submitted in writing to the Director of SPAS.
3. Appeals based solely on disagreement with the outcome and/or sanctions shall not be accepted.
4. Any appeal must clearly demonstrate one (or more) of the following four criteria. The following four criteria constitute grounds for an appeal:
 - a. There is a demonstrable bias by the SPAS Student Progress Committee.
 - b. There was a material deviation from written procedures that jeopardized the fairness of the process.
 - c. There is new information that was unavailable at the time of the meeting/hearing and that was not considered in the original action, which could have resulted in a different outcome.
 - d. The sanctions were substantially disproportionate to the severity of the violation(s), given the facts and relevant information.
5. If none of the appeal criteria are found on review, the Director of the School of PA Studies will decline the appeal and the determination of the School of PA Studies Student Progress Committee will stand.
6. If the Director of the School of PA Studies determines the appeal is valid and will be reviewed, the Director may choose either to uphold the decision of the Committee regardless or to return the decision to a newly formed committee. If the latter, the Director of the School of PA Studies will appoint three faculty members to form the new committee. At least two of the appointed members must be faculty who did not serve on the initial committee. In either event, the Director of the School of PA Studies will respond to the student within 5 business days of receipt of the appeal. In the case that an appeal will be reviewed, the newly formed committee will meet within 10 days of appointment and the student will be notified of the final ruling within 2 business days of the committee meeting.
7. Decisions of this Committee are final.

University Conduct Committee Appeals

(Direct excerpt from the MBKU Student Handbook)

g. Appeals – When a UCO or the UCC reaches a Finding regarding the Code, it is important for both the respondent and complainant to understand their options and procedures for appealing the Finding. UCC Appeals are described in detail below.

h. Authority – A student's Program Dean/Director shall serve as the Appellate Officer (AO) for all cases or shall assign an appropriate AO to the case. The AO shall have the sole authority to determine whether an appeal warrants further review. An appeal that has been declined by the AO is considered a final and binding decision. An appeal that has been accepted for review (meets one, or more criteria below) shall be limited to a review of all supporting case documents, the verbatim recording of the Committee Hearing, and only new information specifically related to the appeal criteria (if applicable). The AO may request (electronic)

written clarification from appropriate parties to inform their decision on the appeal request.

i. Criteria – Appeals based solely on disagreement with the outcome and/or sanction(s) shall not be accepted. Any attempt to appeal must clearly demonstrate one (or more) of four criteria:

- i. There was a material deviation from written procedures that jeopardized the fairness of the process;
- ii. There is new information that was unavailable at the time of the Hearing, which could have resulted in a different outcome;
- iii. There was a demonstrable bias by the UCO, UCC, or VPES;
- iv. The sanctions were substantially disproportionate to the severity of the violations, given the facts and relevant information.

j. Timeline – The eligible appealing party may submit an appeal within three (3) business days of the Finding being issued. Such appeals shall be in writing (electronic or paper) and must be delivered to the VPES, who will ensure it is promptly delivered to the appropriate AO. If applicable, the VPES may share the appeal with the non-appealing party directly involved with the case for possible counter-appeal.

k. Counter-Appeal – If applicable, the non-appealing party directly involved with the case may provide a response to the appeal. The non-appealing party shall have one (1) business day from the notification of appeal to submit a response (electronic or paper) to the VPES, who will ensure it is promptly delivered to the appropriate AO. If no response by the non-appealing party is submitted, the AO shall make a final determination on the information provided by the appealing party.

l. Valid Appeal – If an appeal is deemed valid by the AO (addresses one of the outlined criteria above), the AO shall only consider information related to that criteria for the appeal to reach a decision on next steps. Decisions of the AO on next steps will fall into one, or more, of four outcomes related to each of the required criteria for appeal:

- i. Convene a UCC consisting of all new members to conduct a new Fair Hearing and re-notice the student in accordance with the UCC procedures outlined above.
- ii. Consider the new information presented and make the final determination and sanctions, if applicable.
- iii. Depending on which party is identified, convene a University Conduct Committee consisting of all new members to conduct a new Fair Hearing, or a new UCO to manage and review the specific components deemed inappropriate with the UCC. The UCC may issue new Findings based on revised process.
- iv. AO will adjust sanctions to be proportionate to the severity of the violation.

Note: The decision of the AO, when made in any circumstances listed above, shall be final and binding upon all involved.