

# Appeals Process

## Appeal to the Dean, Student Success and Sparks Campus

1. Accused student(s) who choose to file an appeal of the sanctions imposed by the Investigator must request an appeal hearing within five (5) working days, in writing, to the office of the Dean, Student Success and Sparks Campus. The *Appeal Request* form can be found on the College's website, [Complaint & Disciplinary Procedures](#). Upon receipt, the Dean will complete this process within ten (10) working days.
  - The appeal must expressly state the grounds of such appeal which are limited to newly discovered evidence, violation of procedures, or that the imposed sanction was unduly harsh, improper, or lenient under the circumstances
2. The office of the Dean, Student Success and Sparks Campus will contact the student(s) by phone and college email to schedule an Appeal Meeting with the Dean. The student will also be notified that it is permissible to appear alone or with counsel during the meeting. However; Counsel shall not speak for or on behalf of the student(s), but may act only in an advisory capacity.
  - If the student(s) that is scheduled for an appeal meeting with the Dean fails to appear at the designated date, hour, and place of the meeting after notification thereof, shall be deemed to have waived the right to an appeal.
3. The Dean will hear the appeal and determine, based on evidence and testimony(ies), if the student is guilty as determined by the Investigator.
4. If the Dean determines that the student is not guilty, the student will be cleared of all charges. If the student is found guilty, the Dean will delineate appropriate sanctions on a *Sanction Agreement* form. When administrating the *Sanction Agreement*, the student will select one of the following options:
  - Sign the *Sanction Agreement*, indicating acceptance of the sanctions imposed and waiving all rights to appeal; OR
  - Sign the *Sanction Agreement*, declining the opportunity to accept the sanctions imposed and request to appeal the decision before the Judiciary Committee.
  - **Any student who fails to select 'Accept' or 'Do Not Accept,' and fails to sign the Sanction Agreement shall be deemed to have waived all rights to further appeal and the sanctions imposed will be final.**
  - **Students have five (5) working days from the date of the emailed Sanction Agreement, to sign the document. At this time the judgement is final.**
  - The complainant will be notified by email, the final resolution.
5. Upon completion of the investigation and administration of the *Sanction Agreement(s)* to the accused, the Dean shall complete a *Memorandum of Record*. A copy of the *Memorandum of Record* will be emailed to the appropriate Dean(s).
6. Originals of all documents pertaining to the investigation shall then be filed in the office of the Dean, Student Success and Sparks Campus, and will be recorded on the Student Complaint Drive.

## Appeal to the Judiciary Committee

1. Accused student(s) who choose to file an appeal of the sanctions imposed by the Dean, Student Success and Sparks Campus must request an appeal hearing within five (5) working days, in writing, to the Judiciary Committee. The Appeal Request form can be found on the College's website, [Complaint & Disciplinary Procedures](#). The appeal must expressly state the grounds of such appeal which are limited to newly discovered evidence, violation of procedures, or that the imposed sanction was unduly harsh, improper, or lenient under the circumstances.
  - The appeal hearing before the Judiciary Committee shall be scheduled as soon as it is practical but no later than 30 calendar days from the date of the student's meeting with the Dean, Student Success and Sparks Campus

For more information on the Judiciary Committee process please see section titled *Judiciary Committee Disciplinary Procedures*.

## Appeal to the President or Designee

1. The determination and sanction imposed by the Judiciary Committee are subject to review on appeal by the President of the College or his or her designee. The President or designee has discretionary authority to modify or affirm the sanction imposed by the Judiciary Committee, to exonerate the accused student(s), and/or to order a rehearing of the case in question.
2. A student(s) has five (5) working days from the day of the hearing and determination by the Judiciary Committee to request a review of the proceedings and/or the sanction. The *Appeal Request* form can be found on the College's website, [Complaint & Disciplinary Procedures](#). Such appeal request must be submitted in writing to the office of the President. Failure to request an appeal as stated herein shall be a waiver of a review by the President or designee and all rights in relation thereto. Furthermore, failure to request an appeal as stated herein shall be an admission of the charges and a consent to the sanctions imposed by the Judiciary Committee.
3. A written appeal must expressly state the grounds of such appeal, which are limited to newly discovered evidence, violation of procedures, or that the imposed sanction was unduly harsh, improper, or lenient under the circumstances.

4. The student(s) shall be provided a written statement of the decision of the President or designee within seven (7) working days from the date of filing the request for appeal.
5. Appealing to the President is the final step in the College's judiciary process; however, if a student wishes to appeal the decision further, he or she may utilize the State Student Complaint Process.
6. Upon completion of the investigation and administration of the written statement by the President to the accused, the originals of all documents pertaining to the investigation shall then be submitted to the office of the Dean, Student Success and Sparks Campus.
7. All documents pertaining to the investigation shall then be filed in the office of the Dean, Student Success and Sparks Campus, and will be recorded on the Student Complaint Drive.

## **Appeal, State Student Complaint Process**

Students who wish to appeal the President or designee's decision should refer to the section titled *State Student Complaint Process*.