



UMass

Dartmouth

COMMUNITY STANDARDS

## Appealing Your Student Conduct Decision

(Updated 08/2024)

The University has implemented procedures for students to appeal. Appeals are not re-hearing of the facts of the case, but rather an examination of the procedure and/or outcome. General dissatisfaction with the outcome of a conduct case or an appeal for mercy is not an appropriate basis for an appeal. The outcomes(s) resulting from a case decision will be considered on hold until the decision is affirmed, modified, or reversed in the appeals process.

Additionally, only a student who has participated in the conduct review process and has been found responsible for violating a policy may file a written appeal. If a student fails to attend a meeting/hearing, that student forfeits their right to appeal the decision rendered by the conduct officer or conduct board. website) within (3) business days of the notification of the outcome of the case and should include the grounds for the appeal and all relevant information.

Character statements, character witnesses, and letters of support that do not pertain to the incident in question cannot be considered. The decision to consider the appeal is a separate action from actually determining the appeal. If the appeal officer determines that the appeal does not meet any of the criteria for appeal, the student will be notified in writing via University email address within three (3) business days after the appeal request has been submitted.

The possible criteria for appeal are:

- A. The original meeting/hearing was not conducted according to established procedures or had significant procedural errors or irregularities that denied the student(s) a fair meeting/hearing.
- B. The student has new information that was not reasonably available prior to the original meeting/hearing and that information is likely to substantially change the outcome of the meeting/hearing.

### Appeal Process Criteria:



The original meeting/hearing was not conducted according to established procedures or had significant procedural errors or irregularities that denied the student(s) a fair meeting/hearing.



The student has new information that was not reasonably available prior to the original meeting/hearing and that information is likely to substantially change the outcome of the meeting/hearing.

All requests for appeal must outline the following:

Any appeal based on criteria “A” must include all of the following:

- Citation of specific procedural errors or irregularities with appropriate reference to the Conduct Review Process;
- Reason(s) why procedural error was not mentioned in the original meeting/hearing;

Community Standards • <https://www.umassd.edu/studentaffairs/departments/community-standards/>

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- Reason(s) why correction of error can contribute to a decision other than that which was originally made.

Any appeal based on criterion “B” must include all of the following:

- Nature of the new evidence;
- Name(s) of anyone who will present this evidence, include the new evidence in appeal submission;
- Reason(s) why evidence was not discussed at original meeting/hearing;
- Reason(s) why evidence can contribute to a decision other than that which was originally made.

The appeal officer may take the following actions after considering or determining an appeal:

- Affirm the original decision and outcome(s);
- Reverse the original decision and outcome(s);
- Affirm or reverse the original decision in part and/or alter the outcome(s) which could increase or decrease the severity of the outcome(s);
- Refer the matter to the original conduct officer to be reheard in whole or in part. At the discretion of the appeal officer a different officer or meeting/hearing method may be designated.

If an appeal meets at least one of the appeal criteria, the assigned appeal officer will review case related information. A notification of the decision regarding the appeal will be made to the student in writing via University email address. The appeal decision will generally be rendered within five (5) business days of the written appeal. The decision of the appeal officer is final and effective immediately, the case is closed. All outcomes must be completed as stated in the original Notice of Outcome and/or Notice of Appeal Decision letter.

For cases involving sexual misconduct, please refer to the Diversity, Equity, and Inclusion website for all appeal information. <https://www.umassd.edu/diversity/compliance-oversight/title-ix/>

### **Right to an Advisor**

You may select an advisor to accompany you at all meetings involving a community standards case. The advisor can be anyone of your choosing. If you elect to have an attorney present, you are required to give 48 hours advanced notice to the appeal officer. The role of the advisor in all cases is limited to advising the student during the appeal proceeding. The advisor may not speak or write on behalf of the student, examine or cross examine witnesses, or address the appeal officer publicly during the appeal meeting.

#### **While Your Appeal Is Pending**

If an appeal is submitted, the outcomes(s) resulting from a case decision will be considered on hold until the decision is affirmed, modified, or reversed in the appeals process.

If an Interim Measure was imposed either prior to and/or during the Conduct Review Process that interim status will remain in effect until the appeal is decided.



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### **Notification and Disclosure**

UMass Dartmouth complies with the requirements of the Family Education Rights and Privacy Act (FERPA). FERPA significantly restricts the right of others to view a student's educational records. As it pertains to the Conduct Review Process, the University's FERPA practices:

The university may disclose to a parent or legal guardian information regarding a student's violation of any law or institutional rule or policy governing the use or possession of alcohol or a controlled substance.

The university may disclose the final results of any disciplinary proceeding for a violation of policy with respect to a violation involving violence and sexual misconduct to the victim.

Please note these instances are only allowed once the institution has finally determined that the student has committed a disciplinary violation with respect to the incident (i.e. has exhausted the appeal process). For more information visit: [www.ed.gov/offices/OII/fpco/ferpa](http://www.ed.gov/offices/OII/fpco/ferpa).

### **More information**

For more information about the Appeal Process, please see the Code of Student Conduct found at: <https://www.umassd.edu/studentaffairs/departments/community-standards/>.