

# THE APPEALS PROCESS

Any party may request an appeal of the conduct hearing decision by filing a written request using the [Request for Appeal](#) form to the Vice President (VP) of Student Services, the Vice President (VP) of Education, or the Senior Vice President (Sr. VP) of Academic Affairs (or their designees), subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

## GROUND FOR APPEAL REQUESTS

Appeal requests are limited to the following grounds:

1. An error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.); and/or
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and/or
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

Appeals must be filed in writing with the VP of Student Services, the VP of Education, or the Sr. VP of Academic Affairs (or their designees) within three business days of the notice of the outcome of the hearing. Any exceptions are made at the discretion of the VP of Student Services, the VP of Education, or the Sr. VP of Academic Affairs (or their designees) and, when appropriate, the Title IX Coordinator.

The VP of Student Services, the VP of Education, or the Sr. VP of Academic Affairs (or their designees) will share the appeal by one party with the other party (parties). The VP of Student Services or VP of Education (or their designees) will refer the request(s) to the Sr. VP of Academic Affairs. The Sr. VP of Academic Affairs will draft a response memorandum to the appeal request(s), based on determination that the request(s) will be granted or denied, and why.

The Sr. VP of Academic Affairs will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. S/he may consult with the VP of Student Services or the VP of Education and/or the Title IX Coordinator on any procedural or substantive questions that arise.

If the appeal is not timely or eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the Sr. VP of Academic Affairs determines whether to refer the appeal to the Appeal Committee, typically within three to five business days. Full re-hearings by the Appeal Committee are not permitted. Where new evidence is presented, the Sr. VP of Academic Affairs will provide instruction on the parameters regarding institutional consistency and any applicable guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeal Committee must limit its review to the challenges presented.

The parties have the right to an advisor of their own choosing. Typically advisors are parent(s)/guardian(s), but the parties may select an attorney or whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the appeal. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the Appeals Officer, and suggest questions to their advisee.

On reconsideration, the Appeal Committee may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions of the Appeal Committee are to be made by a majority vote within five days and are final. Appeal decisions are to be affirmed by the Title IX Coordinator, when applicable. Appeal decisions are not appealable by any party.

### THE APPEAL COMMITTEE

Three-member Appeal Committees are drawn from the pool of faculty and staff members, with the following requirements to serve:

1. They did not serve as a Hearing Officer for the initial hearing.
2. They were not involved in the investigation in any way.
3. They have been properly trained in appeal procedures.
4. They are not currently instructing the student or otherwise substantively involved with the student (such as a coach or advisor).
5. They are not a currently enrolled student at PTC.

The Appeal Officer will have final authority to approve all those serving on the committee. In the event of a recusal from the committee, the Appeal Officer will solicit a replacement from the pool.

The Appeal Officer or designee serves as the non-voting advisor to the committee, with responsibility for training the committee, conducting preliminary investigations, and ensuring a fair process for the party bringing the complaint and responding student. It is presumed that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process.

### OTHER GUIDELINES FOR APPEALS

All parties will be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Witnesses may be called if necessary.

Appeals are not an opportunity for Appeal Committee members to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions and/or policy. Changed may be made to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.