Proposal to Revise Appellate Process to Assure Meaningful Appeals:
Revise Appellate Review Board Process – Appendix C, Section I.1.b.iii

Proposal II:

Amend Section I.1.b.iii. of Appendix C to the Instrument to provide that review of a denial of appeal by the Appellate Review Board is permissive at the election of the accused student rather than mandatory.

Current Wording:

I.1.b.iii. Appeal Petition. An appeal petition shall be filed in a timely fashion as specified in paragraph b.i. of this section, and shall consist of a detailed written statement specifying the precise grounds for appeal and indicating with precision the supporting facts, and shall be signed by the accused student (or, in an appeal by a student group, by the group’s president or chief officer). The Judicial Programs Officer will review the petition to determine whether it is based upon one or more of the grounds for appeal stated in this section and provides a factual basis for the appeal. If the Judicial Program Officer determines that the petition states a permissible ground and sufficient factual basis for appeal, he or she shall refer the matter to a University Hearings Board appellate panel for action. If the Judicial Program Officer determines that the appeal petition does not state a permitted ground or a sufficient factual basis for appeal, he or she shall refer the petition for appeal to a three-member Appellate Review Board composed of a member of the Faculty Hearings Panel, an administrator designated by the Vice Chancellor for Student Affairs, and a member of the appropriate student honor court who has not been involved in consideration of the case during the original proceeding before the student court. The Appellate Review Board shall determine whether the appeal petition states a permissible ground and sufficient factual basis for appeal, and shall refer the matter for review by a University Hearings Board if requisite grounds and factual basis are stated, or if not shall dismiss the appeal.

Proposed Revision:

I.1.b.iii. Appeal Petition. An appeal petition shall be filed in a timely fashion as specified in paragraph b.i. of this section, and shall consist of a detailed written statement specifying the precise grounds for appeal and indicating with precision the supporting facts, and shall be signed by the accused student (or, in an appeal by a student group, by the group’s president or chief officer). The Judicial Programs Officer will review the petition to determine whether it is based upon one or more of the grounds for appeal stated in this section and provides a factual basis for the appeal. If the Judicial Program Officer determines that the petition states a permissible ground and sufficient factual basis for appeal, he or she shall refer the matter to a University Hearings Board appellate panel for action. If the Judicial Program Officer determines that the appeal petition does not state a permitted ground or a sufficient factual basis for appeal, the Judicial Program Officer shall notify the accused student in writing of this determination and of the right to have this determination reviewed by a three-member Appellate Review Board. Within five business days (weekends and University holidays excepted) of notification that the Judicial Program Officer has determined that the appeal
petition does not state a permissible ground or sufficient factual basis for appeal as provided in this section, the accused student may request, in writing, that the Appellate Review Board review this determination. The Appellate Review Board shall be composed of a member of the Faculty Hearings Panel, an administrator designated by the Vice Chancellor for Student Affairs, and a member of the appropriate student honor court who has not been involved in consideration of the case during the original proceeding before the student court. Upon such a request, the Appellate Review Board shall determine whether the appeal petition states a permissible ground and sufficient factual basis for appeal, and shall refer the matter for review by a University Hearings Board if requisite grounds and factual basis are stated, or if not shall dismiss the appeal.

Rationale for Proposed Revision:

Currently, referral of a determination that an appeal petition fails to state an appropriate ground or a factual basis is mandatory. This process creates a potentially unnecessary step. A thorough review of the appeal petition by the Judicial Programs Officer generally produces a detailed explanation of why the appeal was denied. In certain cases, this explanation satisfies the student that the appeal was either frivolous or unfounded, thereby obviating the need for further review by the Appellate Review Board. By making the ARB review permissive, rather than mandatory, this revision preserves the intent of the Instrument to afford meaningful review while eliminating potentially unnecessary ARB reviews.