

## APPEAL PROCESS

3335-23-18 Appellate process.

(A) Right to appeal.

A student found to have violated this code has the right to appeal the original decision. An appeal of a decision must be submitted in writing and postmarked or hand delivered to the appropriate appeal officer, as provided below, within ten calendar days after the date on which written notice of the decision is sent to the student. Each student shall be limited to one appeal. The decision of the appeal officer is final.

(B) Grounds for appeal.

An appeal may be based only upon one or more of the following grounds:

- (1) Procedural error;
- (2) Misapplication or misinterpretation of the rule alleged to have been violated;
- (3) Findings of facts not supported by a preponderance of evidence.
- (4) Discovery of substantial new facts that were unavailable at the time of the hearing; and
- (5) That the disciplinary sanction imposed is grossly disproportionate to the violation committed.

(C) Appropriate appeal officers.

- (1) Appeals from residence hall hearings:
  - (a) All appeals from residence hall hearings other than contract terminations, shall be submitted to the director of residence life or designee.
  - (b) All appeals where the sanction imposed by the residence hall hearing is contract termination shall be submitted to the director of student judicial affairs or designee.
- (2) Appeals from a judicial affairs hearing officer's decision or from the university judicial panel's decision will be submitted for decision to the vice president for student affairs or designee.
- (3) Appeals from decisions of the coordinator of academic misconduct or the committee on academic misconduct will be submitted for decision to the executive vice president and provost or designee.

(D) Appeal proceedings.

- (1) The appeal officer shall dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in paragraph (B) of this rule.
- (2) The appeal officer may decide the appeal based upon a review of the record.
- (3) The appeal officer may request additional written information or an oral presentation from any relevant person(s) and then decide the appeal based upon the enhanced record.

(E) Possible dispositions by the appeal officer.

The appeal officer may, after a review of the record, uphold the original sanction, dismiss the original sanction, or impose a lesser sanction. An appeal officer may also remand the case to the original hearing body or refer the case to a new hearing officer or panel to be reheard. If possible, a new hearing officer or panel should be different from the one that originally decided the case. If a case is reheard by a hearing officer or panel, the sanction imposed can be greater than that imposed at the original hearing. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-19 Minor deviations from procedure.

A student and hearing officer may agree in advance to minor deviations from procedure. Such deviations are not then subject to appeal. Other minor deviations are acceptable as long as such deviations are not found upon appeal to be unreasonably harmful to the student. (B/T 3/2/2001)

3335-23-20 Interim suspension.

When the vice president for student affairs or designee has reasonable cause to believe that the student's presence on university premises or at a university-related or registered student organization activity poses a significant risk of substantial harm to the health or safety of others or to property, the student may be immediately suspended from all or any portion of university premises, university-related activities or registered student organization activities, and is not permitted to participate in, or complete academic coursework. This temporary suspension will be confirmed by a written statement and shall remain in effect until the conclusion of a full hearing or administrative decision, without undue delay, in accordance with the rules of the Ohio state university. The student may, within three working days of the imposition of the suspension, petition the vice president for student affairs for reinstatement. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or to property. A hearing on such petition will be conducted without undue delay by the vice president for student affairs or designee. (B/T 3/2/2001, B/T 7/11/2003)