

APPEAL HEARINGS

Except as required to explain the basis of new information, an appeal shall be limited to a review for one or more of the following purposes:

1. To determine whether the Informal or Formal Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
2. To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.
3. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
4. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Informal or Formal Hearing.

Formal Hearings will be held as the first avenue of appeal if a student disputes the decision and/or sanction of an Administrative Hearing Officer.

Formal Hearings shall be routed as follows:

1. A student subject to expulsion or suspension for more than nine days will have their appeal routed to the Administrative Hearing committee for disposition. Such appeals shall be in writing and delivered to the Coordinator of Student Judicial Affairs within five (5) class days of the decision. The Coordinator will then schedule the Formal Hearing in front of the Administrative Hearing committee.
2. A student subject to a lesser sanction than expulsion or suspension for more than nine days will have their appeal routed through the Student Association Judicial Board for disposition. Such appeals shall be in writing and delivered to the Coordinator of Student Judicial Affairs within five (5) class days of the decision. The Coordinator will then schedule the Formal Hearing in front of the Student Association Judicial Board.

Note: Any sanctions are still in effect during any appeal

A decision reached by the Administrative Hearing Committee or the Student Association Judicial Board may be appealed by the accused student(s) or complainant(s) to the Associate Vice-President for Student Affairs within five (5) school days of the decision. The appeal is initiated by going to the Associate Vice-President of Student Affairs office, submitting a Request to Appeal form and scheduling an appointment. During this appointment, the Associate Vice-President will review the student's Judicial Appeal form, the grounds claimed, the student's rights within the process and the appeal process itself.

If an appeal is upheld by Associate Vice-President for Student Affairs, the Associate Vice-President for Student Affairs may take any appropriate action. If an appeal is not upheld, the matter shall be considered final and binding upon all involved except that in cases involving sanctions of expulsion or suspension for 10 days or longer, students shall be informed

of their right to a contested case hearing under Minnesota State Statute 14, Administrative Hearing Procedures.

Appeal Hearing Procedure

A student will need to submit a request for appeal to the Coordinator of Student Judicial Affairs. The Coordinator will route the request for appeal to the appropriate committee chairperson. The Chairperson will decide whether the appeal meets the criteria for appeal or not. If an appeal meets the criteria, a hearing will be scheduled. If the Chairperson decides the appeal does not meet the criteria, the appeal is dropped and the student is expected to abide by the Coordinator's original decision and sanctions.

The appropriate hearing committee chairperson will notify both the complainant and accused student by letter of the date, time and location of the hearing. This notification shall occur at least 72 hours prior to the Committee's meeting.

The accused will receive:

1. A list of the names of the material witnesses who may be called to speak at the hearing on behalf of the university.
2. Copies of all documents or written statements to be presented at the hearing.
3. The name and title of the person who will present the evidence on behalf of the university.

Accused students will be afforded an opportunity to meet with the Coordinator of Student Judicial Affairs to discuss the Student Association Judicial Council hearing and/or an Administrative Committee hearing.

At least three (3) days prior to the hearing, the accused will provide the Hearing Committee's Chairperson or the Coordinator of Student Judicial Affairs with any written documentation to be presented by the accused and the names of any material witnesses who will be called by the accused at the hearing. It is the responsibility of the accused to notify these witnesses of the time, date, and location of the hearing.

4. Each Hearing Committee will have a chairperson who will preside at the hearing and will rule upon procedural matters. Formal rules of evidence will not apply, although objections to introduction of specific statements or documents may be considered by the chair. Irrelevant, immaterial, or unduly repetitious information may be excluded by the chair. Evidence of prior misconduct by the accused will be admissible only after a finding that a Code of Conduct violation has been committed and may be used in the determination of recommended sanction(s).
5. A representative of the university will present the evidence, which supports the alleged charge(s) and will have the burden of showing that it is more likely than not that a violation of the Code of Conduct has occurred.
6. Material witnesses will be asked to leave the hearing following their testimony before the hearing committees. The complainant and accused may remain throughout the entire hearing.
7. The order of presentation at the hearing will be as follows:
 - a. The university representative will present an opening statement.
 - b. The accused may present an opening statement.
 - c. The chair will call witnesses for the university to provide statement.

- d. The chair will then call witnesses for the accused to provide statement.
 - e. At the conclusion of each witness' statement, he/she may be questioned by the accused, complainant, and/or university presenter and by members of the Student Association Judicial Council or the Administrative Hearing Committee. Any witness may be recalled.
 - f. Following the testimony of all witnesses, case summations may be presented by the representative of the university and then by the accused.
 - g. Only the members of the hearing committees may be present during deliberations. A simple majority of votes is necessary to make a recommendation that a Code of Conduct more likely than not occurred. A majority plus one (1) vote is necessary to recommend suspension or expulsion from the university.
8. The Hearing Committee's Chairperson shall notify the student of the Committee's findings and decision in writing within five (5) class days of the hearing. Notification will include information regarding the appeal procedure.
9. Copies of the decision letter will be sent to the Judicial Board Advisor (if applicable) and the Coordinator of Student Judicial Affairs. Any other persons receiving a copy of the decision letter will be indicated as copied. Written notice of the Committee's decision and sanction will be provided to the person who filed the referral as consistent with the law.