Colorado School of Mines Student Conduct Appeal Process

This appeal process governs all requests for appeal related to violations of the student Code of Conduct. However, grade appeals, residency appeals, academic misconduct appeals, and appeals related to research misconduct are handled through separate processes (please see the undergraduate and graduate bulletins for more information on those processes). An appeal request will only be considered if it includes the specific aspect of the decision being appealed, the grounds for an appeal, and the rationale that support the selected grounds.

Appealable Decisions
Not all decisions can be appealed. Only those decisions that include sanctions that restrict civil liberties or remove a privilege (i.e. suspension, expulsion, eviction from housing and/or fines) may be appealed. Warnings, reprimands, probation and other conditions of a student's continued enrollment are not appealable.

Grounds for an Appeal
The four items listed below are the only acceptable grounds for an appeal.

a. The meeting with the Hearing Officer was not in conformity with the designated procedures and this prevented or otherwise hindered the student from presenting relevant information. Minor deviations from designated procedures are not a justification for an appeal unless significant prejudice to the student results.

b. There is new information to consider that, if true, would be sufficient to alter the Hearing Officer’s or faculty member’s decision. Such information and/or facts must not have been known by the student appealing at the time of the original hearing.

c. The student accepts responsibility for the violation, but believes the sanction to be too severe. Such appeals are limited to having only the severity of the sanction reviewed.

d. The student can provide evidence that the Hearing Officer abused his/her authority and/or made an arbitrary decision without fully considering the information presented.

Submitting an Appeal Request
Decisions reached by a Hearing Officer may be appealed by the accused student. In cases dealing with intimidation, assault, harassment, or sexual misconduct, the complainant may also appeal. A student may file an appeal by completing a Student Conduct Appeal Request Form and submitting it to the Office of the Vice President for Student Life by the date stated in the original decision letter (typically within seven business days of the date of the decision notification). This form is available online at [http://inside.mines.edu/Student_policies](http://inside.mines.edu/Student_policies) and in person at the Office of the Vice President for Student Life. It is the student's obligation to complete the form in its entirety and provide any and all materials that she/he wishes to have considered at the time of the appeal request submission. Incomplete forms, subsequent information and revised requests will not be accepted. If the student's appeal request is not received within this time frame, the decision of the Hearing Officer is final and no further appeal is permitted.

Whether the appeal will be allowed
Once an appeal request is received, the Office of the Vice President for Student Life will forward it on to an Appeal Review Administrator. Within seven business days, the Appeal Review Administrator will review the written request form and materials to determine if the acceptable grounds for an appeal have been met and if the appeal has been timely filed. After review of the request, the Appeal Review Administrator will take one of the following actions and will notify the student:

a. Deny the appeal *
b. **Allow the appeal to proceed.** The Appeal Review Administrator will then submit all the relevant information to the Executive Assistant for the Vice President for Student Life for further coordination.

* If the appeal is denied, the decision is final and is considered binding upon all involved, unless the student can provide evidence that the Appeal Review Administrator abused his/her authority and/or made an arbitrary decision without fully considering the information presented. If this is the case, the student requesting the appeal must notify the Vice President for Student Life in writing within two (2) business days and request that the appeal request be reviewed by another Appeal Review Administrator. This option can only be used once. If the second appeal administrator denies the appeal request, the decision is final and is considered binding upon all involved.

Within two business days of the student receiving notification that the appeal will proceed, he/she must provide the Executive Assistant to the Vice President for Student Life with the following information:

a. A list of potential witnesses (if any) that he/she would like to have the interviewed

b. The appeal review process, from the options below, that he/she would like the appeal to follow:
   1. Have the appeal reviewed by the Student Appeals Committee
   2. Have the appeal reviewed by a Judicial Appeals Officer

**While waiting on the appeal request**

Throughout the entire appeal process, and while the decision of the Appeal Review Administrator, the Judicial Appeals Officer or the Student Appeals Committee is pending, the student must continue to comply with all conditions of the original decision made by the Hearing Officer. Unless otherwise specified in the original written notification of suspension, a student may continue to attend classes while the appeal is pending.

**If the appeal is reviewed by the Student Appeals Committee**

A list of the pool of potential members of the Student Appeals Committee will be provided to the student making the appeal. The student making the appeal and the Hearing Officer may each make one request to the Vice President for Student Life, or designee, for the removal of a member of the pool within two business days of receiving the list of potential members. Upon receipt of such request, the Vice President for Student Life will remove the potential member from the pool. Potential members of the committee have an affirmative obligation to excuse themselves if they have a conflict of interest. Please see the Student Code of Conduct for more information on the structure of the Student Appeals Committee.

All pertinent information regarding the incident and appeal, including but not limited to, the student’s disciplinary file, the appeal request and other evidence submitted by the student or Hearing Officer, will be given to the members of the Student Appeals Committee for review. Within fifteen (15) business days of receiving the information, the Student Appeals Committee will review the materials, gather additional information (if needed), interview witnesses, and arrange for a conduct appeal meeting. If necessary based on unusual circumstances or scheduling conflicts, the Student Appeals Committee may extend this timeline by notifying all parties involved and informing each of the new timeline. This notification must take place prior to the original stated completion date. After reviewing the materials and the holding of an appeal meeting, the Student Appeals Committee may make one of the decisions outlined below in the Outcome of Appeals section.
If the appeal is reviewed by a Judicial Appeals Officer
The Director of Auxiliary Services will serve as the Judicial Appeals Officer when an appeal is permitted by policy in a decision that was originally made by the Associate Dean of Students. The Associate Dean of Students will serve as the Judicial Appeals Officer when an appeal is permitted by policy in a decision that was originally made by the Director of Auxiliary Services or the Director of Residence Life and Housing.

All pertinent information regarding the incident and appeal, including but not limited to, the student’s disciplinary file, the appeal request and other evidence submitted by the student or Hearing Officer, will be given to the Judicial Appeals Officer for review. Within seven business days of receiving the information, the Judicial Appeals Officer will review the materials, gather additional information (if needed), interview witnesses and arrange for a conduct appeal meeting. If necessary based on unusual circumstances or scheduling conflicts, the Judicial Appeals Officer may extend this timeline by notifying all parties involved and informing each of the new timeline. This notification must take place prior to the original stated completion date. After reviewing the case and the holding of an appeal meeting, the Judicial Appeals Officer may make one of the decisions listed below in the Outcome of Appeals section.

If there is any conflict of interest by the Judicial Appeals Officer, the Vice President of Student Life, or designee, may serve as the Judicial Appeals Officer.

Outcome of Appeals
After reviewing the materials and the holding of any hearing, the Student Appeals Committee or the Judicial Appeals Officer may make one of the following decisions:

a. **Reverse the decision of the Hearing Officer or faculty member:** the Student Appeals Committee or Judicial Appeals Officer does not agree with the Hearing Officer’s evaluation of evidence in support of the charges. The disciplinary decision will be changed to “Withdrawal of Accusations”. This option is not possible for appeals in which a victim is requesting the appeal or appeals in which the student has accepted responsibility and is only appealing the severity of the sanction.

b. **Affirm the decision of the Hearing Officer:** the Student Appeals Committee or Judicial Appeals Officer agrees that the information supports the original decision reached by the Hearing Officer.

c. **Return or forward the case on for further consideration:** the Student Appeals Committee or Judicial Appeals Officer believes that additional considerations should be made which could include increasing or decreasing the sanctions imposed or addressing additional issues that arose through the appeals process. Recommendations for appropriate sanctions should be made by the Student Appeals Committee or Judicial Appeals Officer. These recommendations will be considered by the original Hearing Officer to assist him/her while reconsidering the matter.

If the committee believes further consideration is necessary for an appeal in which a victim of attempted or actual intimidation, assault, harassment, or sexual misconduct files the appeal, the case will be referred back to the original Hearing Officer for appropriate review and possible sanctioning of the originally alleged offender.

d. **Reduce or increase the sanction:** This option is only available in appeals that are heard by a Judicial Appeals Officer. The Judicial Appeals Officer determines that the sanction imposed was too severe or too lenient, given the nature of the violation and the circumstances surrounding the violation. The Judicial Appeals Officer will make the appropriate change based on his/her findings. However, a sanction should not be increased or decreased unless there is a compelling justification to do so.
The Student Appeals Committee or the Judicial Appeals Officer will communicate the decision in writing to the student within three business days of the conclusion of the review and/or hearing.

If a matter needs further consideration by the original Hearing Officer, the reconsideration should be conducted in a timely fashion and the decision communicated in writing to the student within ten business days of the original review or hearing.

IMPORTANT NOTE: The decision issued by the Student Appeals Committee, the Judicial Appeals Officer, and/or the original Hearing Officer (in matters that are returned for further consideration) is final and shall be considered binding upon all involved, from which no additional appeals are permitted.