

PREPARING YOUR APPEAL

An appeal is the internal administrative process provided by the University for the Charged Student to ask for reconsideration of a finding that the student violated University rules and/or of the sanction imposed as a result of a violation of University rules. There is no further University review of student disciplinary decisions. The Appellate Board reviews appeals and is made-up of a faculty/staff person and two students. The Board will review the case record, the disciplinary record, the appeal and response, and any additional documentation submitted, but their review will focus upon the permissible bases for appeal (see item #7 below) and will not simply be an additional review to see if the Appellate Board agrees with the initial decision. The Appellate Board has authority to make appropriate changes to the initial decision (see item #10 below), including to increase or decrease the sanction. Prior to crafting an appeal, an appealing student should:

1. Re-read the “Charge Letter” and the “Sanction Letter.”
2. Re-read the Code of Student Conduct (particularly Article VI, Section C and E, as well as the relevant rules in Article V with which you were charged) and the document you received entitled “Procedures and Safeguards for Students in the UMBC Student Conduct Review System.” These publications outline your procedural rights.
3. Revisit what happened during the Pre-Hearing Conference and/or Hearing. Make a list for yourself of any grievances you have with either the process or end result of these meetings.
4. Decide whether you will consult with an adviser during the appeals process. An adviser may be a parent, professor, friend, attorney, or any other person not involved in the incident. There is a short timeline for writing your appeal, so your adviser should be accessible to you in the near term.
5. Inform Student Judicial Programs of your intent to appeal within two University business days of your receipt of the sanction letter, as required under the Code of Student Conduct. A statement written by the charged student as simple as “I intend to appeal the sanction issued on [date] by [conduct officer/hearing board]” and e-mailed to conduct@umbc.edu will satisfy this requirement and notifies Student Judicial Programs that you plan to appeal, typically causing the issued sanction to be withheld pending the appeal resolution (see item #6 below). The Notice of Intent to Appeal can also be hand-delivered to Student Judicial Programs (located in the Student Development and Success Center) or FAXed to the number at the bottom of this sheet. Failure to submit the Notice of Intent to Appeal within the allotted time will render the original decision final and conclusive.
6. Note that a sanction imposition is usually deferred during the pendency of appellate proceedings, however a Charging Party’s request to implement all or part of the sanction and conditions during the appeal proceedings can be filed with the Director. The Director will request a response from the Charged Student. The determination is at the discretion of the Director. An Interim Suspension or Interim Restriction will remain effective pending the appeal resolution.
7. Give full and careful consideration to your written appeal, which is due within four University business days of the issuance of the sanction letter. Failure to submit a written appeal within the allotted time will render the original decision final and conclusive. Appeals shall be decided upon the record of the original Student Conduct Review and/or Hearing, the disciplinary record, the written appeal of the Charged Student and the written response of the Charging Party. There are only three grounds upon which you may base your appeal:
 - a) Substantial departure from, or denial of, rights or provisions enumerated in the Code of Student Conduct;
 - b) New evidence, unavailable or unknown at the time of hearing, that has been discovered or made available which, if proven accurate, would substantially alter either the decision as to the responsibility of the Charged Student or as to the sanction imposed;
 - c) A reasonable claim that the sanction imposed is disproportionate to the gravity of the misconduct. You may appeal on one, any two, or all three of these grounds. In your appeal document, you should indicate which ground(s) you are appealing on, followed by

clear statements of application to your case. Most appeals are written in paragraph format, but some use bullet points, or outline format, while others take the form of a legal document. There is no formal or preferred format for an appeal, only that a thoughtful, easy to read and understand document is recommended. You may submit additional documentation with your appeal for consideration by the Appellate Board.

8. Note that after you turn in your appeal, the Charging Party will be given the opportunity to file a response to the Charged Student's appeal within three (3) days of receiving notice that an appeal has been filed. The Appellate Board does not receive in-person arguments. The appeals process is entirely written, so your appeal should be clear, concise, and complete.
9. Await the Appellate Board's review which typically may take a few weeks to be issued. The Appellate Board may reverse a finding of responsible or not responsible, remand the matter to the original decision-maker, or increase, decrease, or simply alter the sanction or conditions. The decision of the Appellate Board is final and conclusive.
10. Visit the Student Judicial Programs web site for additional information. (www.umbc.edu/sjp)

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