

	STUDENT ACADEMIC MISCONDUCT APPEAL PROCESS	
	Responsible Administrative Unit: Student Life	Policy Contact: Dean of Students dmorgan@mines.edu

1.0 Purpose

This appeal process governs all requests for appeal related to violations of [Academic Integrity/Misconduct Policy](#). However, grade appeals, residency appeals, student conduct appeals, and appeals related to research misconduct are handled through separate processes. (Please see the [Mines Policy website](#) for more information on those processes.)

2.0 Grounds for an Appeal

An appeal request will be considered only if it includes the specific grounds for an appeal and the rationale that support the selected grounds. The three items listed below are the only acceptable grounds for an appeal:

- a. Due Process. The meeting with the faculty member 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. New Information. There is new information to consider that, if true, would be sufficient to alter the 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. Unsupported Decision. The student can provide evidence that the faculty member abused his/her authority and/or made an arbitrary decision without fully considering the information presented.

3.0 Submitting an Appeal Request

Decisions reached by a faculty member may be appealed by the accused student. A student may file an appeal by completing a Student Academic Misconduct Appeal Request Form and submitting it to the Office of the Vice President of Student Life by the date stated in the original decision letter (typically seven business days). This form is available on-line at [Student Life Judicial Information](#) page and in person at the Student Life Office. 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 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 faculty member is final and no further appeal is permitted.

3.1 Whether the appeal will be allowed. Once an appeal request is received, the Office of the Vice President of Student Life will forward it to the Dean of Students. Within seven business days, the Dean of Students will review the written request form 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 Dean of Students will take one of the following actions and will notify the student:

- a. **Deny the appeal ***
- b. **Allow the appeal to proceed.**

* If the appeal is denied, the decision is final and is considered binding upon all involved; unless the student can provide evidence that the Dean of Students 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 of Student Life in writing within two (2) business days and request that the appeal request be reviewed again by the Vice President of Student Life. . This option can only be used once. If the Vice President of Student Life denies the appeal request, the decision is final and is considered binding upon all involved.

Within two (2) business days of the student receiving notification that the appeal will proceed, the accused student must provide the Dean of Students with a list of potential witnesses (if any) that he/she would like to have interviewed.

3.2 While waiting on the appeal request. Throughout the entire appeal process, and while the decision of the Dean of Students or the Student Conduct Appeals Committee is pending, the student must continue to comply with all conditions of the original decision made by the faculty member. Unless otherwise specified in the original written notification of suspension, a student may continue to attend classes while the appeal is pending.

4.0 Student Conduct Appeals Committee Review

A list of the pool of potential members of the Student Conduct Appeals Committee will be provided to the student making the appeal. The student making the appeal and the faculty member may each make one request to the Dean of Students, 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 Dean of Students 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 Conduct Appeals Committee.

All pertinent information regarding the incident and appeal including, but not limited to, the student's educational records, the appeal request, and other evidence submitted by the student or faculty member, will be given to the members of the Student Conduct Appeals Committee for review. Within fifteen (15) business days of receiving the information, the Student Conduct Appeals Committee will arrange for a conduct appeal meeting which will include a review the materials,, interviewing witnesses (if

needed), and questioning the involved parties. If necessary, based on unusual circumstances or scheduling conflicts, the Student Conduct 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 the completion of the appeal meeting, the Student Conduct Appeals Committee may make one of the decisions outlined below.

4.1 [Outcome of Appeals](#) At the conclusion of the appeal meeting, the Student Conduct Appeals Committee may make one of the following decisions:

- a. **Reverse the decision of the faculty member:** the Student Conduct Appeals Committee does not agree with the faculty member's evaluation of evidence in support of the charges.
- b. **Affirm the decision of the faculty member:** the Student Conduct Appeals Committee agrees that the information supports the original decision reached by the faculty member.
- c. **Forward the case on for further consideration:** the Student Conduct Appeals Committee 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 Conduct Appeals Committee.

The Student Conduct Appeals Committee will communicate the decision in writing to the student within three (3) business days of the conclusion of the review and/or hearing.

4.2 [Further Consideration](#). If the Student Conduct Appeals Committee believes further consideration is necessary, the case will be sent to the Office of Academic Affairs for such consideration. The review will be conducted by the Provost or Dean of Graduate Studies, depending on the academic standing of the student requesting the appeal. The reconsideration should be conducted in a timely fashion and the decision communicated in writing to the student within ten (10) business days of the original review or hearing.

4.3 [Final Decision](#): **The decision issued by the Student Conduct Appeals Committee or the Office of Academic Affairs (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.**

5.0 History

Adopted by Mines

Faculty Review 03022010

Update 02092017 (history, resources, keywords added; format, headings & title update)

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