

# CONDUCT APPEAL PROCEDURES

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This section explains the details of appeals (<https://catalog.depaul.edu/student-handbooks/code-student-responsibility/judicial-review-process/judicial-appeal-procedures/>) in the Student Conduct Process. For a complete overview of the Student Conduct Process go to Overview of the Student Conduct Process (<https://catalog.depaul.edu/student-handbooks/code-student-responsibility/judicial-review-process/overview-student-conduct-process/>).

Determinations as to (i.) whether or not a policy has been violated and (ii.) sanctions may be appealed through these procedures. Both complainants and referred students may appeal determinations as to policy violations and sanctions. The reason for the appeal process is to guarantee that the situation has been resolved through a fundamentally fair process in accordance with established policies and procedures.

Students will be informed of the appeal procedures, including to whom an appeal should be directed, at the conclusion of an administrative hearing, University Board hearing, or otherwise when a determination of a policy violation is made and/or sanctions are determined.

Typically, appeals from a University Board hearing will be submitted to the Dean of Students, while appeals from an administrative hearing will be submitted to the supervisor of the administrative hearing officer. The individual reviewing an appeal will have had no involvement in the initial determination. Either party will have the opportunity to request the substitution of the individual reviewing an appeal because of a possible conflict of interest or bias.

Except as provided for in the Formal Title IX Sexual Harassment Policy and Procedures (<https://offices.depaul.edu/secretary/policies-procedures/policies/Documents/Formal%20Title%20IX%20Sexual%20Harassment.pdf>), a complainant or referred student may only appeal the determination as to a policy violation or sanction on the following three grounds:

1. A substantial procedural error occurred that unreasonably impaired a fair process or rendering of a determination or sanction, and that made the process or the final decision fundamentally unfair.
2. New information of a substantive nature that was impossible to have been considered at the time of the hearing or determination has been discovered, and it would be fundamentally unfair to not consider the information.
3. The initial sanction(s) are fundamentally unfair, disproportionate, or inappropriate.

In order to appeal, the complainant and/or referred student must submit a written request for appeal to the designated individual within ten business days of being notified of the initial decision.

The individual designated to review the appeal may decide that the sanctions imposed should not go into effect until the appeal process is completed. Complainants and referred students should understand, however, that, unless otherwise stipulated, sanctions are considered in effect once a hearing is completed, regardless of whether an appeal is requested.

The individual designated to review the appeal will make a determination that:

1. The appeal is denied because none of the grounds for an appeal above have been met.
2. The appeal is granted because one or more of the grounds for an appeal have been met.

The designated reviewer will take reasonable measures to notify the complainant and/or referred students of the appeal determination within ten business days of when the University receives the appeal. However, the University reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material.

If an appeal is granted, then the individual designated to review the appeal will determine whether the matter can be resolved without a new hearing (for example, modification of sanctions so that they are not fundamentally unfair or inappropriate) or whether a new hearing is necessary. If a new hearing is necessary, except as provided for in the Formal Title IX Sexual Harassment Policy and Procedures (<https://offices.depaul.edu/secretary/policies-procedures/policies/Documents/Formal%20Title%20IX%20Sexual%20Harassment.pdf>), the University will determine whether this hearing will be an administrative hearing or a University Board hearing. All hearings that take place after an appeal has been granted will proceed in accordance with established procedures.

All decisions regarding whether an appeal will be granted are final. If the appeal is denied, then all sanctions imposed will remain in effect.

\*For student conduct cases involving the Sexual & Relationship Violence Prevention and Response (<https://offices.depaul.edu/secretary/policies-procedures/policies/Documents/Sexual%20and%20Relationship%20Violence%20Prevention%20and%20Response.pdf>) policy or the Formal Title IX Sexual Harassment Policy and Procedures (<https://offices.depaul.edu/secretary/policies-procedures/policies/Documents/Formal%20Title%20IX%20Sexual%20Harassment.pdf>), please refer to the specific information in those policies on the different procedures that may apply