

Section 17: Appeals

1. Each student who has received a disciplinary sanction shall be notified in writing of their appeal rights. This notice must be given no later than the date the written decision is delivered, whether emailed or by hand. Only the student who has been found responsible for a violation under the Code may appeal, except as allowed in cases involving the adjudication of the Title IX Policy or Non-Title IX Sexual or Gender-Based Harassment, where the complainant also has the right to file an appeal.
2. Any disciplinary decision resulting in sanctions less than suspension, except where the respondent has waived their right to appeal, may be appealed to the Associate Vice Chancellor for Student Affairs/Dean of Students or designee whose decision is final, and no further appeal of the decision is permitted.
3. Any disciplinary decision resulting in suspension, except where the respondent has waived his or her right to appeal, may be appealed to the Associate Vice Chancellor for Student Affairs/Dean of Students or designee, whose decision is final, and no further appeal of the decision is permitted.
4. Expulsion decisions may be appealed to the Chancellor or designee, whose decision is final, and no further appeal of the decision is permitted.
5. Under the appeal rights set by the UNC Policy Manual and applicable at the University of North Carolina at Greensboro, an appeal of a disciplinary decision, with the exception of the adjudication of the Title IX Policy, is limited to allegations that the decision violates due process rights or there has been a material deviation from the Minimum Substantive and Procedural Standards for Student Disciplinary Procedures, Section 700.4.1. of the UNC Policy Manual. Therefore, the appeal must allege a violation of
 1. Procedural Standards; and/or
 2. Substantive Standards.
6. On appeal, a respondent has the burden of showing that the disciplinary decision violates Procedural and/or Substantive Standards.
 1. Violation of Procedural Standards means that the respondent was not provided the required notice or an opportunity for a fair hearing due to specified procedural errors, or errors in interpretation of University policies or regulations, that were so substantial as to effectively deny the respondent a fair hearing. Reasonable deviations from the procedures set out in this regulation will not invalidate a decision or proceeding unless the respondent can show that, but for the deviation or error, there likely would have been a different outcome in the case.
 2. Violation of Substantive Standards means there is a lack of information in the record that could support the decision or sanction(s). This last ground for appeal does not mean the information presented at the hearing can be re-argued on appeal; rather, it requires a showing that no reasonable person could have determined the respondent was responsible or could have imposed the sanction that was issued.
7. Appeals may only be made on the following bases for the adjudication of the Title IX Policy. Appeal grounds previously mentioned in this section or Code **DO NOT** apply.
 1. Procedural irregularity that affected the outcome of the matter;
 2. New evidence that was not reasonably available at the time of the determination that could affect the outcome of the matter;
 3. The decision makers, Investigator or Title IX Coordinator had a conflict of interest or bias either generally for complainants or respondents, or specifically for a particular individual, such that it affected the outcome of the matter.
8. In all cases resulting in an appeal, the decision, the complete record of the proceeding (including documentary evidence and any recording or transcript of testimony), the appeal materials filed by the student, and any other relevant information, will be compiled by the Office of Student Rights and Responsibilities and delivered to the person designated to review the appeal.

9. Written notice of appeal must be submitted by the respondent or the complainant (when applicable) to the Office of Student Rights and Responsibilities within three (3) business days of the date of written notification of the decision of the hearing panel or the conduct officer provided at the time of the decision. Failure to submit the appeal within this time limit will render the original decision final and conclusive. Appeals that fail to cite one or more criteria as listed in Section 17.5., or to allege facts supporting at least one of the above criteria, shall be dismissed without further action. When a student group/organization makes an appeal, that group's/organization's president or chief officer will be required to submit the notice of appeal.
10. The appeal must be submitted via the [online Notice of Appeal Form](#) available from the Office of Student Rights and Responsibilities. Appeals for the adjudication of the Title IX Policy must be submitted via the online [Title IX Policy Notice of Appeal Form](#) available from the Office of Student Rights and Responsibilities.
11. The Office of Student Rights and Responsibilities or designee will produce a written response to the student's or organization's appeal no less than five (5) business days after receipt of the appeal. The appeal response will be submitted to the official reviewing the appeal and made available for the student or organization to review upon request.
12. The imposition of sanctions will be deferred during the pendency of appellate proceedings. Where sanctions are deferred during the pendency of the appellate proceedings and the student's appeal is ultimately unsuccessful, students may fail to receive grades or credit for courses or assignments already completed while awaiting a decision, or, in cases resulting in the sanction of suspension or expulsion, cause a student to pay back previously received financial aid for the semester completed.
13. Appeals will be decided on the record of the original proceedings. New hearings will not be conducted on appeal.
14. Following their review, the official reviewing the appeal may:
 1. Uphold the original decision;
 2. Overturn the original decision;
 3. Modify the sanction (s); or
 4. Remand for a new hearing. (In all remanded cases, the conduct officer may elect to dismiss the case rather than re-hear it).
15. A student group/organization aggrieved by a decision covered by this section of the Code may appeal to the Vice Chancellor for Student Affairs or designee by giving written notice within three (3) business days after the decision of the hearing panel/conduct officer is announced. The decision of the Vice Chancellor for Student Affairs or designee shall be final, and conclusive, and the sanction(s) will be imposed as directed.