



DISCIPLINARY APPEALS PROCESS QUESTIONS AND ANSWERS

- 1) **Who can appeal?** Any student (or student organization) who has been held responsible for violations of the Lehigh University Code of Conduct can file an appeal. (Note: Housing violations that violate the General Provisions for Occupancy are handled with a different process through the [Office of Residential Services](#)). *In some cases the victim of harassment or sexual misconduct can appeal, for more information see Article V of the Lehigh University Code of Conduct.*
 - a. **Note: Appeals must be written and submitted by students or by the undergraduate members of student organizations. Alumni members may not write or submit appeals on behalf of an organization.**
- 2) **How do I appeal?** Appeals must be submitted in writing. They can be submitted through this online form: lehigh.edu/go/discappeals, via email to Holly Taylor (hat214@lehigh.edu) or to Chris Mulvihill (cjm9@lehigh.edu), or a hard copy can be submitted to the Office of Student Conduct & Community Expectations in Williams Suite 320.
- 3) **When can I appeal?** Students have 3 business days from the date of the outcome letter to submit a written appeal. Late appeals will not be accepted. In cases where new information is the grounds for an appeal and it is discovered after the three business days have expired the appeal may be reviewed at the discretion of the Disciplinary Appeals Committee. ***Please note that sanctions including suspension and expulsion go into effect immediately after a hearing. If you are suspended or expelled from Lehigh University you must leave campus immediately (or as instructed by the hearing officer). If your appeal is granted and a change in status occurs those changes will be made at a later date.***
- 4) **What are the reasons I can appeal?** The Lehigh University Student Code of Conduct lists three grounds for filing an appeal. They are discussed in depth further down in this document. (See “Notes on Appeal Grounds”)
 - a. Information was not available at the time of the hearing, is now available, and could reasonably be expected to have altered the outcome of the case.
 - b. The University disciplinary procedures were violated in a way that probably adversely affected the outcome of the case.
 - c. The sanction was unduly harsh.
- 5) **How are appeals decided?** Appeals are heard by the Disciplinary Appeals Committee (A committee made up of faculty and students). Once a student (student organization) submits a written appeal, that appeal is forwarded to one of the faculty members of the hearing panel that heard the case (UCOD, Academic Integrity Conferences, or Sanctions Only Hearings) or the hearing officer who heard the case (Administrative Hearings or Disciplinary Conferences).

This person, in consultation with the Office of Student Conduct & Community Expectations writes a response to the appeal. For instance if a student appeals because they believe the sanction is unduly harsh, this person will explain why the sanction was imposed and why it is not unduly harsh.

A packet of information is then forwarded to members of the Disciplinary Appeals Committee. The packet generally contains the following: the original notification letter to the student, any documentation of the incident (Gryphon reports, Police reports, Photographs, etc), documentation that was presented at the hearing (character references, statements, photographs, etc.), the outcome letter from the hearing, the submitted appeal from the student and the appeal response.

The Disciplinary Appeals meets and reviews all of the documentation and determines if the appeal should be granted on any or all of the grounds submitted.

- 6) **What happens if my appeal is granted?** If an appeal is granted on the basis of an unduly harsh sanction, the Disciplinary Appeals Committee will develop a detailed rationale as well as provide specific information that guided its actions. At that time the Office of Student Conduct will gather a committee of one faculty member from the Hearing Panel that heard the case or the Hearing Officer in cases of Disciplinary Conferences, a faculty member of the group that heard the appeal, and a member of the Office of Student Conduct to discuss the sanctions. That group may, by majority vote, change the sanctions or make no change to the sanctions. This group will provide a detailed rationale for their decision. In cases in which the appeal is granted on the basis of 1) information was not available at the time of the hearing, is now available, and could reasonably be expected to have altered the outcome of the case and / or 2) the University disciplinary procedures were violated in a way that probably adversely affected the outcome of the case, the matter will be sent back to the Office of Student Conduct for re-adjudication.
- 7) **What happens if my appeal is denied?** If an appeal is denied all of the sanctions that were imposed remain in effect immediately and no further appeal is possible.
- 8) **How soon will I be notified of a decision?** You will be notified shortly after the appeals committee reports their findings. You will be notified via email by the Office of Student Conduct & Community Expectations.
- 9) **What should my appeal say?** Your appeal should be clear and concise, specify which ground(s) for appeal you think are relevant and provide evidence supporting why an appeal should be granted.

Notes on Appeal Grounds

- 1) Information was not available at the time of the hearing, is now available, and could reasonably be expected to have altered the outcome of the case.
 - a. For an appeal to be granted on this ground all of the above criteria need to be met. The information could not have been available at time of the hearing, it is now available and could reasonably be expected to alter the outcome of the case.
 - b. What does **not** constitute new information: Anything that was or could have been presented at the hearing including statements about remorse, changes in behavior since the incident in

question occurred, how the case has impacted other people, how the sanctions have impacted the respondent.

c. Questions the appellant should answer when preparing an appeal on this ground:

- i. What is the information you want the appeals committee to know?
- ii. What made it unavailable at the time of your hearing?
- iii. How could it have changed the outcome of the case?

2) The University disciplinary procedures were violated in a way that probably adversely affected the outcome of the case.

- a. For an appeal to be granted on this grounds both parts of this must be met (there must be a violation and it probably adversely affected the outcome of the case).
- b. What does not constitute a procedural violation: Difficult questions by panel members, questioning the credibility of the respondent or witnesses, the respondent (or other participants in the case) knowing or having had class with or even a social relationship with a panel member.
- c. Questions the appellant should answer when preparing an appeal on this ground:
 - i. What was the procedural error?
 - ii. Where is the procedure that was violated listed?
 - iii. How did it adversely affect the outcome of the conduct case?

3) The sanction was unduly harsh.

- a. For an appeal to be granted in this regard it must be unduly harsh.
- b. Appeals on this ground are usually submitted when a student is suspended or expelled. Generally the following do **not** constitute grounds for this appeal to be granted:
 - i. Any sanction that is in keeping with the sanctioning guidelines listed in the appendix of the Lehigh University Code of Conduct.
 - ii. The fact that a suspension or expulsion would interrupt a respondent's academic career.
 - iii. The fact that a student's athletic career will be interrupted by an expulsion, suspension, or deferred suspension.
 - iv. A student's feeling that being at Lehigh University would be a better environment for them than some other environment (in the case of suspension or expulsion).
 - v. The fact that a student is doing well academically and being suspended or expelled would tarnish that.
 - vi. Limitations on restrictions regarding participation in student activities and organizations.
 1. *Note: the Disciplinary Appeals Committee will not hear or review appeals on the ability of students with a serious alcohol violation to affiliate with a fraternity/sorority.*
- c. Questions the appellant should answer when preparing an appeal on this ground:
 - i. What sanction do you believe is unduly harsh?
 - ii. What makes this particular sanction unduly harsh in this case?