Submit by Email

Appealing Your Hearing Decision

When you, the accused student, receive the outcome of your Conduct Board or Adminstrative Hearing , you have the right to an appeal. You must choose whether you want to appeal to the University Appellate Board or the University Appeals Officer.

If you choose to appeal, you must write a letter detailingwhy and on what grounds. You must submit your appeal letter within five (5) business days of receiving the hearing decision.

You have the responsibility to make the reasons for the appeal clear. If the letter is insufficiently detailed, you will be notified and you will have three(3) academic days to return a revised or amended copy.

Be aware that **you do not automatically get an appeal** simply by submitting a letter. An appeal hearing will be held if your grounds are substantiated in your letter.

Right to an Advisor

You may select an advisor to accompany you at all formal proceedings. The advisor must be a member of the faculty, staff or student body of UMD.

Legal counsel (i.e. attorney) may accompany you, at your discretion, **when a criminal charge arising from the incident is pending or is considered likely**. If you elect to have an attorney present, you are required to give 48 hours advanced notice to the hearing entity. If you do **not** have a pending criminal charge or likelihood thereof, your advisor must be drawn from the UMD community.

The role of the advisor in all cases is limited to advising the student during the appeal proceeding. The advisor may not speak on behalf of the student, examine or cross examine witnesses, or address the appeal officer/board publicly during formal student conduct proceedings.

The Appeal Letter

Your appeal letter is critical to being granted an appeal. Below you will find a sample of an acceptable appeal letter.

Date

Dear (Insert either University Appeal Officer or University Appellate Board)

I am writing to appeal my hearing decision from my hearing on October 13, 2004, in regards to Case #11057 which occured on October 6, 2010. The <insert hearing officer's name or Conduct Board> decided that I have to pay $75 for a Level II alcohol violation, hundreds of dollars in damage, and suspension from residence.

I admitted Responsible to drinking, but I think a level 2 alcohol violation is "unjust in its severity," since I have never been found responsible for violating the alcohol policy prior to this.

The charge of "destruction to university property" should be overturned because the RD didn't directly witness me cause a mess in the lobby, so I still think it's circumstantial and therefore the weight of the evidence does not justify a finding of responsible.

Like I said, this was my first time ever being though the judicial system. I read online in the student handbook that it should only be a "level 1 alcohol violation." I am a sophomore and I have a work-study job that pays $1200 for the whole year. There is no way I can possibly pay off these alleged damages even if I were actually responsible for them.

I actually dug up my housing contract and under Section 20, "Damages," it says how one can get billed for property in their rooms, but in "common building areas" the entire building can get billed. I think $500 divided over 400 residents is more reasonable than on 1 resident (me).

My suggestion is to put me on a "level 1 alcohol violation." I am sorry for my behavior and I will pay the fee and gladly partake in the Costly Decisions education program. But please take off the charge of destruction of university property, and therefore put me on housing jeopardy, not housing suspension.

Thank you for your consideration and look forward to sitting down for an appeal if you will so grant me one.

Sincerely,

- Hypothetical Student X

Cell: 508-867-5309

E-mail: HStudent@umassd.edu

In this letter, the student starts with the reference information: incident date, case number, date of the hearing, whether the hearing was an Administrative or Conduct Board hearing, and results of the hearing. Most importantly, the student **lists the grounds on which he or she is appealing**. In this example, the grounds are: the sanctions are too severe, and the student does not believe the weight of the evidence justified a finding of responsible. The student argues hardship in being able to pay, and also suggests alternate sanctions. The student ends the letter with a cordial sentence and leavescontact information.

Grounds for an Appeal

Your letter must state the grounds upon which you are basing your appeal. Grounds for an appeal are:

1. The sanction administered by the original student condcuct entity is unjustified in its severity or leniency.
2. The weight of evidence did not justify a finding of responsible or not responsible.
3. The basic principles of due process were omitted, ignored, or violated by the original judicial entity.
4. New evidence that is relevant and that was unobtainable at the time of the original hearing is still in existence.

Possible Outcomes of Your Appeal

The University Appeal Officer or University Appellate Board may:

A. Affirm and uphold the decision of the original hearing.

B. Reject and overturn the decision of a the original hearing.

C. The accused may be found not responsible for the original charges.

D. The accused may be found responsible for the original charges and any of the full range of available items under the Sanction and Penalties section of the Student Conduct Polices and Procedures may apply.

E. Return the matter to the original Student Conduct entity with instructions.

While Your Appeal Is Pending

Be advised that if you are interim-suspended, you will likely remain out of housing and/or the university, pending the outcome of your appeal.

The university interim-suspends a student when his or her conduct interferes with the rights of others and is non-peaceful or disruptive, or said conduct constitutes a clear and present danger to the health, safety, or property of self or others.

Notification and Disclosure

UMass Dartmouth complies with the requirements of the Family Educational Rights and Privacy Act (FERPA). FERPA significantly restricts the right of others to view a student's educational records.

As it pertains to the Student Conduct process, the University's FERPA practices:

- The university may disclose to a parent or legal guardian information regarding a student's violation of any law or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the student is under the age of 21.
- The university may disclose the final results of any disciplinary proceeding for a violation of policy with respect to a crime of violence or non-forcible sex offense to the victim.

Please note these instances are only allowed once the institution has finally determined that the student has committed a disciplinary violation with respect to the incident (i.e. has exhausted the appeal process).

For more information, visit www.ed.gov/offices/OII/fpco/ferpa.

Contact Information

Coordinator of Student Conduct and Dispute Resolution

Email: judicial@umassd.edu
Phone: 508-999-9153
Fax: 508-999-8626

Student Conduct and Dispute Resolution
Office of Student Affairs
Campus Center, 221
http://www.umassd.edu/studentaffairs/departments/studentconductanddisputeresolution/

The Appeal Process

University of Massachusetts at Dartmouth
Office of Student Conduct and Dispute Resolution
Student Affairs
Campus Center, 221
285 Old Westport Road
North Dartmouth, MA 02747