



UMass

Dartmouth

COMMUNITY STANDARDS

Appealing Your Student Conduct Decision

When you, the accused student or the victim of violence, receive the outcome of your Investigation and Administrative Review, you have the right to an appeal. If you choose to appeal, you must submit your appeal using the link in your Decision Letter within five (5) business days. If the link in your letter does not work, please contact the Office of Community Standards immediately at 508-999-9153 or Community.Standards@umassd.edu.

The appeal must be written by the accused student, the presenting party, and/or anyone victimized. Exception: A student may choose to have his attorney draft the letter of appeal only in cases where there are pending felony charges.

In your appeal you must cite the specific grounds on which you are appealing and you have the responsibility to provide evidence of your grounds for appeal. If the letter is insufficiently detailed, you will be notified and you will have three (3) business days to return a revised or amended copy. Be aware that you are not automatically granted an appeal simply by submitting a letter.

For cases involving sexual misconduct, please refer to the Diversity, Equity, and Inclusion website for all appeal information. <https://www.umassd.edu/diversity/compliance-oversight/title-ix/>

Right to an Advisor

You may select an advisor to accompany you at all meetings involving a community standards case. The advisor can be anyone of your choosing. If you elect to have an attorney present, you are required to give 48 hours advanced notice to the appeal officer. 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 publicly during the appeal meeting.

Grounds for an Appeal

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

1. The basic principles of due process were omitted, ignored, or violated by the original judicial entity.
2. New evidence that is relevant and that was unobtainable or unknowable at the time of the original decision.

An example of Ground #1 might be that a meeting notification had misinformation such as date, time, location and you did not attend because of that. It is important to note that being sent an email that you did not open does not meet this ground for appeal.

An example of Ground #2 might be that an eye witness that neither you nor the reporting party was aware of at the time has come forward and reported their observations to University Officials. It is important to note that a witness who previously refused to participate in the process and is now willing does not meet this ground for appeal.



Possible Outcomes of Your Appeal

The University Appeal Officer may:

- A. Affirm and uphold the original decision.
- B. Reject and overturn the original decision.
- C. The accused may be found not responsible for any of the violations.
- D. The accused may be found responsible for the violation and any of the full range of available items under the Sanction section of the Code of Student Conduct may apply.
- E. Return the matter for further investigation and review with instructions.

While Your Appeal Is Pending

If an appeal is submitted, sanctions imposed by the Administrative Review Panel may be in effect during the appeal process. Please contact the Office of Community Standards with questions about sanctions during appeal.

If an Interim Action was imposed either prior to and/or during the community standards process that interim status will remain in effect until the appeal is decided.

The university imposes interim actions 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 Education Rights and Privacy Act (FERPA). FERPA significantly restricts the right of others to view a student's educational records. As it pertains to the Community Standards 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.

The university may disclose the final results of any disciplinary proceeding for a violation of policy with respect to a violation involving violence and sexual misconduct 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.

More information

For more information about the Appeal Process, please see the Code of Student Conduct found at: <https://www.umassd.edu/studentaffairs/departments/community-standards/>