

DISCIPLINARY APPEALS COMMITTEE - YEAR END REPORT 2023-2024

The Disciplinary Appeals Committee: The University disciplinary appeals committee is a faculty committee set up to consider written appeals by students found responsible by any Hearing Panel.

Committee Members:

Taieb Berrad	AT LARGE
Anna Chupa	CAS
Nandini Deo	CAS
Raluca Chiorean	COB
Thomas Hammond	COEd
Brian Osborne	COEd
Ganesh Balasubramanian	RCEAS
Sushill Kumar	RCEAS
Ludovica Cesareo	COB
Rochelle Frounfelker	COH
Linchen He	COH

Prof. Taieb Berrad was appointed chairperson but the only role that this chairperson has is to serve on the Judicial Review Board. The Judicial Review Committee did not meet this year.

Appeals 2023-2024 (August 1, 2023 - April 1, 2024)

Over the course of this academic year, 12 students/student organizations have submitted appeals. One of those appeals was granted.

Each appeals committee meeting has at least one faculty member and could have two. All committee members have been willing to serve and many have served on several committees.

Other Information:

Assistant Dean of Students, Devore McIntosh is now the Director of the Office of Student Conduct & Community expectations.

Next academic year we will begin reviewing the entire Code of Conduct to see if there is a need for a total revision.

Attached is the script we use for Appeals Committee Meetings.



OFFICE OF STUDENT CONDUCT & COMMUNITY EXPECTATIONS

DISCIPLINARY APPEALS COMMITTEE
Hearing Script

GENERAL INFORMATION

The Disciplinary Appeals Committee is comprised of 5 faculty members and 4 Undergraduate students and 2 Graduate Students.

Each Appeals Committee Hearing will consist of at least 5 members, no more than two of which will be students.

A quorum shall consist of any five members of the committee.

STAGE 1 – OPENING

- I. The Chairperson will review the role and process of the Disciplinary Appeals Committee:
 - a. The University disciplinary appeals committee is a faculty committee set up to consider written appeals by students found responsible through the processes outline in the Lehigh University Code of Conduct.
 - b. Our process as outlined in the student handbook is as follows: The conduct officer will give a copy of the written appeal to the chair of the hearing panel or to the hearing officer that made the decision being appealed. This person will have an opportunity to respond in writing to the request for appeal. When a proposed grounds for appeal is that the university disciplinary procedures were violated, then the case officer will be given the opportunity to respond in writing to the request for appeal. The conduct officer shall then send both the original letter of appeal and the written responses to the Disciplinary Appeals Committee. If the committee desires it, a tape of the hearing and the case file will be made available to it by the conduct officer. The Disciplinary Appeals committee shall make its determination solely on the basis of these materials. The appeal hearing will be closed to the public. A quorum of the committee shall consist of five members, no more than two of which may be students. The decision of the committee shall be made by majority vote. Unless the committee needs additional information, the decision will be made within seven calendar days of the receipt of the appeal from the conduct officer.
 - c. Students may request an appeal on the grounds that: (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; (2) the university disciplinary procedures were violated in a way that probably adversely affected the outcome of the case; or (3) the sanction was unduly harsh.
 - d. The role of the appeals committee is fundamentally different than the U.C.O.D. It is to determine whether or not a student should be granted a new hearing. This determination is made by reviewing the appeal as written by the student, the response as written by the U.C.O.D. panel chairperson, and if necessary the written and taped information from the hearing. ***It should be noted that the appeals committee is not asked to rehear this case. By the time this case has been sent to the appeals committee, students, faculty and staff have dedicated hours gathering evidence, questioning witnesses, educating the accused as to the process and determining***

responsibility, it is only necessary for the Appeals Committee to determine if there are grounds for a new hearing.

- e. It is appropriate for the appeals committee to contact the conduct officer during this meeting to ask for assistance

STAGE 2 – REVIEW OF CASE

- I. The chairperson will announce the case that is being appealed, read the charges, sanctions, and rationale for the case that is being appealed.
- II. If during this meeting we need to hear portions of the taped testimony that will be available for us.

STAGE 3 – GROUNDS FOR APPEAL

- I. The chairperson will briefly review the appeal letter written by the student outlining the grounds for the appeal.
- II. The chairperson will briefly review the response by the chair of the hearing panel or to the head of the administrative body that made the decision being appealed. (In the case of a due process appeal the response will be from the Conduct officer)

STAGE 4 – DELIBERATION

- I. The chairperson will begin a discussion on the merits of the appeal.
- II. If the grounds for appeal is: *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*, the following questions should be considered germane:
 - a. Is the information presented “New Information”
 - i. If the information is not new this appeal should be denied.
 - b. Was the information available at the time of the hearing?
 - i. If the information was available at the time of the hearing this appeal should be denied.
 - c. Could it reasonably be expected to have altered the outcome of the case, knowing and understanding the concept of “Preponderance of the Evidence”? (The outcome of the hearing being whether or not the student was found responsible – NOT THE SANCTIONS)
 - i. If the committee feels that the information was new and could reasonably effected the outcome of this case, the appeal should be granted.
- III. If the grounds for appeal is: *the university disciplinary procedures were violated in a way that probably adversely affected the outcome of the case*, the following questions should be considered germane:
 - a. Where the University Disciplinary Procedures violated?
 - i. If no, this appeal should be denied.
 - b. If in fact there was a violation, What specific procedures were violated?
 - c. Did that violation affect the fundamental fairness of the hearing?
 - i. If no, this appeal should be denied.
 - d. In what way could this violation have affected the outcome of the hearing? (The outcome of the hearing being whether or not the student was found responsible – NOT THE SANCTIONS)

- IV. If the grounds for appeal is: *the sanction was unduly harsh* , The following questions should be considered germane:
- a. What were the sanctions imposed by the hearing panel?
 - b. What was the rationale as stated by the hearing panel?
 - c. Did the student have a prior judicial record?
 - d. Did the rational support the sanction?
 - i. If the rational justified the sanction this appeal should be denied.

STAGE 5 – DECISION

- I. The chairperson will ensure that no further discussion is needed.
- II. In the case of an appeal that has several grounds, each must be decided separately.
- III. The hearing panel will take a vote to determine whether or not to grant the appeal on a specific ground.
- IV. If the appeal fails to gain a simple majority, the appeal is denied.
- V. If the appeal does gain a simple majority, the appeal is granted.

STAGE 6 – EXPLANATION AND RATIONALE

- I. The committee will work together to draft the explanation and rationale.
 - a. The explanation defines the outcome of the appeal (granted or not granted)
 - b. The rationale encompasses the reasons for the decision.

STAGE 7 – CLOSING

- I. If the committee is hearing other appeals from other students or organizations, the process begins again for the additional cases
- II. The results must be reported to the Conduct officer in writing within seven days of the meeting of the Disciplinary Appeals Committee, unless additional information is needed.

REVIEWING EXPULSIONS

- I. The Lehigh University Code of Conduct as effective July 1, 2006 places an additional charge on the disciplinary appeals committee:
 - a. [The Disciplinary Appeals Committee] is also responsible for reviewing all cases involving disciplinary expulsion as described in Article VI. Sec. I.E. (Article IX. Sec. 3. Part C. L.U. Code of Conduct)
 - b. Article VI. Sec. I. Part E. reads as follows: **Expulsion.** Expulsion is the permanent removal of a student from the university. *All cases in which the sanction of expulsion is imposed shall be referred to the Disciplinary Appeals Committee to ensure that the sanction is not unduly harsh. If the student does not submit a letter of appeal, the Conduct Officer shall supply a summary of the case to the disciplinary appeals committee for review. The Disciplinary Appeals Committee is required to affirm or deny this summary. If it is denied, the student shall be suspended for seven semesters.*
- II. Process for Expulsion Appeals.
 - a. If the student chooses not to appeal, the Disciplinary Appeals Committee will be given a summary of the case from the Conduct Officer. Along with the relevant materials from the case.

- b. The chairperson will review the charges in the case as well as the findings and rationale that the hearing panel or hearing officer provided for both the finding and the sanctions.
- c. The committee will determine through the processes listed above for appeals based on the sanction being unduly harsh.
- d. The committee will report back to the Conduct Officer via letter as to whether the Expulsion was justified.
- e. If the Disciplinary Appeals Committee rejects the Expulsion sanction, the sanction of Disciplinary Suspension will be put into effect for 7 semesters.
- f. In cases in which the student chooses to appeal the process will be listed as above.