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SR-05-06-(31) 76-133 SCWC

Marshall University

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**STUDENT CONDUCT AND WELFARE COMMITTEE
RECOMMENDATION**

SR-05-06-(31) 76-133 SCWC

Recommends amending, per the attached, the Student Code of Rights and Responsibilities Judicial Appeals Process, which appears on pages 46 and 47 of the MU Student Handbook. Changes are shown underlined.

RATIONALE:

In most cases, an appeal from the decision of the Hearing Panel is complex and severe in nature. The inclusion of an Appeals Board will assist the Dean of Students in making a more informed decision and will provide a more appropriate due process for the appellate with the involvement of other campus community members.

FACULTY SENATE CHAIR:

APPROVED BY THE
FACULTY SENATE: Larry Stiebler DATE: 5/5/2006

DISAPPROVED BY THE
FACULTY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED: [Signature] DATE: 5/11/06

DISAPPROVED: _____ DATE: _____

COMMENTS: _____

Existing Judicial Appeals process is located on pages 46 and 47 of the MU Student Handbook at <http://www.marshall.edu/student-affairs/sections/handbook/200304StudentHandbook.pdf>

Judicial Appeals. The party being charged and any complainant other than employees of Marshall University acting in their official capacities may appeal the decision.

1. Appeals from decisions of the Director of Judicial Affairs or the Administrative Review Board will be directed to the Judicial Hearing Panel.
2. Appeals from recommendations of the Judicial Hearing Panel shall be directed to a) the Judicial Appeal Board or b) the President of Marshall University. Decisions of all appeals must be rendered within 10 days.
3. The Judicial Appeal Board shall consist of three voting members: the Dean of Student Affairs as Chair, a full time faculty member and a University student. The Chair of the Faculty Senate will select the faculty member. In consultation with the Dean of Student Affairs, the Student Government President will appoint the student member. Both appointments will be selected on a case by case basis, assuring that a panel representative is not affiliated with the accused student. At the discretion of the Chair, substitutes may be named when necessary.
4. The Judicial Appeal Board will address all appeals where the recommended sanction is formal warning, probation, probationary suspension, or other sanctions of less severity. In these cases the decision of the Judicial Appeal Board is final.
5. Appeals for cases wherein the sanction is Deferred Suspension, Suspension, or Expulsion shall be considered by the President or his/her designee, which may include the Judicial Appeal board. Except in cases where the recommended sanction is expulsion, the decision of the President is final. In cases where the President has imposed a sanction of expulsion, an appeal may be filed with the Marshall University Board of Governors.

The request for appeal from a recommendation of the Director of Judicial Affairs, the Administrative Review Board, the Judicial Hearing Panel, or the Judicial Appeal Board must be submitted in writing on an Intent to Appeal Form to the Office of Judicial Affairs within forty-eight (48) hours (not including days the University is closed) from the conclusion of the Judicial Hearing or receipt of an official notification from all other decisions. The President or Dean of Student Affairs at his/her discretion may extend the deadline for filing an appeal upon motion from either party.

The Judicial Appeal Board's findings regarding the charge(s) must be affirmed or remanded to the original hearing panel. The Judicial Appeal Board's recommendation regarding sanctions may be affirmed, modified, or remanded to the original hearing panel for further action as deemed appropriate.

<Insert grounds for appeal (no change)>

All appeals to the Judicial Appeal Board or the President shall be considered upon the record of the original proceedings of the Judicial Hearing Panel. The President or Dean of Student Affairs at his/her discretion may defer the imposition of sanction pending final disposition of the appeal. In the case of expulsion....(etc., no change)