

Subject: Appeal Procedures
Number: 533
Issued by: Vice Chancellor for Student Development
Date: July 19, 2007

APPEALS

The initial phase of the student appeal must take the form of a written appeal within five days of the Honor Court decision. Within twenty days of the receipt of the student's request, the Vice Chancellor for Student Development will re-examine all materials pertaining to the case and arrive at a decision. The Vice Chancellor may either approve or reverse the decision of the court, or may change the sanction.

If the Vice Chancellor's decision provides no satisfaction to the student, the student may take the case to the Chancellor of USCB. All materials pertaining to the case will be reviewed by the Chancellor within twenty days. The Chancellor may either confirm or reverse the decision of the Court or may change the sanction. Further appeals should be directed to the Office of the President and the Board of Trustees of the University of South Carolina.

APPEAL PROCEDURES

In the event the charged student disagrees with a finding of guilt or sanction levied by the original hearing, the charged student may request an appeal in writing to the Chancellor of USCB within five class days from the date the decision is issued. In the case of an appeal, original sanctions (except summary suspension) are normally put into effect only after the Chancellor makes a decision. The request for appeal will be made via a memorandum addressed to the Chancellor of USCB, sent through the Student Development Office, and shall state the reasons for believing the decision of the original hearing authority to be improper.

The following procedures are to be followed in the filing of an appeal to the Chancellor:

1. The student shall receive written notice through the Office of Student Development of the date, time and place of the appeal hearing at least five class days prior to the hearing, unless the student waives all or part of the notice period.
2. Each party to a case may submit written statements to the Chancellor before the appeal hearing.
3. At the hearing, each party may make statements for the record to the Chancellor.
4. The confidential appeal hearing will be closed, unless otherwise requested by the student at least three class days before the hearing. A request by the student for additional observers from the University community may be granted by the hearing authority, unless the presence of the observers is felt to detract from the conduct of a fair and orderly hearing.

5. If the Chancellor determines that new information is available that was not available at the time of the original hearing and that this information may have altered the outcome of the original hearing, the case may be remanded to the original hearing authority.
6. The Chancellor shall review the entire record of the original hearing and within three class days of the hearing shall:
 - a. Affirm the original decision, unless it is found that:
 - 1) The finding of responsible was not supported by reliable and substantial evidence presented at the original hearing;
 - 2) A procedural error was committed which prejudiced the outcome of the case;
 - 3) The original hearing authority misinterpreted the rule or regulation under which the student was charged to the detriment of that student.
 - b. Affirm the decision and modify the sanction if it is unreasonably harsh or disproportionate to the charged offense.
 - c. Reverse the decision of the original hearing authority and:
 - 1) Remand the case for rehearing; or
 - 2) Dismiss the charges.
7. The decision of the Chancellor shall be sent to the Vice Chancellor for Student Development, who shall notify the student and proceed to implement the decision.
8. Decisions of the Chancellor may be appealed to the President of the University of South Carolina within five class days of the date the written decision of the Chancellor was sent.

Persons who are not directly involved in an appellate review of a decision or in the enforcement of a sanction shall not have access to the record or results of a hearing without a legitimate educational need to know or the authorization of the charged party(ies).