

APPEAL PETITION COVER SHEET
PLEASE READ CAREFULLY

Deadline for submitting a petition for appeal: An accused student who has been found guilty before the Honor Court or University Hearings Board (UHB) with original authority, or who has had a judgment and sanctions determined by an expedited hearing panel may file a petition for appeal no later than five business days (weekends and University holidays excepted) from delivery to the accused student of the written summary of the hearing panel's judgment and sanctions (rationale statement). For purposes of appeals, delivery shall mean hand-delivery or transmission of the written summary by certified or electronic mail. Appeals shall be heard as promptly as possible and, except under unusual circumstances as determined by the Judicial Programs Officer, shall be scheduled for hearing no later than 30 calendar days from the date the initial judgment is announced.

Please attach on a separate sheet a detailed written statement specifying the precise grounds for appeal and indicating with precision the supporting facts. This statement shall be signed by the accused student (or, in an appeal by a student group, by the group's president or chief officer). The Judicial Programs Officer/Director of Student Conduct will review the petition to determine whether it is based upon one or more of the grounds for appeal stated below and provides a factual basis for the appeal.

Please check the ground(s) your petition for appeal is based upon¹:

- Insufficiency of Evidence.** For purposes of evaluating the sufficiency of the evidence, the appellate panel shall consider only the evidence contained in the record made before the original court or hearing panel, and shall sustain that court or panel's determination provided there is a reasonable basis for a finding of guilt based on clear and convincing evidence as defined in the *Instrument of Student Judicial Governance (Instrument)*. Specifically, section E.7.a. of Appendix C, and if not it shall dismiss the case.
- Violation of Basic Rights.** For purposes of evaluating whether the basic rights of the accused student specified in Section IV.A. of the *Instrument* were violated, the appellate panel shall consider the relevant evidence contained in the record made in the original court and any further testimony it deems pertinent by the accused student, the appropriate Student Attorney General (or their designee), the presiding officer and members of the original hearing panel, and any witness with knowledge of the alleged violation. The appellate panel shall then determine whether, by a preponderance of evidence, the court or hearing panel having original authority, or the Office of the Student Attorney General, violated the accused student's basic rights, and, if so, whether the violation prejudiced the outcome of the student's original hearing so as to necessitate a remand for a new hearing. If the alleged violation of basic rights cannot be corrected through a remand of the matter, the appellate panel shall dismiss the case.
- Severity of Sanctions.** For purposes of evaluating the severity of the sanctions, the appellate panel shall consider only the evidence contained in the record made in the original court or hearing panel, and shall sustain that court or panel's determinations provided there is a reasonable basis for the sanctions imposed, and if not shall impose a lesser sanction as it determines to be appropriate.

Print Name: _____ PID#: _____

¹ A student who has accepted responsibility and agreed in writing to proceed before an Expedited Hearing Panel (EHP) may appeal only on grounds of severity of sanctions and/or violation of basic rights.

APPEALS PROCESS INFORMATION

University Hearings Board Panels exercising original jurisdiction under Section C.4. of Appendix C of the Instrument of Student Judicial Government (“*Instrument*”) shall be composed of two faculty members selected from among those serving on the Faculty Hearings Board Panel, one designee of the Vice Chancellor for Student Affairs (serving as Chair), and two students designated by the chair of the appropriate student court having authority with regard to the matter being heard.

Sanctions Held in Abeyance: Any sanctions imposed by the Honor Court, or the UHB exercising original authority, are held in abeyance until the deadline for submission of an appeal has passed. Once a student has submitted a petition for appeal, their sanctions will continue to be held in abeyance pending final appeal decision outcome.

Scope of Review and Disposition: In deciding appeals from the judgment of the court or UHB exercising original authority, the University Hearings Board appellate panel shall review the record made in the original hearing, including relevant portions of the recording or transcript of the hearing proceedings, except the deliberations of the court, and a copy of all documents and other writings introduced in evidence at the hearing.

Appellate Procedures: The appellate panel shall review the pertinent record made in the original court and no other evidence except as specified in Section I.1.c.iii. of Appendix C. The hearing on appeal shall be closed, except to the extent provided in Section E.4. of Appendix C. Only the accused student and their student counsel, the appropriate Student Attorney General or their designee, the complainant and their support person as specified in Section IV.B. of the *Instrument*, and witnesses providing specific testimony under Section I.1.c.iii. of Appendix C shall be permitted to participate. In no case may a licensed attorney or a person who has passed a state bar examination assist or be present during the proceedings, except to the extent specified in Section IV.A.3. of this *Instrument*. In the course of the proceedings, the presiding officer shall permit members of the appellate panel to ask questions as they deem appropriate, and shall permit the accused student to concisely present the grounds for appeal, the Student Attorney General or their designee to address the merits of the appeal, and the accused student to offer a concluding summation. Following the concluding summation, the members of the appellate panel will deliberate in private, reach a decision by majority vote using secret ballots, and promptly announce their judgment. The presiding officer shall as promptly as practicable provide the accused student, the complainant, and the Judicial Programs Officer/Director of Student Conduct with a written statement of the rationale for the decision. For more information on the appeals process, please visit: <http://studentconduct.unc.edu>.

Burden: For appeals based on Insufficiency of Evidence and/or Severity of Sanctions, the burden of proof rests with the accused student who must establish that the original hearing body did not have a **reasonable basis** for a finding of guilt based on clear and convincing evidence *or* did not have a reasonable basis for the sanction imposed, respectively. As to appeals based on Violation of Basic Rights, the accused student has the burden of proof to establish by **preponderance of the evidence**, that one (or more) of the accused student’s basic rights was violated, and that the violation prejudiced the outcome of the original hearing to require a new hearing. The UHB will provide a written explanation of its determination to the accused student within ten business days of the UHB hearing.

Submission: Appeal Petition and the Appeal Cover Sheet should be submitted to the Office of Student Conduct, CB 5100, Suite 2105, SASB North or via email jpa@unc.edu. After your appeal petition has been submitted, you will be notified through your UNC email account once a determination has been reached. If you have any questions, please contact the Office of Student Conduct at 919-962-0805.

The information above is not to meant to be an exhaustive outline of the appeals process. For detailed information regarding the appeals process, please visit <http://instrument.unc.edu>.

Student's Signature: _____ Date: _____

UNC Email: _____ Phone #: _____