



STUDENT POLICY

Policy Number:	SP – SA - 002
Date of Policy:	03/21/2022
Policy Name:	SP – Student Request for Appeal Policy
PTC Department:	Student Affairs
Policy Review Date:	01/30/2024
Review Frequency:	Annually
Policy Location(s):	Student Handbook
Policy Objective:	To inform students of their right to appeal against the decision of a prior grievance hearing with the college and to have it addressed in a prompt and equitable manner.

THE STUDENT APPEAL PROCESS

Any party may request an appeal of the conduct hearing decision, Title IX discrimination, or formal complaint determination by filing a request using the [Request for Appeal](#) form.

Please note that all sanctions imposed by the original hearing body remain in effect during the appeal process. All parties are to be informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision in a timely and equitable manner.

- Academic appeals will go to the President, or designee.
- Title IX (gender-based discrimination) appeals will go the Title IX Coordinator, or designee.
- All other appeals will go to the Executive Director of Student Affairs, or designee, for consideration.

GROUNDINGS FOR TITLE IX DISCRIMINATION APPEAL REQUESTS

PTC will offer both parties an appeal from a determination regarding responsibility, and from PTC's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter.



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2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or respondent that affected the outcome of the matter.

Appeals must be filed in writing with the Title IX Coordinator (or their designees) within three business days of the notice of the outcome of the hearing. Any exceptions are made at the discretion of the Title IX Coordinator or Executive Director of Student Affairs (or their designees).

Hearings that involve Title IX Discrimination will follow the procedures set forth in the [Title IX Discrimination Grievance Procedures](#) handbook. The appeal procedures for all other student grievance hearings are as follows:

GROUND FOR STUDENT GRIEVANCE APPEAL REQUESTS

Appeal requests are limited to the following grounds:

1. An error occurred that significantly impacted the outcome of the hearing or determination (e.g., substantiated bias, material deviation from established procedures, etc.); and/or
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and/or
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

Appeals must be filed in writing with the Executive Director, or the President (or their designees) within three business days of the notice of the outcome of the hearing or formal complaint determination. Any exceptions are made at the discretion of the President (or designee).

The Executive Director or President (or their designees) will share the appeal by one party with the other party (parties) and draft a response memorandum to the appeal request(s), based on determination that the request(s) will be granted or denied, and why.



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The President will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. The student may consult with the Executive Director or the President on any procedural or substantive questions that arise.

If the appeal is not timely or eligible, the original finding and sanction, or formal complaint determination, will stand and the decision is final. If the appeal has standing, the President determines whether to refer the appeal to the Appeal Committee, typically within three to five business days.

Full re-hearings by the Appeal Committee are not permitted. Where new evidence is presented, the President will provide instruction on the parameters regarding institutional consistency and any applicable guidelines. In review, the original finding and sanction, or formal complaint determination, are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeal Committee must limit its review to the challenges presented.

The parties have the right to an advisor of their own choosing. Typically, advisors are parent(s)/guardian(s), but the parties may select an attorney or whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the appeal. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the Appeals Officer, and suggest questions to their advisee.

On reconsideration, the Appeal Committee may affirm or change the findings, determinations, and/or sanctions of the original hearing body according to the permissible grounds. Errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions of the Appeal Committee are to be made by a majority vote within five days and are final. Appeal decisions are not appealable by any party.

THE APPEAL COMMITTEE

Three-member Appeal Committees are drawn from the pool of faculty and staff members, with the following requirements to serve:

4. They did not serve as a Hearing Officer for the initial hearing.
5. They were not involved in the investigation in any way.
6. They have been properly trained in appeal procedures.



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7. They are not currently instructing the student or otherwise substantively involved with the student (such as a coach or advisor).
8. They are not a currently enrolled student at PTC.

The Appeal Officer will have final authority to approve all those serving on the committee. In the event of a recusal from the committee, the Appeal Officer will solicit a replacement from the pool.

The Appeal Officer (or designee) serves as the non-voting advisor to the committee, with responsibility for training the committee, conducting preliminary investigations, and ensuring a fair process for the party bringing the complaint and responding student. It is presumed that all decisions made, and sanctions imposed by the original decision-maker are to be implemented during the appellate process.

OTHER GUIDELINES FOR APPEALS

All parties will be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Witnesses may be called if necessary.

Appeals are not an opportunity for Appeal Committee members to substitute their determination or judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions and/or policy. Changes may be made to the determination or finding only where there is clear error and to the sanction only if there is a compelling justification to do so.