



INSTITUTIONAL GRIEVANCE APPEAL PROCESS AND REQUEST FORM

Background Information

Jersey College provides students (an “appealing party”) with a process for resolving incidents of suspected injustice. An appealing party who believes that a decision or sanction imposed by Jersey College is unfair has the right to appeal to a Grievance Board by filing a written notice of appeal. Students are directed to the Academic Catalog for additional information regarding the appeal process.

An appeal is not intended to rehear or re-argue the same case, and is limited to the specific grounds outlined below. The appeal must state the specific grounds for the appeal and should include all supporting documentation. The appeal request must be: (i) addressed to the Appeal Board; (ii) contain information, facts, and supporting documentation for a prima facie case of an Actionable Error (defined below); and (iii) be received by the Appeal Board within five (5) business days of being informed of the decision. Failure to submit an Appeal within the five (5) business day period forfeits the right to appeal the Institutional Determination. The request for an Appeal must be sent via the methods listed below. An appeal request that does not present a prima facie case of error will be denied. In all cases, *the decision of the appeal is final.*

Grounds for Appeal

The Appeal Board only has the authority to hear and pass judgment on a request based on a (i) procedural irregularity that affected the outcome of the matter; (ii) new evidence that was not reasonably available at the time the determination was made, that would have affected the outcome of the decision; and/or (iii) the Institutional Decision Maker had a conflict of interest or bias that affected the outcome of the matter (individual and collectively, an “Actionable Error”). *Disagreement with the finding or sanctions of a determination is not, by itself, grounds for an Appeal.*

Appeal Procedure

Complete this Appeal Request Form, including signing the form and providing supporting documentation (if applicable), and submit this form by the deadline (see above) via (i) email with a confirmation request to grievance@jerseycollege.edu; (ii) regular or express mail to Jersey College, Attention: Grievance Board, 546 US Highway 46, Teterboro, NJ 07608; or (iii) personally delivered to the Campus Director. *The decision of the appeal is final.* Students who do not submit their appeals by the deadline waive their opportunity to appeal.

Appeal Hearings

The conduct of the appeal hearing (the “Appeal Hearing”) is essentially informal. Appeal Hearings are conducted in accordance with the investigatory model of administrative hearings, in which the hearing panel assumes responsibility for the questioning of witnesses and the eliciting of relevant evidence. Each party has the right to present witnesses and supporting evidence. The Appeal Hearing is private and not open to the public or non-involved members of Jersey College’s community and members of the bar may not act as a representative within an Appeal Hearing. Appeal Hearing procedures are not to be considered analogous to court proceedings, and only that degree of formality has been included in such procedures that are considered necessary to ensure a well-functioning and equitable system.

The appealing party in an Appeal Hearing must through “clear and convincing” evidence demonstrate the existence of an Actionable Error. The “clear and convincing standard” means that the evidence presented by the appealing student must be highly and substantially more probable to be true than not and the trier of fact must have a firm belief or conviction in its factuality. Formal rules of evidence are not applicable in Appeal Hearings. The Appeal Board has the discretion to admit all matters into evidence that reasonable persons would accept as having probative value. Appeal Board members may consider matters that are within the general experience of students and faculty members.

Appeal Decisions

The Appeal Board’s function is not to assess the merits of the case, but rather to determine whether an Actionable Error occurred - an error that affected the outcome of the case. As such, the Appeal Board, by majority rule, will either (i) affirm the determination if no Actionable Error is found; or (ii) if an Actionable Error is determined to exist, remand the case for a new review and adjudication by the Institutional Decision Maker or a new Institutional Decision Maker in the case of finding a conflict of interest or bias. In making a determination, the Appeal Board may consider (1) character witnesses, (2) mitigating circumstances, (3) past record of disciplinary sanctions of the party complained against, and (4) other factors that the board considers relevant. Appeal Board findings will be provided in writing to the appealing party within thirty (30) calendars of the completion of the Appeal Hearing.



APPEAL REQUEST FORM

Name: _____

Phone: _____ Email: _____

Address: _____

City: _____ State: _____ Zip: _____

Campus: _____

I am basing my appeal on one or more of the following reasons (please check the appropriate boxes and provide information).¹ Please attach additional sheets as needed.

- ☐ A procedural irregularity that affected the outcome of the matter. Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.²

Please identify the procedural error(s) that took place and how the error(s) materially prevented a fair, impartial or proper hearing, and affected the outcome of the matter.

¹ You must provide facts and documentation that support your appeal. It is important to provide information that is as detailed and accurate as possible, so that the College can make an informed decision regarding the appeal and whether a prima facie case of an error within the authority of the Appeal Board may have occurred.

² A procedural error may exist when the disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating circumstances. Please provide evidence on how the sanction is grossly disproportionate to the violation (i.e. unreasonably harsh or light, given all of the relevant circumstances).

- ☐ Discovery of new evidence that was unavailable at the time of the decision, and which reasonably could have affected the decision of the investigating body.

Please describe the new evidence and, if appropriate and possible, attach it to this appeal. Indicate why the information was not provided at the time of the hearing. Also indicate why the information is sufficient to alter the original decision in the case.

- ☐ The Institutional Decision Maker has a conflict of interest or bias that affected the outcome of the matter.

Please explain in detail the conflict of interest and bias that affected the outcome. To support a claim of conflict of interest or bias, the appealing party must provide overt and substantiated evidence of the conflict or bias, and how such conflict or bias did not afford for a bona fide and fair determination. Mere allegations are insufficient for an appeal.

I certify that the information presented in my appeal is accurate, to the best of my knowledge. I understand that providing false information is a violation of the Code of Student Conduct and subject to disciplinary charges.

Signature

Date