



INSTITUTIONAL DETERMINATION APPEAL REQUEST FORM

Background Information

Students seeking to challenge an Institutional Determination (as defined in the Academic Catalog) may initiate the appeal process by filing a formal complaint utilizing this form. This form requires students to provide detailed information, relevant facts, and supporting documentation that establish a prima facie case of an Actionable Error. The appeal must be submitted within five (5) business days from the date the student is notified of the Institutional Determination.

The Appeal Board's role is not to re-evaluate the merits of the original case but to determine whether an Actionable Error occurred that materially affected the Institutional Determination. Disagreement with the Institutional Determination or its sanctions does not constitute grounds for an appeal. The Appeal Board lacks authority to review appeals related to: (i) Financial Assistance or Satisfactory Academic Progress (SAP) Warnings, (ii) Admissions decisions, (iii) Civil Rights Matters, (iv) Title IX Matters or (v) Other matters outside the scope of Actionable Errors. See the Academic Catalog for additional information on the Institutional Complaint and Appeals process.

Actionable Error

An Actionable Error is defined as:

- A substantial procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination was made and that would have affected the outcome of the decision; and/or
- A conflict of interest or bias by the Institutional Decision Maker that affected the outcome.

Formation and Purpose of Appeal Board

The formation of an Appeal Board is not automatic. The decision to convene an Appeal Board and hear a case is subject to the appealing party presenting in the Appeal Request Form a prima facie case of an Actionable Error. The President of the College (or designated appointee) is responsible for determining that the appeal request includes facts and/or documentation that present a prima facie case of an Actionable Error that warrant convening an Appeal Board.

The purpose of the appeal process is to determine whether an Actionable Error occurred that materially affected the outcome — it is not an opportunity to relitigate the facts, re-argue the merits of the case, or seek a different result based on the same record. The Appeal Board's role is narrowly focused on correcting serious errors in the process, not on substituting its judgment for that of the original decision-maker.

What is a Prima Facie Case?

A prima facie case requires that the appeal submission, on its face and when reviewed together with the underlying record, contain specific facts and information sufficient to show a reasonable basis for concluding that an Actionable Error occurred. This is a meaningful screening standard, not a formality.

At the prima facie screening stage, the President reviews the appeal submission along with the full record of the original matter. This may include the investigative file, exhibits, witness statements, emails, documents, and any other materials relevant to the determination. The President may also speak with the original decision-maker, investigator, adjudicator, or other individuals involved in the matter to clarify the record or obtain additional context.

An appeal submission must do more than make general claims of unfairness, repeat allegations that were already investigated and rejected, or assert that the process "felt" wrong. It must identify a specific policy violation or other Actionable Error and show, with reference to the record, how that error actually affected the result.

Appeals will be denied at the prima facie stage if:

- The allegations are contradicted by the documented record or are inconsistent with the evidence that was relied upon in reaching the original determination.
- The appeal repeats claim(s) that were already considered and rejected during the original investigation or adjudication.
- The appeal makes only general assertions of unfairness or dissatisfaction without identifying a specific published policy or procedure that was violated.
- The allegations in the appeal even if accepted as true, would not have materially affected the outcome of the matter.
- The appeal fails to provide enough specific information for the President to determine that there is a reasonable basis to believe an Actionable Error occurred.

If an appeal does not meet this standard, it will be denied without convening an Appeal Board. An appeal is not a retrial.

What is a Procedural Irregularity

A procedural irregularity is a material deviation from the College's published policies and procedures that actually affected the outcome of the matter. It is not enough to feel that the process was unfair or that the appealing party disagrees with the result. The appealing party must show that a specific, required step was not followed and that this failure affected the final decision. Minor, technical, or harmless deviations from procedure generally do not qualify as Actionable Errors.

To establish a prima facie case on this ground, an appealing party must:

- (i) identify a specific published policy or procedural requirement that was not followed, and
- (ii) explain how that deviation materially changed (or was reasonably likely to have changed) the final result.

The following are examples of the types of procedural irregularities that may support a valid appeal, provided the appealing party can demonstrate that the error materially affected the outcome:

- The College failed to provide the appealing party with the notice, information, or opportunity to respond that is expressly required by published policy or procedure.
- The investigator or adjudicator considered evidence, witness statements, or other information that published procedures did not permit to be considered, without first giving the appealing party a meaningful opportunity to review and respond to that information.
- A required step in the dispute investigation or adjudication process (such as a mandated interview, review of specific evidence, procedural safeguard, or required consultation) was entirely omitted, and that omission prejudiced the appealing party's ability to present their position or affected the determination.
- The process deviated from required timelines, decision-maker qualifications, recusal rules, or other procedural protections in a manner that compromised the basic fairness or impartiality of the proceeding and changed the outcome.
- The appealing party was denied access to materials, evidence summaries, or information that published College policy required to be provided to the appealing party, and that denial materially impaired the appealing party's ability to respond effectively.

Important limitations: The following do not constitute a procedural irregularity:

- Disagreement with how evidence was interpreted or weighed, how facts were found, or what sanction or remedy was imposed.
- A procedural deviation that was later cured or that did not actually affect the final result.
- General claims that the process "felt unfair," "was one-sided," or "lacked due process," without identifying a specific published policy or procedure that was violated.
- Assertions that the College "should have" provided notice, evidence, a hearing, an interview, additional time, or any other step or information, when no published policy or procedure actually required it.
- Claims that the appealing party was entitled to a particular process, document, meeting, or opportunity simply because they believe it would have been fairer, more thorough, or more favorable to them.
- Arguments based on what the appealing party subjectively expected or desired, rather than on a clear violation of an existing, published requirement.
- Repetition of allegations that the record shows were already addressed during the original investigation or adjudication (for example, claims of insufficient notice or opportunity to respond when the record demonstrates that an investigatory interview was conducted and the appealing party was invited to provide information and witnesses).
- Challenges to the outcome or sanction based solely on the belief that a different or lesser result should have been reached, without demonstrating that an Actionable Error occurred.
- General dissatisfaction with the investigation, the decision-maker, the evidence considered, or the thoroughness of the process, when the process followed the College's published policies and procedures.

Sanction Proportionality as a Procedural Irregularity

A procedural irregularity may exist where the disciplinary sanction imposed is so blatantly excessive and disproportionate to the violation(s) committed that it is manifestly unreasonable and unjust. This is a very high and narrow standard. It is not enough to disagree with the sanction, believe it is too harsh, feel that a lesser sanction would have been fairer, or argue that the College should have shown more leniency.

To establish a procedural error on this ground, the appealing party must provide clear, compelling, and irrefutable evidence demonstrating that the sanction is so far outside the range of reasonable sanctions — taking into account the nature and severity of the violation, all relevant aggravating and mitigating circumstances, and the student's disciplinary history — that no reasonable decision-maker could have imposed it. In other words, the sanction must be so extreme or shocking that it falls outside any defensible exercise of professional judgment. Sanctions that are within the range of reasonable outcomes for the conduct at issue, even if another decision-maker might have chosen a different (or lesser) sanction, do not constitute a procedural irregularity.

Appeal Hearings

Appeal hearings are conducted following an investigatory model where the Appeal Board actively questions witnesses and evaluates evidence. Key features include: (i) Both parties may present witnesses and supporting evidence; (ii) Hearings are private, closed to the public and non-involved Jersey College community members, (iii) Legal representatives or members of the bar are not permitted to act as representatives; and (iv) Formal rules of evidence do not apply; the Appeal Board may admit evidence that reasonable persons would find probative.

The appealing party must demonstrate the existence of an Actionable Error by clear and convincing evidence, meaning the evidence must be highly and substantially more likely to be true, instilling a firm belief in its validity. The Appeal Board retains discretion to assess the relevance and weight of evidence. In reaching a decision, the Appeal Board may consider: (i) character witnesses, (ii) mitigating circumstances, (iii) the disciplinary history of the party complained against and (iv) other relevant factors.

Appeal Decisions

The Appeal Board's role is strictly limited to determining whether an Actionable Error occurred that materially affected the outcome of the matter. An appeal is not a retrial or a second opportunity to argue the underlying facts or merits of the case. The Appeal Board exists solely to correct serious errors in the process — not to reach a different outcome on the same record. The Appeal Board does not re-decide the case on the merits, re-weigh evidence, re-interpret facts, reassess credibility, or substitute its own judgment for that of the original adjudicator or investigator.

The Appeal Board solely will either:

- (i) Affirm the Institutional Determination if no Actionable Error is found; or
- (ii) Remand the case for re-evaluation and adjudication by the Institutional Decision Maker if an Actionable Error is determined to exist.¹

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 to appeals@jerseycollege.edu with a confirmation request; (ii) regular or express mail addressed to Jersey College, Attention: Appeal Board, 546 US Highway 46, Teterboro, NJ 07608; or (iii) hand-delivered to the Campus Director. Submission of this Institutional Determination Appeal Request Form is mandatory, and appeals will not be reviewed without it. Failure to file the appeal within the specified five (5) business day period will result in the forfeiture of the student's right to appeal the Institutional Determination.

¹ If the Actionable Error involves a conflict of interest or bias by the Decision Maker, the case will be remanded, and a new Decision Maker will be appointed by the President of the College (or designee).



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).² Please attach additional sheets as needed.

- A substantial 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.

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.

² To file an appeal, you must submit precise, accurate, and comprehensive facts supported by relevant, verifiable documentation. This detailed submission is critical for the College to thoroughly assess whether your appeal establishes a prima facie case of an error that falls within the jurisdiction of the Appeal Board. Ensure that all provided information is clear, well-organized, and directly addresses the alleged error to enable the College to make an informed decision regarding the validity of your appeal.

- 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.^{3,4}

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

³ Participation or involvement in a matter, including actions taken in the normal course of a person's job, does not, by itself, create a conflict of interest or bias. A conflict of interest or bias exists only when there significant, direct and material involvement in the matter, such as conducting the investigation, rendering the decision or a party directly engaged in the dispute that led to the Institutional Determination. Disqualification is justified only if these actions clearly compromise the fairness or impartiality of the proceedings.

⁴ Employment, agency, or other contractual relationships with the College do not inherently constitute a bias or a conflict of interest, and therefore individuals with such affiliations may participate in Institutional Determination appeals.