



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 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.

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 grievance@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.

Formation 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.

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 purpose is to identify whether an Actionable Error occurred, not to reassess the case's merits. As such, by majority vote, the Appeal Board will: (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

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 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.³

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.

³ A procedural error may occur when the disciplinary sanction imposed is blatantly excessive and disproportionate to the violation(s) committed, taking into account all relevant aggravating and mitigating circumstances. To establish such an error, clear, compelling and irrefutable evidence must be provided demonstrating that the sanction is manifestly unreasonable and unjust in relation to the nature and severity of the violation.

- ☐ 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.^{4,5}

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

⁴ 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.

⁵ 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.