



## CIVIL RIGHTS APPEAL REQUEST FORM

### Background Information

Parties to a Civil Rights matter may appeal a Civil Rights Decision (as defined in the Academic Catalog). To appeal, individuals must complete this form and provide detailed information, relevant facts, and supporting documentation that establish a prima facie case of a Civil Rights Actionable Error. The appeal must be submitted within five (5) business days from the date the student is notified of the Civil Rights Decision.

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

### Civil Rights Actionable Error

A Civil Rights 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 Civil Rights Compliance Coordinator, Investigator, or Civil Rights Adjudicator that affected the outcome of the matter.

### Civil Rights 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 [civilrightsappeal@jerseycollege.edu](mailto:civilrightsappeal@jerseycollege.edu) with a confirmation request; (ii) regular or express mail addressed to Jersey College, Attention: Civil Rights Appeal Board, 546 US Highway 46, Teterboro, NJ 07608; or (iii) hand-delivered to the Campus Director. Submission of the Civil Rights Appeal Request Form is mandatory, and appeals will not be reviewed without it. Disagreement with the Civil Rights Decision or its sanctions does not constitute grounds for an appeal.

### Formation of Civil Rights Appeal Board

The formation of a Civil Rights Appeal Board is not automatic. The decision to convene a Civil Rights Appeal Board and hear a case is subject to the appealing party presenting in the Civil Rights Appeal Request Form a prima facie case of a Civil Rights 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 a Civil Rights Actionable Error that warrant convening a Civil Rights Appeal Board.

### Civil Rights Appeal Hearings

Civil Rights Appeals are decided upon the record of the original proceeding and any written information submitted by any of the parties in the appeal. The Civil Rights Appeal Board may solicit written clarification on any issue raised on appeal from the Civil Rights Adjudicator assigned to the case, the Civil Rights Compliance Coordinator, the Investigator, the Complainant, or the Respondent.

The appealing party in a Civil Rights Appeal must demonstrate the existence of a Civil Rights 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 Civil Rights Appeal Board retains discretion to assess the relevance and weight of evidence.

### Civil Rights Appeal Decisions

The Civil Rights Appeal Board's purpose is to identify whether a Civil Rights Actionable Error occurred, not to reassess the case's merits. As such, by majority vote, the Civil Rights Appeal Board will: (i) Affirm the Civil Rights Decision if no Actionable Error is found; or (ii) Remand the case for re-evaluation and adjudication by the Civil Rights Adjudicator if a Civil Rights Actionable Error is determined to exist.<sup>1</sup>

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<sup>1</sup> If the Civil Rights Actionable Error involves a conflict of interest or bias, the case will be remanded, the conflicted or biased individual will be replaced, and the proceedings will resume from the point where such individual became involved with the matter. Appointments will adhere to the Civil Rights Complaint Process procedures.



## CIVIL RIGHTS 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).<sup>2</sup> 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.<sup>3</sup>

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.

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<sup>2</sup> 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 Civil Rights 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.

<sup>3</sup> 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 Civil Rights Compliance Coordinator, Investigator, or Civil Rights Adjudicator has a conflict of interest or bias that affected the outcome of the matter.<sup>4,5</sup>

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.

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Signature

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Date

<sup>4</sup> 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 Civil Rights matter. Disqualification is justified only if these actions clearly compromise the fairness or impartiality of the proceedings. For clarity purposes, the following individuals are deemed to be significantly involved in a Civil Rights matter: the Civil Rights Compliance Coordinator, Investigator, and Civil Rights Adjudicator in the same matter.

<sup>5</sup> 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 Civil Rights Appeals.