

### **The Appeal of Administrative Disposition**

- Within fourteen (14) days of accepting administrative disposition the student may appeal to the University President; otherwise the decision is final.
  - Since in administrative disposition the student chose not to dispute the facts, appeals are limited to the issue of the **penalty only**.
- 

### **The Appeal of the Hearing**

- Either the Assistant Dean or the accused student may appeal the decision of the hearing officer to the University President.
  - An appeal must be made within fourteen (14) calendar days after the parties have been notified of the decision. If the decision is sent by mail, the date the decision is mailed initiates the fourteen (14) day period. The notice is informal, but shall contain the student's name and the date of the decision or action. If the Assistant Dean is the appellant, a copy of the notice shall be sent to the student on the same day the notice is served by the Assistant Dean.
  - If notice of appeal is timely given as provided above, the Assistant Dean, at the hearing officer's direction, shall prepare the hearing record; the hearing officer shall certify its completeness and accuracy; and the Assistant Dean shall send it to the University President, with a copy being sent to the student appellant, on or before the fourteenth (14) day after the notice of appeal is given or when the hearing record is available during those times in which a problem arises in preparing the record.
- 

### **The Appeal (Administrative Disposition or Hearing)**

- In order for the appeal to be considered, all necessary documentation to be filed by the appealing party, including written arguments in support of the appeal, shall be submitted to the University President within fourteen (14) days after the notice of appeal is given and the transcript, if any, is available.
  - Notice of appeal timely given by a student appellant suspends the imposition of penalty until the appeal is finally decided, but interim action may be taken as authorized in The University of Texas at El Paso, Handbook of Operating Procedures, Section 1.4.4. Further, grades or degrees may also be withheld pending conclusion of the appeal.
- 

### **Consideration of Appeal**

- The decision will be reviewed on the basis of the recording, if any, and evidence considered at the hearing. Both parties may, at the discretion of the University President, present oral argument.
  - The University President may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of addition evidence and reconsideration of the decision. If the finding as to responsibility is upheld in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the penalty may not be reduced below the minimum penalty prescribed in The University of Texas at El Paso, Handbook of Operating Procedures, Section 1.2.3. The action of the University President shall be communicated in writing to the student and to the Assistant Dean of Students thirty (30) days after the appeal and related documents have been received.
- 

**THE DECISION OF THE  
UNIVERSITY  
PRESIDENT IS THE  
FINAL APPELLATE  
REVIEW.**

This information is being furnished to assist you with a better understanding of your legal rights in certain situations. In no way should this information be used as a substitute for consulting with the Regents' Rules and/or the Handbook of Operating Procedures.