



Ohio Administrative Code

Rule 3361:40-5-05.3 Conduct, rights and responsibilities: appeals.

Effective: August 15, 2026

(A) Filing an appeal

- (1) A respondent found responsible for misconduct under rule 3361:40-5-05.1 or 3361:40-5-05.2 of the Administrative Code may file an appeal as set forth in this rule. An appeal must be submitted in writing to the director of the office of student conduct and community standards within five days of receipt of the college hearing panel or university conduct board's decision letter unless the office of student conduct and community standards specifies a longer period of time in writing based on a party's written request for additional time not to exceed ten days from the day of receipt of the decision letter. The written appeal must include a permissible ground for appeal and information to support the appeal.
- (2) In non-Title IX sexual harassment matters adjudicated under the S.C.O.C., both the complainant and the respondent have the right to appeal on all permissible grounds.

(B) Permissible grounds for appeal. Permissible grounds for appeals will be limited to the following:

- (1) New information: new information was discovered, which was not available at the time of the hearing, and such evidence could affect the decision in the case.
- (2) Procedural error: a substantial procedural error occurred in the process which affected the decision in the case.
- (3) Sanction of suspension or expulsion: a sanction of suspension or expulsion from the university was imposed and is not commensurate with the violation.
- (4) Non-Title IX sexual harassment appeal of sanctions: In appeals involving crimes of violence or non-Title IX sexual harassment, any sanction may be appealed by either the complainant or respondent on the grounds that the sanction is not commensurate with the violation.
- (5) Notice of outcome: Respondent has a good basis for failing to respond to the notice of outcome due to illness or another emergency. Respondent must specify if they are appealing the finding of responsibility and/or the sanctions.

(C) University appeals administrators

(1) Appointment of university appeals administrators

The vice provost for student affairs (or designee) will appoint no less than two and no more than five university faculty or staff to serve as university appeals



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administrators. A university appeals administrator will not serve as a university appeals administrator for any conduct case in which the university appeals administrator has participated in the underlying conduct case's investigation or hearing.

(2) Notice of university appeal administrators

The director of the office of student conduct and community standards (or designee) will provide written notification to the parties of the names of the appointed university appeals administrators.

(3) Challenging university appeals administrators

(a) A party may challenge participation of a university appeals administrator on the grounds of conflict of interest. Challenges must be submitted in writing to the director of the office of student conduct and community standards (or designee) within five days of receipt of the written notice identifying the university appeals administrators. The challenge must specify reasons that would prevent the university appeals administrators from being unbiased with respect to the appeal. The director of the office of student conduct and community standards (or designee) will decide whether the challenge has merit. If the challenge is granted, a substitute university appeals administrator will be appointed by the director of the office of student conduct and community standards (or designee) and the same option to challenge shall exist.

(b) In appeals involving non-Title IX sexual harassment, both the complainant and respondent may challenge the participation of a university appeals administrator on the grounds of conflict of interest as per the process outlined in this section.

(c) The director of the office of student conduct and community standards will forward the appeal along with the conduct case file to the university appeals administrators for review.

(D) Review of Appeal

(1) The university appeals administrator reviews all appeals. All steps in the appeal process will occur as soon as reasonably possible.

(2) University appeals administrator review for permissible grounds:

(a) If the university appeals administrator determines that an appeal was submitted that does not fall within one of the permissible grounds then



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the university appeals administrator will reject and return the appeal to the applicable parties and include a brief written explanation of the reason the appeal was rejected. That decision is final.

- (b) In appeals involving non-Title IX sexual harassment, both the complainant and respondent will be notified of a rejected appeal.
- (3) University appeals administrator review for new information or substantial procedural error:
 - (a) If the university appeals administrator determines that the new information described in the appeal was not available earlier and could affect the decision or that a substantial procedural error occurred in the process which could have affected the decision in the case, the university appeals administrator will charge the university conduct board or college hearing panel to hold a limited hearing for the sole purpose of reviewing the new information or to correct the procedural error.
 - (b) The new hearing will be limited in scope. It will not include any review of evidence or testimony or modification of factual conclusions reached in the original hearing, unless they are affected by the new information or by the procedural error. The appeal and complete hearing file will be provided to the university college board or college hearing panel.
 - (c) If members of the university college board or college hearing panel, which initially heard the complaint, are unavailable for continued service, substitute members will be selected by the director of the office of student conduct and community standards (or designee) or by the college conduct administrator. The university appeals administrator may not be a member of the university college board or college hearing panel and does not participate in the limited hearing.
 - (d) Following this limited hearing, the university college board or college hearing panel will submit a report, and possibly a revised outcome, to the university appeals administrator. The university appeals administrator shall review the file and outcome. If it is the opinion of the university appeals administrator that the new evidence was considered or the procedural error corrected, the university appeals administrator shall forward the recommendation to the appropriate individual designated in paragraph (E)(1) of this rule. If the university appeals administrator determines the university college board or college hearing panel failed to correct the procedural error or failed to consider the new evidence, the



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university appeals administrator shall return the matter to the university college board or college hearing panel with instructions to reconsider.

(4) University appeals administrator review of sanction of suspension or expulsion:

For appeals of suspension or expulsion based on a claim that suspension or expulsion is not commensurate to the misconduct violation, the university appeals administrator will review the file and issue a recommendation to concur with or modify the sanction, then send the recommendation to the appropriate individual designated in paragraph (E)(1) of this rule.

(5) University appeals administrator review of non-Title IX sexual harassment sanctions: University appeals administrator review of non-Title IX sexual harassment sanctions:

For appeals of non-Title IX sexual harassment sanction(s) based on a claim that the sanction is not commensurate with the misconduct violation, the university appeals administrator will review the file and issue a recommendation to concur with or modify the sanction(s), then send the recommendation to the appropriate individual designated in paragraph (E)(1) of this rule.

(6) University appeals administrator review of notice of outcome:

For appeals based on failing to respond to the notice of outcome, the university appeals administrator will review the respondent's stated reason for failing to respond and any information provided to it by the office of student conduct and community standards regarding communications with the respondent regarding the notice of outcome. If the university appeals administrator finds good basis for the appeal, the university appeals administrator will charge the director of student conduct and community standards to schedule a hearing.

(7) The respondent may continue in their courses without prejudice or interruption until the appeal is final except in matters where an interim suspension is in effect.

(E) Final decision

(1) The final decision to accept, reject, or modify the recommended sanction and to notify all parties in writing of the final decision rests with: the dean of students (or designee) for nonacademic misconduct sanctions other than expulsions; the vice provost for student affairs (or designee) for nonacademic misconduct sanctions of expulsions; the home college deans (or designee), if no home college, the vice provost (or designee) for academic misconduct sanctions



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other than expulsions; and, the provost (or designee) for academic misconduct sanctions of expulsions.

- (2) In appeals involving non-Title IX sexual harassment, the complainant and respondent will receive concurrent notification in writing of the final decision.