



CAL MARITIME

MEMORANDUM

SUBJ: Change 1 to the Student Handbook

1. The following changes and additions to the Student Conduct Standards & Procedures Section is effective commencing October 22, 2007:

6. APPEALS

A. RIGHT TO APPEAL

The right to appeal the decision or disciplinary sanction is provided for as follows:

1. The appeal must be executed in writing, on a form provided by the Student Conduct Administrator for that purpose, within three working days of receipt of the decision of the hearing board. The petition must state that exact grounds for appeal, and provide sufficient documentation to permit a determination of the merits of the appeal. The appeal timeline aboard the TSGB Cruise is reduced to 24 hours.
2. The designated appeals board or appeals officer shall determine within five working days of its receipt whether the appeal meets the procedural requirements of this section in terms of form, notice, and grounds. An appeal failing to meet these requirements shall be terminated, with the appellant being notified of this action.

B. GROUNDS FOR APPEAL

1. Grounds for appeal of the decision of a hearing board or the imposition of a disciplinary sanction by a hearing board are limited exclusively to the following:
 - (a) The hearing board (or one or more of its members) was substantially biased toward the accused, making a fair hearing unlikely;
 - (b) There is significant new evidence supporting the accused that was not available for presentation at the time of the hearing (Note: evidence that was available but not presented at the hearing is not new evidence);
 - (c) The hearing board failed to follow prescribed procedures, making a fair hearing unlikely; or,
 - (d) The disciplinary sanction is unreasonable and/or inconsistent with past disciplinary actions of the Academy.
2. When the disciplinary sanction of a hearing board includes a suspension and expulsion, the grounds for appeal of the decision may also include the consideration of extraordinary personal circumstances in mitigation or extenuation.

C. APPEAL PROCEDURES

The Student Conduct Administrator shall set a review date for the appeal within a reasonable period of time of its receipt. The procedure of the appeal board is as follows.

1. Determine whether or not appeal meets the procedural requirements of this section in terms of form, notice, and grounds.
2. Review the written appeal of the student and the hearing summary of the chairman.
3. Determine whether to interview the student concerning the appeal.

The appeals board shall then render decision within five working days of reviewing the appeal, and may:

1. Affirm, in whole or in part, findings and disciplinary sanctions of the body having jurisdiction over the case;
2. Reduce the severity of the penalty;
3. Overturn the findings; or
4. Order a new hearing.

In accordance with Section 1.4.(E)3., the President has final jurisdiction over actions of suspension and expulsion arising from the Discipline Review and Investigating Committee that have first been reviewed by the Academy Board (campus) or the Commanding Officer of the Training Ship (annual training cruise).