

shall submit a written report quarterly to the chairman of the local committee, which details all cases in which a suspension has been probated. A second infraction for a drug-related offense shall result in permanent expulsion from the component and from all other institutions in the Texas State University System.

5.10 Appeal. Neither party may appeal if the hearing officer or hearing committee determines that the allegations against the accused student are true, but the only punishment assessed is verbal or written warning. In those cases the determination of the hearing officer or hearing committee is final. However, in all other cases, either party may appeal to the chief student affairs officer. If the hearing officer has been an appointee designated by the chief student affairs officer or if the determination has been made by a hearing committee, the appeal will be made to the chief student affairs officer or designated appointee. If the chief student affairs officer has served as the hearing officer, the appeal will be made to the vice president in charge of students affairs. Written notice of appeal must be received by the appeal officer within five (5) business days after the decision. An appeal is not simply a rehearing of the original case.

An appeal must be based on: 1) whether or not a fair hearing was afforded. A fair hearing includes notice of the alleged misconduct, and an opportunity to present evidence; 2) whether or not the sanctions levied were appropriate to the offense; 3) whether or not the finding was supported by the evidence; and/or 4) whether or not there is an introduction of new evidence that was not available at the time of the hearing. Both parties, at the discretion of the appeal officer, may submit oral or written arguments to support their positions.

In order for the appeal to be considered, the appealing party must submit all necessary documentation, including written arguments when appropriate, to the appeal officer within five (5) business days after giving notice of appeal. The appeal officer may approve, reject, or modify the decision. The appeal officer also has the option of remanding the matter to the original hearing officer or hearing committee for reconsideration. The appeal officer shall respond to the appeal within ten (10) business days after all the documentation was received and all testimony was heard, or he or she may postpone a decision for good cause.

5.11 Review of the Vice President in charge of Student Affairs. The vice president may review any disciplinary case and may approve, reject, modify the decision or remand the matter to the original hearing officer or committee for reconsideration.

5.12 President's Right to Review. The president may review any disciplinary case and approve, reject, or modify the decision or remand the matter to the original hearing officer or hearing committee for reconsideration.

5.13 Board of Regents' Right to Review. The Board of Regents retains the right to review any disciplinary action and approve, reject, or modify the decision or remand the matter to the original hearing officer or hearing committee for reconsideration.