

681—20.27(17A) Appeals to the board of regents.

20.27(1) *Appeal by party.* Any adversely affected party may appeal the president or superintendent's decision to the board of regents within 10 days after issuance of the decision. In the case of an appeal of initial action by the board of regents, any adversely affected party may appeal the proposed order of a presiding officer to the board of regents within 20 days after issuance of the proposed decision.

20.27(2) *Review.* The board of regents may initiate review of the president or superintendent's decision or a proposed decision involving an appeal of board of regents action on its own motion at any time within 20 days following the issuance of such a decision.

20.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the board of regents. In cases of appeals of action by an institution, a copy of the notice shall be sent to the president or superintendent of the regent institution. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
- d. The relief sought;
- e. The grounds for relief.

20.27(4) *Requests to present additional evidence.* In a case which has not been reviewed by a regent institution president or superintendent, a party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for the failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence. A written request to present additional evidence must be filed with the notice of appeal or, by a nonappealing party, within 10 days of service of the notice of appeal. The board of regents, or its executive director, may remand a case to the president or superintendent for further hearing or it may preside at the taking of additional evidence.

20.27(5) *Scheduling.* The board of regents, or its executive director, shall issue a schedule for consideration of the appeal.

20.27(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs shall cite any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument shall be filed with the briefs. The board of regents has the discretion to resolve the appeal on the briefs or provide an opportunity for oral argument. The board of regents, or its executive director, may shorten or extend the briefing period as appropriate.