

681—2506.32(17A) Appeals to the board. This rule incorporates rule 681—2506.27(17A) with the following exceptions and amendments. More information is contained in rule 681—2506.27(17A).

2506.32(1) *Appeal by party.* Any adversely affected party may appeal the president of the regents institution's decision to the board within ten days after issuance of the decision. In the case of an appeal of initial action by the board, any adversely affected party may appeal the proposed order of a presiding officer to the board within 20 days after issuance of the proposed decision.

2506.32(2) *Review.* The board may initiate review of the president of the regents institution's decision or a proposed decision involving an appeal of board action on its own motion at any time within 20 days following the issuance of such a decision.

2506.32(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the board. In cases of appeals of action by an institution, a copy of the notice shall be sent to the president of the regents institution. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will 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; and
- e. The grounds for relief.

2506.32(4) *Requests to present additional evidence.* In a case that has not been reviewed by a president of a regents institution, a party may request to submit additional evidence. The request must be filed with the notice of appeal, if by an appealing party, or within ten days of service of the notice of appeal, if by a nonappealing party. The board will take additional evidence only if the party establishes that the evidence is material, that good cause existed for it not being presented at the hearing, and that the party has not waived the right to present the evidence. The board, or its executive director, may remand a case to the president of the regents institution for further hearing or the board may preside at the taking of additional evidence.

2506.32(5) *Scheduling.* The board, or its executive director, will issue a schedule for consideration of the appeal.

2506.32(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 will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral arguments will be filed with the briefs. The board may resolve the appeal on the briefs or provide an opportunity for oral argument. The board, or its executive director, may shorten or extend the briefing period as appropriate.

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