Double Jeopardy
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A student is found responsible for a violation and the Attorney threatens lawsuit over failure to follow procedure. The finding was overturned in appeal, due to the admission of failure to follow procedure. Any way for an institution to cure these mistakes? Does double-jeopardy apply in TIX?

Rick Olshak:
Double jeopardy is a concept that applies only to criminal proceedings.

Most institutions do however have their own internal form of administrative double jeopardy restrictions, in that they will not re-hear a case if it has already been heard and subject to an appellate opportunity. Even in these cases, remanding back to a new hearing based on procedural errors would not qualify as a separate process, but rather seeking to get the initial process right.

When I was in practice, I generally encouraged staff to swallow mistakes as soon as they were discovered and make them right, even if that meant having to re-do the process.

Brett A. Sokolow:
You would typically go back and re-do under appropriate procedures. There is no double jeopardy concern in this context.