

Title IX Appeal Decision Maker Training



TRAINING OBJECTIVES

To inform Appeal Decision Makers of the procedure for reviewing and analyzing appeals.



Role of Appeal Decision Maker

Either party in the Title IX Sexual Harassment Procedure may appeal the Decision Maker finding to the Appeal Decision Maker.

The Appeal Decision Maker – the College President or their Designee – will review the appeal and make a determination.

The Appeal Decision Maker's determination is final.

Grounds for Appeal

Appeals are available only on the following grounds:

1. Procedural irregularities affecting the outcome;
2. New evidence that was not previously available that would affect the outcome; and
3. Bias or conflict of interest on the part of the Title IX Coordinator, the Investigator, or the Decision Maker.

STANDARD OF REVIEW ON APPEAL

Claims of procedural irregularity and conflicts of interest or bias: Whether the ground for appeal, if supported by evidence, materially affected the outcome of the proceeding.

Claims of newly discovered evidence: Whether the evidence, if considered at the hearing, could have materially affected the outcome.

If the newly discovered evidence, bias or conflict of interest or procedural irregularity was immaterial to the outcome, the appeal will not be granted.

Procedural Steps

After the Decision Maker has issued the Findings Report, either party has two days to file an appeal notice with the Title IX Coordinator, stating the grounds for the appeal.

The Title IX Coordinator shall notify both parties that an appeal notice has been filed, including the grounds for the appeal. Both parties have five days to submit to the Title IX Coordinator their argument and evidence in support of or against the stated grounds for the appeal.

Procedural Steps, continued

The Title IX Coordinator will send the Findings Report, the Appeal Notice, and the materials submitted by the parties to the Appeal Decision Maker.

The Appeal Decision Maker will conduct a two-part analysis in making the determination.

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Did we include this?

Amy Homans, 8/11/2020

Procedural Steps, continued

The Appeal Decision Maker will first analyze whether the argument and evidence supports the grounds for appeal.

If the materials support one or more of the grounds for appeal, the Appeal Decision Maker will apply the relevant standard of review to the ground(s) at issue.

Procedural Steps, continued

The Appeal Decision Maker will issue a written determination and submit it to the Title IX Coordinator.

The Title IX Coordinator will provide both parties, simultaneously, the written determination of the appeal.

Documentation

The Title IX Coordinator will keep all notices, materials, and determinations in accordance with MCCS Procedure 202.2



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