



Guidelines/Procedures

SUBJECT: Title IX Grievance Procedures (3.10.003.1)
Guideline/Procedure for AR#: 3.10.003
Date Effective: 08/14/2020

Purpose

The Title IX Grievance Procedures are established to provide notice to students and employees about individual rights and the College's prompt and equitable resolution of Formal Complaints of Title IX Sexual Harassment as defined below.

Definitions

"Complainant" means an individual who is alleged to be the victim of conduct alleged under College Policy and this Rule.

"Educational program or activity" includes locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and includes any buildings owned or controlled by the College or a student organization that is officially recognized by the College.

"Formal Complaint" means a document signed by a Complainant and filed with the Title IX Coordinator or signed by a Title IX Coordinator.

A Formal Complaint must allege Title IX Sexual Harassment, identify a Respondent, and request that the College investigate the allegation(s). For purposes of reports alleging sexual harassment as defined under Title IX, a Complainant must be participating in or attempting to participate in the College's education program or activity, at the time of filing a Formal Complaint.

"Parties" means "Complainant" and "Respondent".

"Respondent" means an individual who has been reported to be the perpetrator of prohibited conduct alleged under College Policy and this Rule.

"Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without a fee or charge to the complainant or respondent. Supportive measures are afforded to both a respondent and complainant at any point after a report of alleged Title IX Sexual Harassment is received by the College District, regardless of whether a Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College District's education program or activity without unreasonably burdening the other party, including measures to protect the safety of all parties, or deter Title IX Sexual Harassment.

“*Title IX Sexual Harassment*” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College District conditioning the provision of an aid, benefit, or service of the College District on an individual’s participation in unwelcome sexual conduct, otherwise referred to as ‘quid pro quo’ sexual harassment;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College District’s education program or activity; or
3. “Sexual assault” as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), “dating violence” as defined in [34 U.S.C. 12291\(a\)\(10\)](#), “domestic violence” as defined in [34 U.S.C. 12291\(a\)\(8\)](#), or “stalking” as defined in [34 U.S.C. 12291\(a\)\(30\)](#).

I Application of Title IX Grievance Procedures

The Title IX Grievance Procedures apply to students and employees subject to the following conditions and in response to the receipt of the filing of a signed Formal Complaint:

- The conduct alleged meets the definition of Title IX Sexual Harassment.
- The Respondent is a student (including student employee) at the time the alleged Title IX Sexual Harassment occurred.
- The Respondent is an employee at the time the alleged Title IX Sexual Harassment occurred.
- The Complainant must be participating or attempting to participate in an education program or activity at the College.
- The alleged Title IX Sexual Harassment occurred against a person in the United States¹.

These procedures apply to Title IX Sexual Harassment that occurs on-campus and in the College’s education programs and activities.

On-Campus Conduct. These procedures apply to conduct that occurs on-campus, including conduct which occurs on property owned or controlled by the College.

College Programs. These procedures apply to conduct that occurs in the context of College employment or education programs or activities.

The College will respond to reports of sexual harassment or discrimination that occur off-campus or outside the College’s education programs and activities, when such conduct has an adverse impact on a student or employee’s learning and work environment, under the College’s Sexual Misconduct Investigation Procedures found in the corresponding Guidelines/Procedures 3.10.003.2.

Students and employees will still receive supportive measure and information about resources regardless of whether a Formal Complaint is filed. These measures and resources are addressed in more detail in Administrative Rule 3.10.003 Prohibition of Sexual Misconduct and the College’s Compliance Resource Guide.

II Filing of a Formal Complaint of Title IX Sexual Harassment

A Formal Complaint must be filed by a Complainant and submitted to the Title IX Coordinator.

¹ Reports of Title IX Sexual Harassment that occurred in study abroad programs affiliated with or sponsored by the College will be investigated under Guidelines/Procedures 3.10.003.2 Sexual Misconduct Investigations.

The filing may be in person, by mail, through the reporting link on the College's homepage², or by e-mail. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the College's education program or activity.

In limited circumstances a Title IX Coordinator may sign a Formal Complaint. In the event this occurs, if a Complainant requests in writing that the College not investigate, the Title IX Coordinator must inform the Complainant of the decision whether or not to investigate.

A. Initial Review and Assessment of a Formal Complaint

Formal Complaints received by the College will be reviewed and assessed by the Title IX Coordinator to determine the sufficiency of the complaint and whether it should be investigated under the Title IX Grievance Procedures or dismissed.

1. **Mandatory Dismissal:** The College must dismiss a Formal Complaint under the following conditions:
 - a. The conduct alleged, even if proven to be true, does not meet the definition of Title IX Sexual Harassment;
 - b. The alleged Title IX Sexual Harassment did not occur in the College's education program or activity; or
 - c. The alleged Title IX Sexual Harassment did not occur against a person in the United States.

2. **Discretionary Dismissal:** The College may dismiss a Formal Complaint under the following conditions:
 - a. The Complainant requests in writing to dismiss a Formal Complaint or any allegations therein;
 - b. The Respondent (student or employee) is no longer enrolled or employed by the College³; or
 - c. Specific circumstances prevent the College from gathering evidence to reach a determination as to the Formal Complaint or allegations therein.

If the Formal Complaint is dismissed by the Title IX Coordinator, whether mandatory or permissive, the College must promptly send simultaneous written notice of the dismissal and reason(s) to the Complainant and Respondent. Written notice will be sent via the Parties' ACC issued email.

Dismissal of a Formal Complaint may involve responding to the alleged conduct by referring the complaint to another College Policy or procedure, including the College's Sexual Misconduct Investigation Procedures under the corresponding Guidelines/Procedures

² This reporting link allows for anonymous reporting, however, to be considered a Formal Complaint, the report through this link must be signed by the Complainant, allege Title IX Sexual Harassment, and request an investigation.

³ If an employee resigns or a student withdraws, completes the semester/course, or graduates from the College pending an investigation in response to a Formal Complaint alleging that the student/employee violated Administrative Rule 3.10.003, the College may proceed under the Title IX Grievance Procedures or dismiss the Complaint and investigate the allegations under the corresponding Guidelines/Procedures 3.10.003.2 Sexual Misconduct Investigation Procedures. Under these circumstances, the College District shall make every effort to expedite the process as necessary to accommodate the parties' interests in a speedy resolution. The College will not issue a transcript to a student until the College makes a final determination of responsibility. The College will not be able to make a determination whether an employee is eligible for rehire until the College makes a final determination of responsibility.

3.10.003.2. A mandatory or discretionary dismissal may occur at any time prior to a determination regarding responsibility.

Parties have the right to appeal the dismissal of a Formal Complaint. Appeal procedures are outlined below under the Appeals section.

B. Emergency Removal and Administrative Leave

Emergency Removal for Students:

The College may remove a student from the College's education program or activity on an emergency basis, subject to an individualized safety and risk assessment that determines there is an immediate threat to the physical health or safety of any student or other individual arising from the sexual harassment allegations. A student will receive notice and an opportunity to appeal the College's decision for emergency removal.

The District Title IX Coordinator, or designee, has the discretion to remove a student on an emergency basis for the reasons stated above. A student Respondent will be notified of the emergency removal and has the right to a meeting within three (3) business days⁴ with the appropriate Executive Dean to challenge the decision and appeal the emergency removal. The Executive Dean reviews the appeal to determine whether the decision to remove a student on an emergency basis was arbitrary or capricious. A decision is arbitrary and capricious where there is no rational connection between the facts presented and the decision made.

Suspension/Administrative Leave for Employees:

At any time after the receipt of the reported conduct, the College at its discretion may suspend a College organization or place an employee on suspension/administrative leave pending resolution of the report. Provisions for suspension of faculty members are contained in Board Policy DMAA (Local) and the Employee Handbook. Suspensions of other College employees shall be made in accordance with the Employee Handbook and Administrative Rules.

III Grievance Process

Title IX Personnel involved in the College's response to a Formal Complaint as addressed in these procedures must be free from any conflicts of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent. Title IX Personnel shall be trained as required by law and College standards.

Title IX Personnel include the Title IX Coordinator, Investigators, the decision-makers (Hearing Officer or decision-maker for appeals) and individuals facilitating the informal resolution process.

1. Timeframe

The conclusion of the grievance procedures shall be completed within a reasonable time, not to exceed ninety (90) business days from the date the signed Formal Complaint is filed.

Any delays or extensions to this timeframe shall be for good cause, or in the event the Informal

⁴ College business days are Monday through Friday, except when the College is closed on dates noted in the Academic calendar for holidays and breaks, or due to weather related closure if closed for a full business day.

Resolution Process is utilized as an option, but agreement is not reached. Good cause may include circumstances in which a party, advisor, witness, or Title IX Personnel is absent; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Written notification of the delay or extension and reasons for the delay or extension will be provided to the Complainant and Respondent.

2. Notice

After reviewing a Formal Complaint, the Title IX Coordinator will provide written notice to the parties that includes the following:

- Sufficient details of the allegations constituting sexual harassment known at the time. Sufficient details includes: the identities of the parties involved in the incident, if known; the conduct allegedly constituting Title IX Sexual Harassment; the specific sections of Administration Rule 3.10.003 that are alleged to have been violated; and the date and location of the incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance procedures.
- A copy of Administrative Rule 3.10.003 and the Title IX Grievance Procedures outlined here;
- A statement that the complainant and the respondent each have the opportunity to meet with a trained investigator and present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- A statement that the complainant and respondent both have a right to an advisor of their choice, and who may be, but is not required to be, an attorney. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or proceeding, with the exception of the questions allowed at the live hearing;
- A statement that the parties may inspect and review all evidence obtained by the College;
- A statement that notifies the parties that the College's Administrative Rule 3.10.003 prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures;
- A statement that the decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the investigation process asks: "Is it more likely than not that the respondent engaged in Title IX Sexual Harassment in violation of the College's Policy and Administrative Rule 3.10.003?"; and
- Any other relevant information that is equally available to both parties, including supportive measures and the prohibition of retaliation against parties involved in these grievance procedures.

If during the grievance procedures, the College becomes aware of additional allegations about the complainant or respondent that were not already included in the notice provided to the parties, the College will provide notice of the additional allegations to the parties whose identities are known.

3. Informal Resolution

After a Formal Complaint is processed and prior to reaching a determination regarding responsibility, informal resolution may be an option for the Parties, if the following conditions are met:

- The District Title IX Coordinator determines the Formal Complaint is appropriate for Informal Resolution;
- The Parties are provided written notice disclosing the requirements of the informal resolution process;
- Informal resolution is not required as a condition of enrollment or employment, or continuing enrollment or employment, or waiver of any other right;
- The College obtains both Parties' voluntary written consent;
- The allegations do not involve Title IX Sexual Harassment of a student by an employee;
- Notice is provided to the Parties that any Party has the right to withdraw from the Informal Resolution Process and resume the grievance process; and
- Notice is provided to the Parties regarding records that will be maintained or could be shared.

As an alternative to a full investigation and adjudication, and *only* if the District Title IX Coordinator first determines that it is appropriate, the Parties may choose to resolve complaints through Informal Resolution subject to the conditions outlined above. If any of the above referenced conditions are not met, the Formal Complaint will be investigated and adjudicated.

If these conditions are met, the District Title IX Coordinator will notify the Parties in writing within three (3) business days after all parties have agreed to Informal Resolution and proceed through the Informal Resolution Process. Informal Resolution will usually conclude be concluded within twenty (20) business days from the date the Parties receive that the notice Informal Resolution will proceed. The timeframe for conclusion of the grievance process will be paused during the Informal Resolution Process. The District Title IX Coordinator, or designee, may facilitate Informal Resolution.

The nature of Informal Resolution is flexible, and not all complaints resolved through Informal Resolution will proceed in uniform fashion. Informal Resolution may involve mediation or meetings with the Complainant and Respondent, individually or separately, facilitated by the District Title IX Coordinator. Typically, however, the District Title IX Coordinator will ask the Complainant to prepare a written report, which sets out the factual basis for the complaint and any proposed resolution. The Complainant will be asked to provide the written report to the District Title IX Coordinator within five (5) business days of receipt of the notice Informal Resolution will proceed.

The District Title IX Coordinator will share the Complainant's written report with the Respondent and will ask the Respondent to provide a written response to the report within five (5) business days of reviewing the Complainant's report. The District Title IX Coordinator will then meet separately or together with both Parties to discuss potential alternative resolutions based on the Parties' statements and (if applicable) other information available. The District Title IX Coordinator will not serve as a fact finder, but rather, aid in identifying possible alternative resolution(s) to the complaint. Possible alternative resolution(s) may include, but are not limited to:

- Permanent no-contact order between the Parties

- Specific personal boundaries if a no-contact order is unwanted by both parties
- Academic or work location reassignment
- Written apology and/or explanation of the circumstances surrounding the investigation
- Verbal apology
- Educational remedies
- Return personal belongings
- Agreed upon sanctions or remedial measures
- Other appropriate measures

If the Parties reach agreement, the agreement will be documented, and the matter is closed. If not, investigation of the Formal Complaint will proceed. Any statements made during Informal Resolution may not be used for or against either Party and shall not be considered by the Hearing Officer or by any individuals responding to an appeal by either Party. Recordings shall not be allowed during the Informal Resolution Process.

Documents pertaining to the final agreed upon resolution under the Informal Resolution Process will be maintained by the College for seven (7) years. Failure to comply with any agreed upon resolution may be subject to disciplinary action.

4. Investigation and Adjudication Process

After issuing written notice to the Parties, the District Title IX Coordinator will assign the investigation to a Title IX investigator who may be an ACC employee (or employees) trained in conducting Title IX investigations, or in certain circumstances by an outside person (or persons) trained in conducting Title IX investigations. If an employee is the Respondent, confidential information may also be disclosed to appropriate personnel by the investigator assigned or the District Title IX Coordinator. An employee's College email may be searched with the approval of the Vice President, Human Resources.

Parties may have an advisor of choice attend any related interview, meeting, or proceeding under these grievance procedures. While either Party may bring a legal representative or other advisor, the role of the lawyer or advisor is limited to providing advice and counsel to that Party. The lawyer or other advisor is not permitted to speak on behalf of the Party during any meeting, interview, or proceeding, with the exception of the live hearing outlined below. If a Party intends to bring a lawyer or advisor, they are to provide notice of this decision in writing no less than 3 days before the proceeding. The College has the discretion to request its legal counsel attend as well.

Parties whose participation is invited or expected, will be provided written notice of the date, time, location, participants, and purpose of all meetings, investigative interviews, or other proceedings related to the investigation and adjudication of the Formal Complaint. Parties will also be provided a reasonable amount of time to adequately prepare for any meeting, investigative, interview, or other proceeding.

Parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.

a. Gathering Evidence/Fact Finding

- The District Title IX Coordinator will contact the Parties and set a date and time for the Investigator to conduct an initial interview with each party separately. Parties may submit written responses, in addition to the interview with the Investigator.
- During the initial interview, the Investigator will restate the investigation process. The Investigator's role in response to the Formal Complaint is to be a neutral and impartial fact-finder and to gather evidence during the investigation portion of the grievance process. The Investigator will complete an investigation report at the conclusion of the investigation, which will then be submitted to the Hearing Officer who is responsible for making a determination regarding responsibility after a live hearing as outlined below.
- During the investigation, the Parties will be provided an equal opportunity to present witnesses, including fact and expert witness, and other inculpatory and exculpatory evidence. The Investigator will conduct a thorough and impartial investigation into the facts of the case and may additionally interview any witnesses available and relevant to the fact-finding and inspect and collect evidence submitted or uncovered. Mere character witnesses are not considered witnesses that have information related to the allegation and will not be interviewed.
- The burden of proof and gathering evidence is the responsibility of the College. The Investigator will gather and collect evidence sufficient to reach a determination regarding responsibility. The College cannot access, consider, disclose, or otherwise use a party's medical or mental health records without the party's voluntary written consent.
- The Investigator will objectively evaluate all relevant evidence and not make credibility determinations based on a person's status as a Complainant, Respondent, or witness. The Investigator will not require, allow, rely upon, or otherwise ask questions or use evidence that constitutes or seeks disclosure of information that is protected under a legally recognized privilege, unless that privilege has been waived by the person holding such privilege.
- If the investigation is conducted by an outside person, the District Title IX Coordinator shall provide the Investigator with any relevant ACC policies and procedures or any materials that the Investigator will need to conduct a thorough investigation.
- If, during the course of the investigation, other violations of ACC policies or procedures or statutes are discovered, the violations should be communicated to the District Title IX Coordinator. The District Title IX Coordinator will consult with the appropriate College personnel to determine the best course of action to respond to such violations. This may include management of those violations in accordance with the related policies and procedures, or the District Title IX Coordinator will address such violations in this process subject to the approval of the appropriate personnel with the requisite authority. An individual will be provided with the required amount of due process afforded to them depending on the facts and circumstances of the violation and corresponding sanctions, if applicable. Sanctions issued for these violations may be issued within this process, as well as appealed in accordance with the provisions outlined in Section G: Appeals.

b. Review of Evidence

Prior to the completion of the Investigator's report, both Parties and their advisors (if any) will be provided access to inspect and review all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. This includes evidence that the Investigator does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.

The College will send this evidence in an electronic format or hard copy. The Parties have ten (10) business days to inspect, review, and submit written responses to the evidence to the Investigator.

Advisors may only use this evidence for these grievance procedures and shall not disclose this information to anyone outside the grievance process.

The Investigator will consider all timely responses received from the Complainant and/or Respondent.

The College shall make all evidence subject to this section available at the live hearing.

c. Investigation Report

At the conclusion of the investigation, the Investigator shall prepare a written report of the investigation that summarizes the relevant evidence and shall submit the report to the District Title IX Coordinator. The District Title IX Coordinator will send the final report simultaneously to the Parties and their advisor's (if any) for review and response. The Parties have ten (10) business days to review and respond to the report.

Advisor's may only use the investigation report for these grievance procedures and shall not disclose this information to anyone outside the grievance process.

The District Title IX Coordinator shall submit the investigation report and any response from the Parties to the Hearing Officer.

The live hearing will be held within ten (10) business days following the Hearing Officer's receipt of the report. The Title IX Coordinator shall send written notice to the participants of the hearing, including advisors and any witnesses. The notice shall include the date, time, location, and names of all individuals participating in the hearing, including the Parties and any witnesses, purpose of the live hearing, and any applicable procedures.

d. Live Hearing

The live hearing shall provide the Parties a meaningful and transparent opportunity to present their views of the investigation and evidence, with procedural protections applicable to both Parties that allow for a fair and unbiased outcome.

Hearing Officer's Role:

A live hearing will be adjudicated by a trained decision-maker, referred to as the "Hearing Officer". The Hearing Officer is responsible for conducting the live hearing and issuing a written determination regarding responsibility of the alleged Title IX Sexual Harassment in an impartial, neutral and objective manner. The College has the discretion to assign an ACC employee or select an outside person to conduct the live hearing. The Hearing Officer will be trained as required by law and will be free from any conflicts of interest or bias towards any of the participants. The Hearing Officer will conduct the live hearing in a fair,

impartial, and objective manner.

In conducting the live hearing, the Hearing Officer will rule on all procedural matters, ensure the hearing is conducted in a respectful manner, question participants who testify, and may request the College's legal counsel be present to provide advice and assistance regarding procedural matters.

The Hearing Officer shall not rely on any statement of a Party or witness if that Party or witness refuses to answer any cross-examination questions during the hearing. The Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a Party or witness being absent from the hearing or refusing to answer questions.

Location: The live hearing may be conducted in person or virtually so long as the Parties have access to the evidence and the participants are able to simultaneously see and hear each other. Either Party may request for the live hearing to occur in separate rooms if the live hearing is held in person, so long as the participants can simultaneously see and hear the Parties or witnesses answering questions. Physical presence is not required, and participants may appear virtually.

Advisors: Parties may have an advisor of choice during the live hearing. Except for asking the other Party and any witnesses questions, including relevant, follow up, or questions that challenge credibility, advisors may not actively participate in the live hearing. The Party shall not directly ask such cross-examination questions. The advisor must ask these questions directly, orally, and in real time and only after the Hearing Officer has made a ruling on the relevancy of the question. If a Party does not have an advisor, the College will provide one at no cost to the Party.

Evidence: The College will make available all evidence to the Parties at the live hearing. The Hearing Officer will rule on any new evidence introduced during the hearing that was not gathered or provided prior to the hearing.

Questioning and Cross-Examination: The Hearing Officer may ask questions during the hearing of any Party or witness. Advisors have the right to ask questions of the other Party and any witnesses, subject to the Hearing Officer's ruling on relevancy of the question. Only relevant cross-examination and other questions, including follow up questions and questions challenging credibility, may be asked of a Party or witness.

The Hearing Office shall rule on the relevancy of questions asked by an advisor to a Party or witness. Before a Party or witness answers a question, the Hearing Officer will determine whether the question is relevant and explain any decision that excludes a question as not relevant. If the Hearing Officer deems the question relevant, the Party or witness may answer.

The Hearing Officer will not require, allow, rely upon, or otherwise ask questions or use evidence that constitutes or seeks disclosure of information that is protected under a legally recognized privilege, unless that privilege has been waived by the person holding such privilege.

Prior Sexual History: Questions and evidence about the Complainant's prior sexual history are not relevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged in the Formal Complaint, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove consent.

Recording: The College is required to make an audio or audiovisual recording, or transcript of the live hearing and make it available to the Parties for inspection and review.

e. Determination Regarding Responsibility

After the hearing, the Hearing Officer shall determine whether each individual allegation of Title IX Sexual Harassment occurred, using a preponderance of the evidence standard.

In making a determination regarding responsibility, the Hearing Officer shall objectively evaluate all relevant evidence and shall not make credibility assessments based on a person's status as the Complainant, the Respondent, or a witness.

Within five (5) business days after the hearing, the Hearing Officer will issue a written determination simultaneously to the parties, which must include the following:

- The allegations potentially constituting Title IX Sexual Harassment as defined by College Policy and Administrative Rule 3.10.003;
- A description of the procedural steps taken by College beginning with receipt of the Formal Complaint through determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- The findings of fact supporting the Hearing Officer's determination;
- The conclusions and rationale regarding the application of the College's Policy and Administrative Rule 3.10.003 to each allegation and whether the Respondent is responsible for the allegations;
- Any disciplinary sanctions imposed on the Respondent, or remedies designed to restore or preserve the Complainant's equal access to the College's education program or activity, if applicable; and
- Procedures and permissible bases for the Parties to appeal the determination.

f. Sanctions and Remedial Measures

The Hearing Officer may consider the sanctions and remedial measures outlined in Administrative Rule 3.10.003, Section VI, when issuing a written determination at the conclusion of the live hearing.

g. Appeals

Both Parties may appeal the dismissal of a Formal Complaint (or dismissal of any allegations in the Formal Complaint).

Both Parties may appeal the Hearing Officer's written determination regarding responsibility.

Appeals are not heard in person; instead all requests for appeal must be submitted in writing within five (5) business days from the date on the letter notifying the Respondent or the Complainant of the dismissal of the Formal Complaint or determination regarding responsibility.

If the Respondent of the Formal Complaint is a student, appeals should be submitted to the Provost.

If the Respondent of the Formal Complaint is an employee, appeals should be submitted to the Executive Vice President, Finance and Administration.

Failure to appeal within the allotted time will render the dismissal of the Formal Complaint or determination regarding responsibility final. The fact that one of the parties disagrees with the dismissal of the Formal Complaint or determination regarding responsibility does not in and of itself constitute grounds for appeal.

Appeals shall be granted only on one or more of the following grounds:

1. If there was a specified procedural error (or errors) in the interpretation of the College regulations that was so substantial as to effectively deny the party appealing a fair investigation or resolution process;
2. If new evidence is presented that was not reasonably available at the time the determination regarding responsibility or dismissal was made, and the new evidence could affect the outcome of the matter;
3. The Title IX Coordinator, Investigator(s), or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. If the sanction(s) is/are disproportionate to the offense for which the Respondent was found responsible.

The decision-maker for the appeal shall not be the same person as the Title IX Coordinator, Investigator, or Hearing Officer under these grievance procedures. Both Parties will receive notice when an appeal is filed and be informed that the appeal procedures apply equally to both Parties. The non-appealing Party will have five (5) business days from receipt of the notice that an appeal has been filed to submit a written statement in support of, or challenging, the outcome.

The decision-maker for the appeal shall be trained as required by law and shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If the decision-maker finds there are no grounds for an appeal, then the Parties will be notified in writing that the dismissal of the Formal Complaint or determination regarding responsibility is final.

If the decision-maker finds grounds for appeal, within 10 business days from the date the appeal was received, the decision-maker shall issue a written decision. The decision-maker of the appeal may affirm, remand, or reverse the dismissal of the Formal Complaint or determination regarding responsibility, and shall state the reasons for the decision.

The decision on appeal is final and there is no further appeal within the College.

The District Title IX Coordinator will simultaneously send the written decision regarding the appeal to the Complainant and Respondent simultaneously via College email.