



CENTRAL COLUMBIA

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TITLE IX APPEAL RIGHTS AND PROCEDURES

Each party to this matter has a right to appeal a determination regarding responsibility and/or the dismissal of any Formal Complaint or allegation contained within it, by submitting written notice to the Title IX Coordinator within *[insert number indicated in policy]* 10 days after the date of the Written Determination.

In accordance with the School District's Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints published as Policy *[103-AR-3 or other Policy No. assigned]* and Title IX Regulations published at 34 C.F.R. Part 106, the scope of appeals related to Title IX sexual harassment is limited. The Appeal must be based on one of the following reasons:

1. A procedural irregularity occurred and affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent, and such conflict or bias affected the outcome of the matter.

Written Notice of Appeal must be submitted to the appeal shall be submitted to Christina Fish, Title IX Coordinator, within 10 school days after the date of the written determination. The Party's Notice of Appeal should include a brief statement describing which of the above-referenced reasons serves as the basis for the appeal and why.

Mrs. Christina Fish, Title IX Coordinator, shall ensure that the designated Appeal Authority is not the same person as the Decision-Maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be Mr. Jeff Groshek.

Once an appeal has been filed, the following procedures and process will apply:

1. The Designated Appeal Authority will issue a Notice of Appeal Filing to the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
2. Both parties will be afforded a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal.

Appealing Party's Written Statement. An Appealing Party will be afforded an opportunity to submit a written statement in support of the Appeal. This statement should describe in detail, as applicable, the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If the party has evidence which exists and supports the appeal it shall accompany the supporting statement, or else the Statement shall identify where such evidence may be found.

The Appealing Party's supporting statement must be submitted to Christina Fish and provided to the other party within 10 school days following the date of the submission of the party's Notice of Appeal to the Title IX Coordinator.

Responding Party's Written Statement. A Responding Party to an appeal will be afforded an equal opportunity to submit a written statement in opposition to the Appeal. This statement should describe, in detail, the basis for the Responding Party's opposition to the appeal, including the basis for opposing, as applicable, the Appealing Party's assertion of procedural irregularities affecting the outcome of the determination, of any new evidence affecting the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or else the Statement shall identify where such evidence may be found.

The Responding Party's Statement in opposition to the appeal shall be submitted to Christina Fish and provided to the other party within 10 school days of following the date of the submission of the Appeal Party's Written Statement.

The Appeal Authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the Appeal Authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

The Appeal Determination

Following the submission of the party's statements, the Appeal Authority will determine whether the appeal meets the ground for permitted reasons for appeal and justifies modifying the written determination, and will issue a written Appeal Determination setting forth the respects, if any, in which the written determination is modified and the rationale for the results within 10 school days.

The Written Appeal Determination will be provided simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

The Appeal Determination is final and binding.