



CENTRAL COLUMBIA

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CONFIDENTIAL

[Date]

[Name]

In re: Title IX Complaint – Appeal Determination

Dear _____:

As you are aware, the [name] School District has designated me as the Appeal Authority relative to the above-referenced Appeal. A Written Determination rendered in regard to the Appeal is attached and discusses the outcome of this matter. [Optional: may include brief sentence stating the outcome and that further detail is included in the Appeal Determination]

The Appeal Determination has been provided to both parties simultaneously.

*Sincerely,
Jeff Groshek*

Cc: Title IX Coordinator

THIS PAGE AND ALL LANGUAGE IN BRACKETED ITALICS SHOULD NOT APPEAR IN ANY FINAL DOCUMENT

Central Columbia School District
Complaint No. _____

APPEAL DETERMINATION

Introductory Matters

This Appeal Determination addresses an appeal filed in follow up a Written Determination rendered by the Central Columbia School District following the investigation of a Formal Complaint alleging sexual harassment in violation of Title IX of the Education Amendments Act of 1972 and related School Policies and Code of Conduct provisions of the [Insert Name] School District, as further specified below.

The instant Appeal was originally submitted by [Name of Appealing Party] following receipt of a Written Determination from the School Entity's designated Decision Maker, [name] on [date].

Per the School District's Policy and instructions included within the Written Determination, the Appeal was directed to the attention of the Title IX Coordinator, Christina Fish, and referred to the undersigned, Jeff Groshek as the designated Appeal Authority.

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 to Grievance Procedures]* and Title IX Regulations published at 34 C.F.R. Part 106, the designated Appeal Authority shall provide written notice to the other party when an appeal is filed and implement appeal procedures equally for both parties, providing each with a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal, along with any evidence existing to support such statement or an identification of where such evidence may be found. Such evidence may be accepted and considered in making any conclusions necessary to decide 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 Authority must then issue a written decision simultaneously to the parties determining whether the appeal meets the grounds for permitted reasons for appeal and whether it justifies modifying the written determination.

This Appeal Determination has been drafted and completed following the provision of an equal opportunity for each party to submit written statements and/or evidence in support thereof.

Involved Parties:

Appealing Party:	<i>[Name, Complaint or Respondent?]</i>
Responding Party::	<i>[Name, Complainant or Respondent?]</i>
Title IX Coordinator:	<i>[Name, Title/Position/Relationship]</i>
Designated Investigator:	<i>[Name, Title/Position/Relationship]</i>
Decision-Maker:	<i>[Name, Title/Position/Relationship]</i>

1. ASSERTED REASONS FOR APPEAL AND BACKGROUND:

1. Appealing Party. *Describe the reasons for the Appellant's appeal as included within Appellant's appeal and supporting statement; briefly summarize any supporting arguments and list any evidence submitted in support thereof. If possible conclude with a numbered list of the reasons for the Appeal; At the end include a brief summary of the Responding Party's arguments in opposition to the Appeal and list any evidence submitted in support of the Responding Party's written statement]*

A. PROCEDURAL HISTORY RELEVANT TO APPEAL

[Provide A description of the procedural steps taken from the date the Written Determination was rendered through the date of the Appeal Determination. This can appear in list form and should include dates, akin to timeline. The examples provided below are only a sampling of some of the Notices that necessarily will have been issued; all notices issued in the specific case must be included]

Issuance of Written Determination

Date/Manner of Issuance:	<i>[Date/Mode of Delivery -U.S. mail, email, etc.]</i>
Sender:	<i>[Name, Title]</i>
Recipient(s):	<i>[Name, Title/Position/Party or Witness Status]</i>

Filing of Appeal by Appealing Party:

Date/Manner of Issuance:	<i>[Date/Mode of Delivery -U.S. mail, email, etc.]</i>
Sender:	<i>[Name, Title]</i>
Recipient(s):	<i>[Name, Title/Position/Party or Witness Status]</i>

Submission of Written Statement and/or Evidence by Appealing Party:

Date/Manner of Issuance:	<i>[Date/Mode of Delivery -U.S. mail, email, etc.]</i>
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Sender: [Name, Title]
Recipient(s): [Name, Title/Position/Party or Witness Status]

Submission of Written Statement and/or Evidence by Responding Party:

Date/Manner of Issuance: [Date/Mode of Delivery -U.S. mail, email, etc.]
Sender: [Name, Title]
Recipient(s): [Name, Title/Position/Party or Witness Status]

A. DETERMINATION: BASIS FOR APPEAL

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.] and Title IX Regulations published at 34 C.F.R. Part 106, an appeal of a Written Determination addressing Responsibility for Title IX sexual harassment may be pursued only one or more of the following permissible grounds:

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

[Insert discussion describing what Appealing party contends are the grounds for the appeal and determine whether the Appealing Party has adequately stated or identified one of the grounds permitting an appeal in this matter. Include a brief rationale for why this or is not the case].

A. DETERMINATION: APPEAL OF WRITTEN DETERMINATION

In accordance with Title IX regulations and corresponding School District policy, the Appeal Authority, after addressing the adequacy of the grounds asserted for the appeal, must next address whether the Appeal Party has established, or proven, one of the bases asserted in support the appeal and whether any aspect of the Written Determination should be modified as a result.

Outcome of Appeal and Rationale

[State outcome as either being granted or denied, discuss arguments, and provide rationale for outcome that is reached, for each reason adequately and permissibly stated as determined in Section III above. Include discussion of any new evidence submitted and each party's arguments]

Modification of Written Determination, if any

[Discuss whether any modification of the Written Determination is necessary/justified as a result of the outcome reached above, and describe in detail what aspects will be modified – i.e.s disciplinary sanctions, remedies, etc.]

This Appeal Determination is the result of an objective and impartial review of the Appeal, the Written Determination and the evidentiary submissions of the parties, and is rendered this _____ day of _____, 20xx, by:

Christina Fish, Title IX Coordinator