

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

TITLE IX PROCEDURE: APPEALS
SEX-BASED HARASSMENT & SEX DISCRIMINATION POLICY

APPEAL OF INTERIM SUSPENSION

- Respondent may appeal an interim suspension implemented pending resolution of the report – whether via informal resolution or informal resolution.
- The Party notifies the Title IX Coordinator in writing; this notification must state the Respondent’s basis to lift the suspension, any supporting documentation, and any alternative or modified measure that would address any safety concerns for which the suspension was imposed.
- Upon receipt, the Title IX Coordinator may choose to modify or lift the suspension OR shall forward the notification as well as the reason for the suspension to the Process Appeal Officer who has discretion to gather additional information as necessary. Process Appeal Officer will decide whether to approve, modify, or deny the suspension.

APPEAL OF SUPPORTIVE MEASURES

- Either Party may appeal supportive measures implemented pending resolution of the report – whether via informal resolution or informal resolution if the particular supportive measure(s) have a direct, adverse effect upon the Party.
- The Party notifies the Title IX Coordinator in writing; this notification must identify the specific measure, how the measure is adversely affecting the Party, any supporting documentation, and any alternative or modified measure that would resolve the Party’s objection.
- Upon receipt, the Title IX Coordinator may choose to modify the measure OR shall forward the notification as well as the reason for the supportive measure being appealed to the Process Appeal Officer who has discretion to gather additional information as necessary. Process Appeal Officer will decide whether to approve, modify, or deny the supportive measure being appealed.

APPEAL OF COMPLAINT DISMISSALS

- Complainant may appeal the dismissal of a formal complaint by the Title IX Coordinator.
- The Party notifies the Title IX Coordinator in writing; this notification must state the reason Complainant believes dismissal was an error and any supporting documentation.
- Upon receipt, the Title IX Coordinator may reconsider the dismissal OR shall forward the notification as well as the reason for the dismissal being appealed to the Process Appeal Officer who has discretion to gather additional information as necessary. Process Appeal Officer will decide whether to reinstate the complaint.

APPEAL OF FINAL DETERMINATION:

- Either Party may appeal the findings if their grounds meet the required criteria:
 - » Procedural irregularity that would change the outcome,
 - » New evidence that was previously unavailable and that would change the outcome, or
 - » Title IX Coordinator or Investigators had a conflict of interest or bias* that would change the outcome.

*for against complainants/respondents generally or this case’s individual complainant/respondent
- Merely being dissatisfied with the outcome or the sanctions/remedies is not sufficient.
- The appeal petition must be supported by reference to specific evidence not by vague claims or assertions.
- Appeal petitions and the case record shall be promptly forwarded to the Appeal Officer who shall determine if the appeal petition satisfies the required criteria. If not, the Appeal Officer will notify the Parties in writing that the appeal petition lacks merit, the findings (as well as any sanctions and remedies assigned) remain in full effect, and the matter is closed.
- If the petition satisfies required criteria, the Appeal Officer will review the entire case record (including the investigation report with all evidence as well as the Title IX Coordinator’s written determination) and schedule a hearing with the appealing Party.
- The appeal hearing is **not** a *de novo* review; its scope is limited to the issue(s) stated in the appeal petition. The Appeal Officer may also meet with the Title IX Coordinator, Investigators, and/or relevant witnesses. At the conclusion of these proceedings, the Appeal Officer will issue a written notification of findings; the original decision may be affirmed, modified, or reversed. Decisions by the Appeal Officer are final.