



## **Simpson College Title IX Formal Resolution: 4. Appeal Process**

The Sexual Misconduct Appeals Board is composed of members of the Simpson College faculty, staff, and administration and is chaired by the Vice President for Student Development. Appeals Board members are appointed by the Title IX Coordinator, in consultation with processes for selection of faculty members. All members of the Board receive comprehensive training about the hearing process and sexual misconduct.

### Appeal of Dismissal

A party wishing to appeal a decision by the College to dismiss a Formal Complaint of any allegations may do so by submitting a written letter of appeal to the Title IX Coordinator within three business days of when the Title IX Coordinator sent the Notice of Dismissal. A decision denying a request to dismiss a Formal Complaint or any allegations cannot be the subject of an appeal. The letter of appeal should state the grounds for appeal and the non-appealing party will have the opportunity to review and respond to the letter. A non-appealing party's response to the letter of appeal must be received within three business days of the notice of the appeal letter. The Title IX Coordinator will provide the Formal Complaint, Notice of Dismissal, and any other relevant information to the Appeal Board for review.

Either or both parties may contest the dismissal determination on any of the following grounds:

- Failure to adhere to proper procedures as outlined in this policy
- The addition of new, relevant information that was not reasonably available to the Review Board that could affect the outcome of the matter
- The Title IX Coordinator, investigator, or member of the Review Panel 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.

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The Appeal Board will simultaneously issue to both parties a written decision describing the result of the appeal and the rationale for the decision within three business days after receipt of all appeal documents.

## Appeal of Review Board Decision

Within five business days of issuance of the written determination by the Review Board, a party may appeal. The non-appealing party will receive a copy of the notice of appeal and the opportunity to respond within three business days. Either the Complainant or Respondent may initiate an appeal for the following reasons:

- Failure to adhere to proper procedures as outlined in this policy
- The addition of new, relevant information that was not reasonably available to the Review Board that could affect the outcome of the matter
- The Title IX Coordinator, investigator, or member of the Review Panel 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.

A party may not appeal based only upon dissatisfaction with an outcome or sanction.

All the decisions by the appeals officer or board shall be final and binding on the parties. The parties will be as simultaneously as possible notified of the decision of the Appeals Board in writing within three business days of a decision being made, and this notification will include any changes that may have been made to the prior decision.