

Treasure Valley Community College

Code: JBA\GBN-AR(3)
Adopted: 9/15/20

Appeals for Title IX Policy Violations

1. Overview
 - 1.1. TVCC recognizes the intersectional nature of the human experience. Due to that intersectionality, an individual's experience may include aspects of multiple forms of discrimination and harassment. When determining "reasonableness" under this procedure, TVCC will consider a reasonable person to have the complainant's intersectional identities.
 - 1.2. This document provides a general outline of how TVCC will respond to requests for appeals under the TVCC Title IX policy.
 - 1.3. This document does not constitute a contract or prevent TVCC from varying from this general outline of how TVCC will respond to requests for appeals under any TVCC civil rights and responsibilities policy.
 - 1.4. All employees covered by collective bargaining or other employment agreement or handbooks are subject to the terms of their agreements/employees' rights to the extent those do not conflict with federal or state compliance obligations.
 - 1.5. Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 5 days of the delivery of the notice of outcome.
 - 1.6. Parties will be notified of their appellate officer in the notice of outcome. No appellate officer will have previously been involved in the process.
2. Appeals – Generally
 - 2.1. Grounds for Appeal:
 - Procedural irregularity that affected the outcome of the matter;
 - 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
 - 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 specific complainant or respondent that affected the outcome of the matter.
 - 2.2. If any of the grounds for appeal in the request for appeal are not met, that request will be denied by the appellate officer, and the parties and their advisors will be notified in writing of the denial and the rationale.
3. Appeals – Sanctions and Remedies
 - 3.1. Any sanctions imposed as a result of the decision making are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures contained in the applicable procedure.
 - 3.2. If any of the sanctions are to be implemented immediately, and not subject to appeal, then emergency removal procedures contained in the applicable procedure, and a request for consideration of the justification for doing so must be permitted within 48 hours of implementation.
 - 3.3. TVCC may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

4. Appeals – Findings

4.1. A notice of appeal outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The notice of appeal outcome will:

- specify the finding on each ground for appeal,
- any specific instructions for remand or reconsideration,
- any sanctions that may result which TVCC is permitted to share according to state or federal law, and
- the rationale supporting the essential findings to the extent TVCC is permitted to share under state or federal law.

4.2. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties’ TVCC email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

5. Appeals – Finality

5.1. All appeals are final and may not be appealed internally to TVCC again.

5.2. Inquiries and complaints can also be made externally to:

Federal Resources	
Office for Civil Rights (OCR) U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100 Customer Service Hotline: (800) 421-3481 Fax: (202) 453-6012 TDD: (877) 521-2172 Email: OCR@ed.gov Web: http://www.ed.gov/ocr Complaint form: https://www2.ed.gov/about/offices/list/ocr/complaintintro.html	Equal Employment Opportunity Commission (EEOC) Federal Office Building 909 First Avenue Suite 400 Seattle, WA 98104-1061 Contact: http://www.eeoc.gov/contact/ Phone: (800) 669-4000 Fax: (206) 220-6911 TTY: (800) 669-6820 ASL Video Phone: (844) 234-5122

Oregon Resources

Office of Community Colleges and
Workforce Development

255 Capitol Street NE

Salem, OR 97310

Phone: (503) 947-2401

Email: ccwd.info@state.or.us

Web:

<https://www.oregon.gov/highered/institutions-programs/ccwd/Pages/community-colleges-workforce-development.aspx>

Bureau of Labor and Industries (BOLI) Civil
Rights Division

800 NE Oregon St.

Suite 1045

Portland 97232

Phone: (971) 673-0764

Email: crdemail@boli.state.or.us

Web:

<https://www.oregon.gov/BOLI/CRD/pages/index.aspx>