



Title IX Appeals Process

The following document outlines the appeals policy and process for Title IX complaints.

I. Appeals Policy as stated in Utica College's Sexual Harassment, Gender-Based Harassment, and Sexual Misconduct Policy
[\(<http://www.utica.edu/policies/policies.cfm?id=145>\)](http://www.utica.edu/policies/policies.cfm?id=145)

In all cases (except when a vendor, visitor, or other non-community member does not have a right to appeal), if either party is dissatisfied with the decision made through the student conduct or employee disciplinary process regarding the responding party's responsibility (or the lack of such a finding), or the sanction(s) imposed, or both, either party may file an appeal within three (3) business days of the decision.

Where the responding party is a student, the appeal will go to an appeals panel comprised of three individuals from the College community who are appointed to serve as an appeals board. Where the responding party is a faculty member, the appeal should be made to the Provost. Where the responding party is a staff member, the appeal should be made to the Vice President for Human Resources and Personnel Development.

The grounds for appeal are limited to the following:

- *A procedural error occurred during the process that had a direct impact on the outcome;*
- *New evidence that was not previously available has come to light that has a direct impact on the outcome;*
- *The sanction (if applicable) is too severe or too lenient; or*
- *The decision is not supported by a preponderance of the evidence.*

In the event that an appeal is submitted, both parties will be notified. Sanctions remain in place pending the outcome of the appeal, unless the Director of Student Conduct and Community Standards, or his/her designee, decides otherwise.

The individual or body considering an appeal may take any of the following actions:

- *Deny the appeal;*
- *Approve the appeal;*
- *Approve the appeal in part (which may result in a modification of the findings and/or sanction(s) (if applicable)); or*
- *Remand the case for further investigation or other process, with guidance.*

The appeal decision will be provided to both parties in writing, at or about the same time, and will be final except to the extent that one or more parties seek review of proceedings ordered on remand.

II. Appeals Process for Students

- Any person wishing to make an appeal may do so in writing to AVP for Student Affairs/Dean of Students within 3 business days of the issuance of the Title IX Coordinator's decision. The AVP for Student Affairs/Dean of Students will issue a letter of receipt and will notify all involved parties that an appeal has been filed. The party who is not appealing the decision will be given the opportunity to review the appeal and submit a response.
- The AVP for Student Affairs/Dean of Students will convene the Appeals Board and present all appeal information which will include:
 - letter of appeal;
 - the Title IX investigatory report;
 - any other additional information provided by either party; and, if necessary,
 - information from interviews with the Title IX Coordinator and/or the Director of Student Conduct and Community Standards (these interviews are not required, but the Appeals Board reserves the right to interview)
- After considering all information, the Appeals Board will make a final determination. They may decide to deny the appeal, approve the appeal, approve

the appeal in part, or remand the case for further investigation or review, with guidance (see Section I of this document).

- The Appeals Board issues its decision in writing and sends it to the AVP for Student Affairs/Dean of Students, who then informs all parties (including appropriate College personnel, if applicable) of the outcome.
- All Appeals Board decisions are final.