



<b>PROCEDURES</b>
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<b>DIVISION</b> II. College Employees	<b>PROCEDURE NUMBER</b> 2.01.19.03 [1]
<b>CATEGORY</b> 2.01.19.03 Title IX Appeal Process	<b>DATE</b> Adopted: 03/2021

The administration reserves the right to amend or otherwise revise this document as necessary to reflect future changes made to its procedures. You are responsible for reviewing this procedure periodically to ensure continued compliance with all Board policies and institution procedures.

2.01.19.03      **TITLE IX APPEAL PROCESS**

Both parties have the right to appeal the College’s findings regarding a determination of responsibility or to appeal the dismissal of an allegation. A party who wishes to appeal a determination regarding responsibility must submit a written appeal request to the Title IX Coordinator within five (5) business days after receipt of this determination. The written appeal request must identify the ground(s) on which the party seeks to appeal the determination. If neither party requests an appeal within the required five (5) business day timeframe, then this determination [and the associated sanction(s)] will become final.

Retaliation against any person for participating in an investigation or appeal regarding alleged discrimination and/or harassment is strictly prohibited.

**Role of the Appeals Officer**

Joliet Junior College (JJC) has identified trained individuals to serve in the Appeals Officer role for Title IX cases. The role of the Appeals Officer is to review and decide appeals of determinations of responsibility or dismissals of formal complaints, to ensure appeal procedures are implemented consistently and equitably, and to issue written determination to both parties simultaneously within the appropriate timeframe according to Title IX regulations.

Both parties have the right to request a substitution of the appointed Appeals Officer if a party can demonstrate that the participation of the appointed individuals poses a conflict of interest. An Appeals Officer will not accept the assignment and/or will recuse themselves from the process if there is an identified conflict of interest. Objections to the Appeals Officer must be raised in writing, detailing the reason(s) for the objection, and must be submitted to the Title IX Coordinator not later than two (2) days prior to the appeal. The Appeals Officer will not have had any other role in the investigation or resolution process.



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Upon the receipt of a request for appeal by either party, the Appeals Officer will provide both parties with the notice of appeal and provide an opportunity for both parties to submit a written statement related to the appeal. In a case when an appeal is filed, sanctions may be temporarily suspended pending the outcome of the appeal, but the College will continue to implement appropriate supportive and interim measures.

The Appeals Officer will review the appeal and related information and will issue a notice of appeal determination. The appeal process will be completed in a reasonably prompt timeframe.

**Grounds for Appeal**

An appeal must be based on one or more of the following grounds:

1. A procedural irregularity occurred;
2. New evidence or information exists that could affect the outcome of the matter;
3. The Title IX Coordinator, Investigator or Hearing Officer 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; and/or
4. The sanction is disproportionate with the violation.

A party who wishes to appeal a determination regarding responsibility must submit a written appeal request to the Title IX Coordinator within five (5) business days after receipt of the determination. The written appeal request must identify the ground(s) on which the party seeks to appeal the determination. If neither party requests an appeal within the required five (5) business day timeframe, then this determination and the associated sanction(s) will become final. If there is a potential conflict of interest with the Title IX Coordinator, the party may report this to the Executive Director of Diversity, Inclusion, Equity, and Compliance at 815-280-2737.

Within five (5) business days of the Title IX Coordinator’s receipt of an appeal request, the Title IX Coordinator will forward the appeal request to the appointed Appeals Officer and will notify the other party in writing that an appeal has been filed. Before reaching a determination regarding the appeal, the Appeals Officer will afford both parties an equal opportunity to submit a written statement in support of, or challenging, the determination or responsibility or dismissal that is the subject of the appeal.



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**Determination**

Upon the review of the information and presented appeal, the Appeals Officer will issue the notice of appeal determination to both parties simultaneously. The Appeals Officer will not re-hear the case but has the ability to affirm, reverse or modify the decision of the Hearing Officer. The determination will be in a reasonably prompt timeframe, generally no greater than 10 business days unless there is a temporary delay for cause, which will be communicated to both parties.

If the Appeals Officer affirms a determination in its entirety, the College will not impose disciplinary sanctions other than those provided in that determination.

If the Appeals Officer reverses a dismissal (that has not been heard by a Hearing Officer or panel), the College will resume its investigation of the previously dismissed allegations in accordance with College Policies and Procedures.

If the College modifies a determination, the Appeals Officer must define the conclusion and rationale for modification of the determination.

Within five (5) business days after the Appeals Officer has concluded their review of the appeal, the Appeals Officer or designee will issue a written decision simultaneously to both parties, describing the outcome of the appeal and the rationale for the outcome. The Appeals Officer’s decision is final.

All records, as defined by the regulations, must be created, retained, and available to both parties for a minimum of seven years.