































































































































































































































































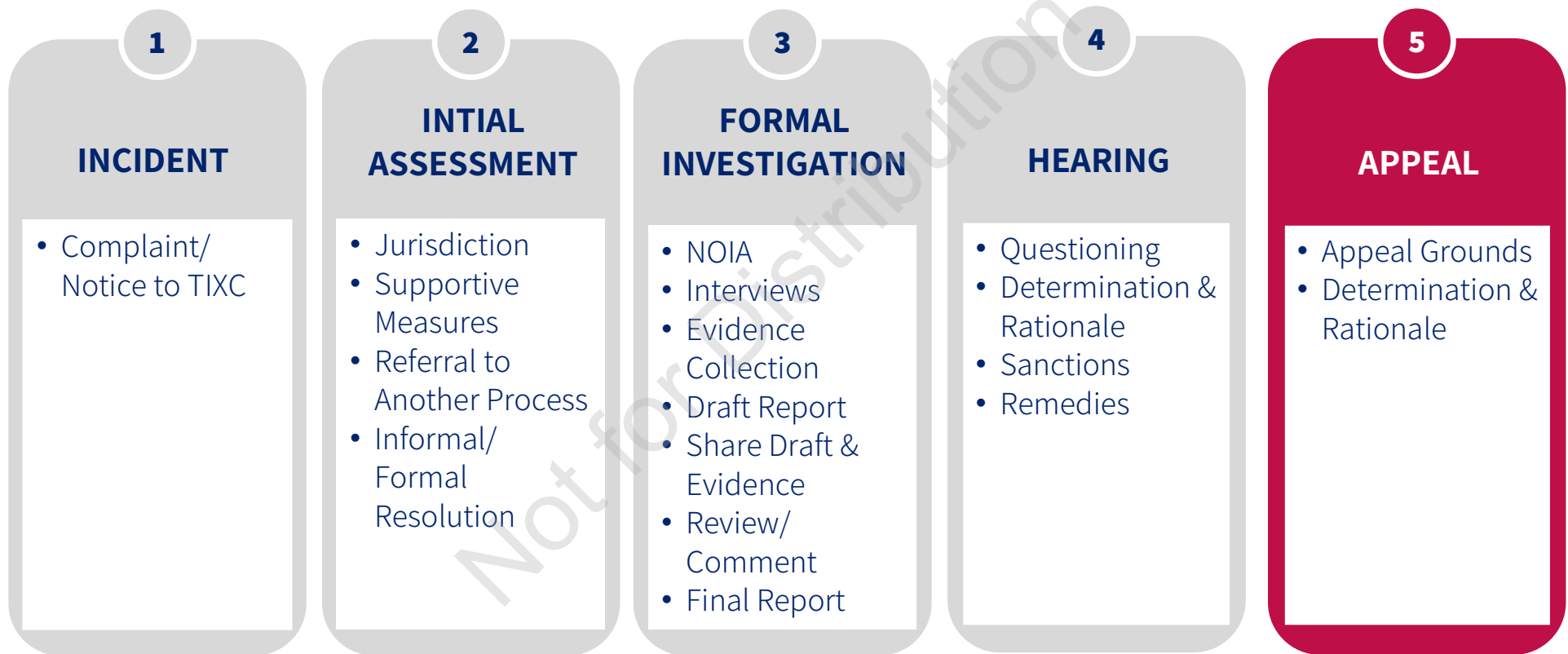




# Appeals

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# Appeals



# Appeals

**ATIXA recommends appeals on one or more of the following grounds:**

**1**

Procedural irregularity that affected the outcome of the matter

**2**

New evidence that was not reasonably available at the time of the determination that could affect the outcome of the matter

**3**

Conflict of interest for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter

**Institutions have the discretion to add additional appeal grounds**

# Appeals

## Appeal Decision-maker

- Should complete a written determination with rationale
- Determinations may include:
  - **Upholding** the original determination and sanctions (if any)
  - **Remanding** the complaint back to the Decision-maker for reconsideration
  - **Modifying** the original determination and/or sanctions (if any)
  - **Overturing** the determination (not recommended)
- Cannot be TIXC or serve another role in the same complaint resolution

# Activity: Appeals

Notice Distribution

# Activity: Appeals

**In the following scenarios, what may be an appropriate action for the Appeal Decision-maker to take?**

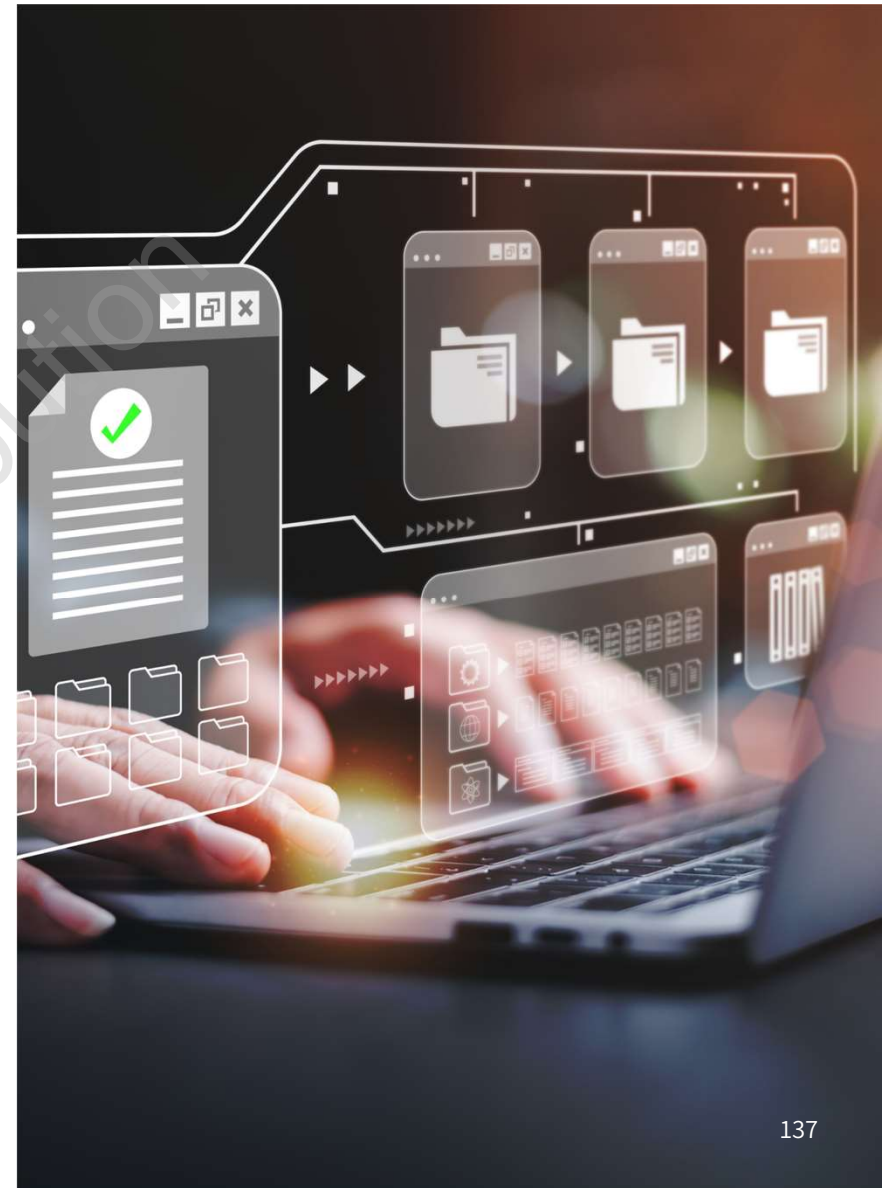
- A. Respondent argues the Investigator had a conflict of interest because the Investigator had previously investigated a Title IX matter in which the Respondent was a witness
- B. Complainant says new evidence obtained from faculty returning from sabbatical abroad demonstrates that departmental chair had history of sexist comments
- C. Complainant argues the Decision-maker was biased because the Decision-maker belongs to the same social club as the Respondent
- D. Respondent argues the Investigator did not promptly complete the investigation, did not interview all of Respondent's suggested witnesses, and failed to respond to Respondent's feedback on the draft report

# Recordkeeping

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# Recordkeeping

- Recipient should maintain records for a minimum of **seven** years:
  - SD complaints, including determination and sanctions and/or remedies
  - Appeals and results
  - Rationales for all determinations
  - Informal Resolution
  - Supportive Measures
  - Measures taken to preserve/restore access
  - All training materials
  - All support provided to pregnant and parenting students.



# Monitoring and Gender Equity Audits

# Gender Equity Audits

- Audits are intermittent assessments to measure program equity
- Factors such as cost and personnel capacity impact regularity



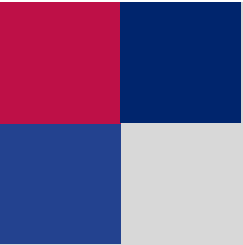
# Activity: Gender Equity Audits

# Activity: Gender Equity Audits

- A faculty member reports to the Title IX office that he believes his department is biased against men in its hiring, evaluation, and promotion practices – which in turn impacts compensation
- As evidence, he cites:
  - Recent hiring decisions to hire female faculty members despite the recruiting pool being overwhelmingly male
  - Recent performance concerns mentioned by the department chair, who is female, toward a handful of male faculty members
  - A recent decision by the department chair to pass him over for tenure in favor of a faculty member with fewer years of experience and fewer publications in the field

**How might the TIXC structure an audit in response to this concern?**

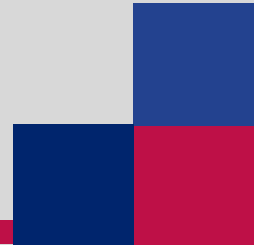
**What other actions might the TIXC take?**



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# Questions?

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