

training, a documented verbal warning, a written warning, a final written warning, financial penalty, suspension, demotion, and termination of employment, in accordance with applicable policies. The University may place a faculty or staff member on administrative leave during the pendency of a grievance process, provided that such action shall not modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

13. Appeals Process (34 CFR §106.45(b)(8))

Within 3 days of receiving written determination, both Parties are entitled to appeal to the Title IX Coordinator a determination regarding responsibility or from a dismissal of a Formal Complaint.

The appeal must consist of one or more of the following exclusive grounds for appeal:

- New Information – There is new and significant information that was not reasonably available at the time of the determination regarding responsibility or dismissal.
- Procedural Irregularity that affected the outcome of the matter;
- 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 individual complainant or respondent that affected the outcome of the matter.

The complainant and respondent will have only one opportunity to appeal. All appeal meetings are closed and the proceeding may be kept confidential at the discretion of the university. Appeal meetings may be recorded at the discretion of the university with notice to those involved.

Content of the Appeal

The complainant or respondent must submit a written appeal within three business days of the date of the written decision. In no more than 1000 words a written appeal must be submitted to the Title IX Coordinator.

The Title IX Coordinator will notify the other party in writing when an appeal is filed and that appeal procedures will be implemented. The Coordinator will submit the written appeal to the Appeals Committee for review.

Give the non-appealing party an opportunity to submit a written statement to the Title IX Coordinator in response to the appeal within 10 days of receiving the appeal, which shall be transmitted within 2 business days to the Appeal Officer.

The appeal committee will review the petition for appeal, and any new evidence submitted by the appealing party in support of the appeal. At the discretion of the appeal committee, the appeal process may include an opportunity for the committee to ask questions of the appealing party, and others. Within the 15 business days of receive the appeal the Appeal Chair will issue a written decision describing the appeal committee's decision, rationale for the decision. The

appeal committee has the authority to deny the appeal if the appeal grounds have not been met or may return the case to the decision makers for further information.

During the appeal review, if the respondent's behavior resulting in the disciplinary process involved violent or dangerous behavior, the committee shall be required to consider the safety of the APU community in its deliberations and recommendation, and any sanction imposed on the respondent shall not be stayed pending the appeal.

14. Appeal Panel

The appeal panel is chaired by the Chief Judicial Officer, consisting of two trained appeal members in each appeal case. The committee is an objective panel separate from the Title IX Office, investigators, and hearing panel. The panel has the discretion to reject a petition for appeal if the request does not meet the required standards for the basis of an appeal.

15. Decision Sustained

When the appeal panel accepts the petition for appeal, the panel may either sustain the findings of responsibility and sanctions, amend the sanctions, or request that the investigators pursue further information if applicable.

16. Final Decision

After review of information, interview of witnesses, and deliberation, the appeal committee will make a recommendation to the committee chair, based on the information submitted per the process noted above. The Vice President for Student Affairs, Vice President for Human Resources, the Provost, or the President or the Board Chair will either accept, reject, or modify the recommendation. In cases appealed to PARB, that body will make its recommendations to the provost, whose decision is final. In all other cases, the decision of the chair of the committee is final.

After a decision has been reached, both the complainant and the respondent will be notified in writing by the chair of the committee. The Title IX Coordinator will simultaneously notify the Parties in writing within 5 days. Decisions made in the appeal process are final and may not be addressed through the "Grievance Process."

In cases appealed to PARB, where there is conflict between, on the one hand, the appeals proceedings outlined in this procedure and, on the other hand, PARB procedures outlined in the Faculty Handbook, the appeals proceedings outlined in this procedure govern.

C. Other Matters

1. Timing (34 CFR §106.45(b)(1)(v))

The University is committed to providing a prompt, thorough, and unbiased process to all complaints. While each investigation is unique, the investigation will be concluded, including reporting to the parties, within a reasonable amount of time, following the initial complaint. The