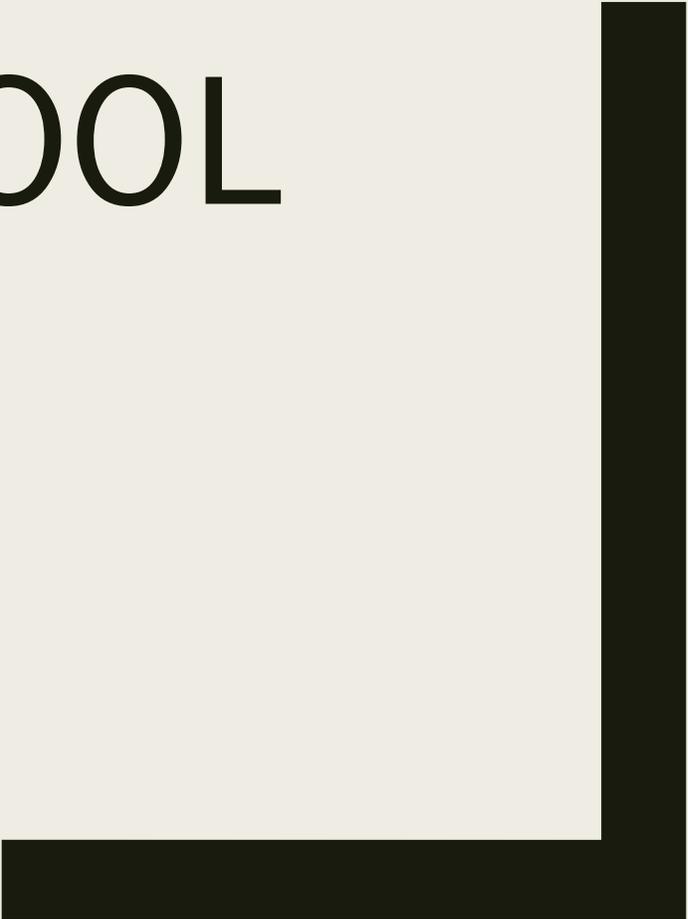




GRIEVANCE POOL TRAINING

Labette Community College
Fall 2020



Grievance Pool

- To hear cases related to Procedure 4.081 – General Grievances
- Responsibilities related to Procedure 2.010 – Sexual Harassment and Misconduct
 - *To provide appropriate intake of and initial guidance pertaining to complaints*
 - *To act as an Advisor to the parties*
 - *To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices]*
 - *To investigate complaints*
 - *To serve as a hearing facilitator (process administrator, no decision-making role)*
 - *To serve as a Decision-maker regarding the complaint, if needed*
 - *To serve as an Appeal Decision-maker, if needed*

Procedure 4.081 – General Grievances (Not related to Procedure 2.010)

- For students to express their grievances and to seek a solution concerning disagreements of practices or differences of interpretation of policy and procedure that might arise between the student and the college
- Step 4 of the process (after the Vice President and before the President)
 - *Steps 1-3 do not include the panel*
 - *Student must appeal in writing to the panel*
 - *Panel will have 10 working days to complete the process*

Procedure 2.010 – Sexual Harassment and Misconduct

- Investigators for each case will be two individuals from the Grievance Pool
 - *Usually led by one of the Co-Chairs*
- Advisors for Complainant and Respondent provided from the Grievance Pool if one or both individuals do not provide their own advisor
- Initial Hearing Decision Maker – may be a KASB attorney or one of the co-chairs of the Grievance Pool
- Appeal Hearing Decision Maker – committee of three individuals from the Grievance Pool
- Can only serve in one role in each case

Intake and Initial Guidance

- The Title IX Coordinators, Tammy Fuentez and Janice Every, will handle intake of Title IX cases. However, a student or fellow employee may come to you first and you will want to assist them in reaching out to the proper Title IX Coordinator.
- The CARE Program Brochure provides resources to help the student. This can be found [online](#) as well as copies in the Admissions/Business Office Lobby Area.

Title IX Advisor Information

- As a designated Title IX Advisor, you may be selected by an employee or a student to serve as their Advisor through the Title IX grievance process
- The role of an Advisor is a very important one that is designed to provide the Parties in a Title IX grievance process assistance and support throughout the entire proceeding.
- Advisors will be familiar with the Title IX policy as well as other policies that may be implicated during a Title IX investigation.
- Advisors will be familiar with the Title IX procedures, such as the informal resolution process, inspection of evidence/records, dismissals of complaints, the live hearing (and cross-examination), and the appeal process.

Title IX Advisor Information

- Under the new Title IX Regulations, an Advisor may be a friend, a family member, an attorney, a neighbor, or other individual of the party's choosing.
- The institution will have a group of Advisors available for selection.
- The Regulations require an Advisor be offered, but it does not require:
 - *An Advisor be used other than at the hearing where an Advisor is required to conduct cross-examination,*
 - *That Advisors be equally trained or knowledgeable, or*
 - *That the same Advisor be used throughout the Title IX Process.*

Title IX Advisor Information

- Advisors must be free from conflicts of interest
- What is a conflict of interest?
 - *It refers to any time that an Advisor has a personal interest (whether actual, potential or perceived) that conflicts with the interests of their Advisee.*
 - *It does not require personal gain to be a conflict of interest.*
 - *The best way to ensure you don't face a conflict of interest challenge is to avoid it altogether.*
 - Don't talk about your work
 - Don't talk about your opinions
 - Don't talk about your friends (at work)

Title IX Advisor Information

- Free from Bias: Bias can exist in many forms
 - *Confirmation Bias: Favoring information that confirms preconceptions*
 - *Clustering Illusion: Seeing patterns in random events*
 - *Stereotyping: Expecting a group or person to have certain qualities without having real information about them*
 - *Blind-spot Bias: Failing to recognize one's own biases*
- Must avoid the perception of bias.

Title IX Advisor Information

■ Emergency Removal Process

- *The institution can act to remove, on an emergency basis, a Title IX Respondent entirely, or partially, from its education program or employment activities, when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any individual justifies such a removal.*
- *Advisors should encourage Advisees to request a show cause meeting and to look for the least restrictive emergency action.*

■ Inspection of Evidence/Records

- *First Inspection Period: At the end of the investigation, BUT BEFORE a report is drafted, the parties have 10 days to review all of the evidence collected during the investigation.*
- *Second Inspection Period: After the final investigative report is written, BUT BEFORE the hearing. The parties can review the final investigative report.*
- *Advisors should request a copy of the documents & encourage a written statement.*

Title IX Advisor Information

- During meetings and proceedings, Advisors are expected to be civil and not engage in behavior that violates collegial standards, such as talking over someone, yelling, interrupting, taking an aggressive stance towards someone (i.e., shaking a fist or standing too close to someone's face), or any other behavior that is deemed disruptive.
- Advisors are not to disrupt any meeting or proceeding by making opening or closing statements or by advising their advisee to refuse from answering questions.
- Advisor is not permitted to interrupt or interject while someone is testifying or being interviewed, make formal "objections" based upon rules of evidence, file motions, briefs, or written statements on behalf of a party, or otherwise delay or obstruct a proceeding.
- Advisors are expected to adjust their schedules to allow them to attend scheduled meetings and proceedings. Title IX Coordinators may make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient, but only if the advisee agrees to the provision.

Informal Resolution

- As an alternative to the formal grievance procedure, the college may offer parties the option of participating in an informal resolution process.
- The Title IX regulations do not require informal resolution options as part of a college's Title IX policy or procedures
- Consider whether informal resolution is appropriate for certain types of claims (e.g., sexual assault)
- Parties still have the right to an Advisor during the informal resolution process.
- Informal resolution may not be offered to the parties unless a formal complaint of sexual harassment is filed
- Informal resolution also cannot be offered in instances when the complaint involves a college employee sexually harassing a student.

Informal Resolution

- To the extent a college provides informal resolution options, they will typically involve mediation or restorative justice opportunities. Those conducting the informal resolution must be specifically trained to do so.
- Very Important: Both parties must provide informed, written, voluntary consent to attempt informal resolution of a formal complaint.
 - *Without such consent, informal resolution is not an option*
- For consent to be informed and the process equitable, both parties must be notified (in writing) of:
 - *The allegations made in the formal complaint;*
 - *The requirements of the informal resolution process; and*
 - *What elements of the process will remain confidential (or not confidential) if the parties choose to participate*

Informal Resolution

- Either party can withdraw consent at any time
 - *If consent is withdrawn, the formal grievance process steps must be followed*
- Informal resolution options cannot be made mandatory by the College
 - *Thus, if a party does not wish to participate in informal resolution, the party cannot be required to do so*
- If you offer mediation as an informal resolution process, the college must ensure:
 - *The mediator does not hold another role in the Title IX process (i.e., is not the investigator, proposed Decision-maker, etc.);*
 - *That the mediator is trained on the College's Title IX procedures;*
 - *That the mediator has received training on Title IX requirements – including conflicts of interest, bias, prejudgment of facts, etc.*

Informal Resolution

- Hypothetical: Bob contacts the College's Title IX Coordinator over the phone and reports that their classmate, Alex, is sexually harassing Bob and intends to file a formal complaint. The Title IX Coordinator suggests that, prior to filing the formal complaint, Bob and Alex should try mediation with a third-party mediator provided (and paid for) by the College. Is this permissible?
 - *Answer: No – informal resolution options can only be offered to a party after a formal complaint has been filed by the Complainant. Because Bob has not yet filed a formal complaint, the Title IX Coordinator cannot offer him the option to participate in an informal resolution option such as mediation.*
- Hypothetical: Kelly files a formal Title IX complaint alleging that their social sciences professor, Judi, subjected Kelly to sexually harassing comments throughout the prior semester. Prior to the completion of the investigation, the Title IX Coordinator offers both parties the opportunity to participate in mediation and they provide written consent to move forward with mediation. Is this permissible?
 - *Answer: No – Informal resolution cannot be offered in cases where a student has filed a Title IX complaint against an employee of the college due to the power differential.*
 - *Even though the parties both consented to participate in mediation, the Title IX Coordinator should not have offered informal resolution as an option based on the nature of the case.*

Impartiality Importance

- Why is it important to conduct a thorough and unbiased investigation of a Title IX Complaint ?
 - *Legal compliance;*
 - *Liability to students/staff for failure to remedy if occurs again;*
 - *It's your job;*
 - *It's the right thing to do!*
- The college will be liable for harassment or improper investigations if:
 - *A violation occurs when the college has effectively caused, encouraged, accepted, tolerated, or failed to correct a hostile environment/harassment of which it has actual notice*
 - *Its personnel have notice of a hostile environment/harassment on campus and the college fails to take reasonable steps to respond to the situation*
- Potential loss of federal funds for failing to comply with Title IX requirements

Expectations of Investigators

- Ensure that the Title IX policy's burden of proof is applied properly;
- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Provide the parties with the same opportunities to have advisors present during any investigation proceeding;
- Provide written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate; and
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.

Title IX Investigation

- Start by reviewing your college's Title IX policy and procedures and ensure you understand your role as investigator
- Determine the identity and contact information of the complainant and meet with the complainant
- Ensure the complainant understands their right to raise concerns, have an advisor present, and to feel free from retaliation
- Give an overview of how you intend to proceed with the investigation
- Don't promise to keep the complainant's identity a secret from the respondent
- Don't promise anyone that the respondent will be punished

Title IX Investigation

- Pledge a fair and prompt investigation (but don't overpromise on time of completion)
- Find out what the complainant's expectations are and correct any misperceptions (i.e., anonymity or a determination of responsibility from you as the investigator)
- Identify all policies implicated by the alleged misconduct
- Develop a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Make good faith efforts to notify the parties of any meeting or interview involving the other party
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses, and conduct follow-up interviews as necessary
- Provide regular status updates to the parties throughout the investigation

Interviewing Witnesses

- Whenever possible, conduct all interviews in person
- Interview each witness separately
- Conduct interviews in a private location out of sight and earshot of others
- Do not keep a witness against their will
- Explain the purpose of the investigation to the witnesses
- Tell every witness that full cooperation is expected
- If you are interviewing a witness who is uncooperative, consult the college's Title IX Coordinator and, if necessary, legal counsel

Interviewing Witnesses

- Explain who you are and why the interview is being conducted
- Be honest, but remember, your job is to gather, not disseminate information
- Explain relative confidentiality of the investigation
- Review the anti-retaliation provisions of your Title IX policy with the witness
- Emphasize the obligation to provide accurate, truthful information
- Don't let the interviewee know what you believe to be true

Interviewing Witnesses

- Don't agree or disagree with witnesses
- Do allow each witness the opportunity to suggest witnesses and questions they want you to ask of the other party/witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Start with broad questions, then specific, then "catch-all" (e.g., "Anything else?")
- Allow the witness to explain in their own words do not put words in the witness' mouth.
- Avoid leading questions (i.e., isn't it true that ...)

Interviewing Witnesses

- Special considerations with the respondent's interview(s):
 - *Explain that a fair and impartial investigation will be conducted;*
 - *Convey seriousness of matter and importance of honesty;*
 - *Don't suggest that the college has already determined the respondent is guilty or not guilty;*
 - *Don't suggest you disbelieve a witness or the complainant; and*
 - *Explain presumption of innocence and burden of proof.*
 - *Get the respondent's side of the story, witnesses, and all potential exculpatory evidence*
 - *Remind the respondent about your Title IX policy, including anti-retaliation provisions*
 - *Close the meeting and set follow up*

Interviewing Witnesses

- Start with broad questions, then specific, then "catch-all" (e.g., "Anything else?")
- Allow the witness to explain in their own words. Do not put words in the witness' mouth.
- Avoid leading questions (i.e., isn't it true that ...)
- Special considerations with the respondent's interview(s):
 - *Explain that a fair and impartial investigation will be conducted;*
 - *Convey seriousness of matter and importance of honesty;*
 - *Don't suggest that the college has already determined the respondent is guilty or not guilty;*
 - *Don't suggest you disbelieve a witness or the complainant; and*
 - *Explain preponderance of the evidence.*

Notetaking Tips

- Start a new page for each interview and make a note of the time and date of the interview and the people present
- Prepare your interview notes professionally -- they may be used as evidence in a future legal proceeding and may be relied upon by the decision maker or during the appeal process
- Document facts and observations
- Make a note of information relevant to credibility
- Observe subjects for implausible statements, questionable physical and verbal reactions, inconsistencies, and so on
- Don't include irrelevant information in your notes
- Don't record your conclusions regarding credibility in the interview notes
- Don't document your opinions

Investigation Report

- Write a comprehensive investigation report fully summarizing the investigation.
- The report must include:
 - *Procedural history of claim*
 - Outline how the complaint progressed to the investigation stage
 - Describe the process undertaken to review the evidence and disseminate the investigative report including the adherence to mandated procedural timelines
 - *Summary of the allegations potentially constituting sexual harassment*
 - *Any relevant policies referenced/the evidentiary standard utilized*
 - *All witness interviews*
 - Include the date of the interview, attendees, and a summary of the interview
 - *All relevant evidence (inculpatory and exculpatory)*
 - Include all relevant evidence gathered throughout the investigation
 - *Investigation Timeline*
 - Note any irregularities in the timeline of the investigation
 - Note if any of the witnesses asked the investigator to follow certain “leads” that the investigator was unable to pursue due to lack of time/resources
 - *Appendices that include relevant physical or documentary evidence*
 - Include any physical, demonstrative, or documentary evidence as an appendix to the report

Investigation Report

- As the investigator prepares the report: The investigator gathers, assesses, and synthesizes evidence, but makes no conclusions, engages in no policy analysis, and renders no recommendations as part of the report
- If there is a conclusion or a finding of responsibility in your draft report, REMOVE IT!
- Prior to the conclusion of the investigation, you must provide the parties and their respective advisors a copy of the draft investigation report.
- The parties get an opportunity to inspect and review all of the evidence obtained as part of the investigation.
- The parties must have ten (10) calendar days to review and comment so that each party may meaningfully respond to the evidence (which they could waive).
- The investigator must incorporate relevant elements of the parties' written responses into the final investigation report.
- The investigator must document all rationales for any changes made after the review and comment period in the final report.

Final Investigation Report

- The investigator must share the final investigation report with all parties and their advisors through secure electronic transmission or hard copy at least ten (10) calendar days prior to a hearing.
- The final investigation report will note the date on which it was sent to the parties and their advisors.
- The investigator will also send the final investigation report to the Title IX Coordinator.
- Provided the complaint has not been resolved through Informal Resolution during this period, the Title IX Coordinator will then refer the matter to the college's hearing process and issue a notice of hearing to the parties.
- The parties will be able to submit arguments to the decision-maker regarding the report as part of the hearing process, including why certain evidence is (or is not) relevant to the allegations in the complaint.

Hearing Information

- The Title IX regulations now require that colleges must hold live hearings for formal complaints of sexual harassment that are not dismissed or otherwise resolved through informal resolution.
- The single-investigator model is no longer permissible. As far as Advisors are concerned, the same Advisor may advise a student throughout the entire process.
- A separate Decision-maker oversees the hearing and issues the determination following the hearing.

Hearing Information

- Prior to the hearing, Title IX Coordinator will send a Notice of the Hearing to the parties and to their Advisors.
- The notice will contain:
 - *Description of the alleged violations;*
 - *List of policies allegedly violated;*
 - *Description of hearing procedures;*
 - *Statement of potential sanctions/remedies;*
 - *Time, date, and location of the hearing;*
 - *Any technology that will be used in the hearing;*
 - *Information about the option for the live hearing to occur with the parties located in separate rooms;*
 - *A list of all those who will attend the hearing;*
 - *Information on how the hearing will be recorded;*
 - *A statement regarding impact of witness attendance;*
 - *Notification that the parties may have the assistance of an Advisor; and*
 - *An opportunity to arrange any necessary accommodations for the hearing.*

Hearing Information

- The parties must also receive the final investigation report at least 10 days prior to the hearing, which "fairly summarizes all relevant evidence."
- Advisors may receive their own copy of the material for inspection. Please make sure to ask the Title IX Coordinator to provide a separate copy if you are serving as an advisor.
- The live hearing does not have to be done in-person, but the parties must be able to see and hear each other.
- LCC will allow for the hearing to be conducted in separate rooms, and provide technology that will allow the parties to simultaneously see and hear each other and the witnesses.
- Any party or witness may be allowed to participate in the hearing remotely.
- Advisors will be in the same room as their Advisees.
- The college must record all hearings.

Hearing Information

- Technology that may be used during a live hearing may include, but is not limited to:
 - *Zoom*
 - *Skype*
 - *Voice Recording*

Decision Maker

- The Decision-maker is responsible for determining what testimony will be admitted at hearing and relied upon in the final determination.
 - *It is the Decision-maker's job to determine whether a question is relevant to prove (or disprove) any of the specific allegations at-issue in the proceeding*
 - *The Decision-maker must issue a determination on relevance before a party answers a question and must explain why something is not relevant*
- The Decision-maker must allow the Advisors to ask parties and witnesses:
 - *All relevant questions and follow-up questions*
 - *Questions challenging credibility (cross examination)*
 - *This must occur, even if a party does not show up for the hearing and only the party's Advisor is present at the hearing*

Decision Maker

- Questions about the Complainant's sexual predisposition or prior sexual behavior are presumptively not relevant, unless such questions:
 - *Are offered to prove that someone other than the Respondent committed the alleged sexual harassment; or*
 - *Concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove consent*
- The Decision-maker will exclude such questions if they do not fall into these exceptions.
- Advisors should be vigilant to catch relevance issues, although no right to object exists.
- The live hearing must provide the opportunity for cross examination, which may only be conducted by the parties' Advisors
 - *A party cannot cross examine another party directly during the hearing (or ever)*
 - *If a party does not have an Advisor for the hearing, the College must provide the party an Advisor (at the College's expense)*

Decision Maker

- Very Important Hearing Rule:
 - *The Decision-maker cannot rely on any statement by a party or witness who does not submit to cross examination at the hearing. The Decision-maker also cannot draw an inference based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.*
- Notably, the Decision-maker is able to ask questions of the parties and is not barred from relying on statements from a party or witness who only refuses to respond to questions from the Decision-maker.
- Why?
 - *Because these questions are not considered "cross examination," as they come from the neutral Decision-maker.*

Decision Maker

- The Decision-maker must objectively evaluate relevant evidence presented at hearing.
- What does this mean?
 - *Impartially consider all of the evidence*
 - *No prejudgment of facts*
 - *No deference to recommendations from investigator*
 - *Allow the parties to have an equal opportunity to inspect and review evidence obtained in the investigation and that is relevant to the charges*
- The Decision-maker (unlike the investigator) will engage in credibility determinations of the party's and witnesses
 - *i.e., Determine who is telling the truth and who is not?*

Decision Maker

- In reviewing the evidence presented at the hearing, the Decision-maker is responsible for properly applying:
 - *The presumption of innocence;*
 - *The Title IX policy's burden of proof;*
 - *Relevancy considerations;*
 - *Privilege protections; and*
 - *Medical record protections*

- Following the hearing, the Decision-maker must consider the relevant evidence prepared at hearing and issue a written determination regarding responsibility, which must include:
 - *The allegations potentially constituting Title IX sexual harassment;*
 - *A description of the procedural steps taken;*
 - *Findings of fact supporting the determination;*
 - *Conclusions regarding the application of the school's code of conduct to the facts;*
 - *A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions and remedies; and*
 - *Procedures and permissible bases for the Complainant and Respondent to appeal*

Decision Maker

- The determination must be sent simultaneously to the parties (and their Advisors), along with information to both parties regarding the process of filing an appeal.
- Title IX Coordinator is responsible for effective implementation of any remedies from the determination
- This determination becomes final:
 - *If an appeal is not filed, the date on which an appeal would no longer be considered timely*
 - *If an appeal is filed, on the date that the school provides the parties with the written determination of the result of the appeal*

Appeals

- Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome.
- A three-member appeal panel chosen from the Pool will be designated by the appropriate Title IX Coordinator. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.
- The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).
- This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Appeals

- Appeals are limited to the following grounds:
 - *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 appropriate 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.*
- If any of the grounds in the Request for Appeal do not meet the grounds in this procedure, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.
- If any of the grounds in the Request for Appeal meet the grounds in this procedure, then the Appeal Chair will notify the other party(ies) and their Advisors, the appropriate Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

Appeals

- The other party(ies) and their Advisors, the appropriate Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.
- The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.
- Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Panel will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

Appeals

- 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 Labette Community College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Labette Community College is permitted to share under state or federal law.
- 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' Labette Community College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Appeals

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the appropriate Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals

- Appeals granted based on new evidence will normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the appropriate Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- When appeals result in no change to the finding or sanction, that decision is final.
- When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

Appeals

- In rare cases where a procedural [or substantive] error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to Labette Community College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Additional Procedure 2.010 Related Training Information

- Complete annual training on Title IX through SafeColleges
- Review [Procedure 2.010](#) – starts on page 66
 - *Glossary of terms*
 - *Sanctions*
 - *Recordkeeping*
- [Husch Blackwell Title IX Training](#)
- [Hearing Officer and Decision Maker Training](#) through ATIXA if selected to serve in that role
- [Conducting and Adjudicating Title IX Hearings: An OCR Training Webinar](#)
- [OCR Webinar on Due Process Protections under the New Title IX Regulations](#)
- [OCR Short Webinar on How to Report Sexual Harassment under Title IX](#)