

PROCEDURES TO APPEAL DECISIONS REGARDING DISCRIMINATION COMPLAINTS

Any party to a discrimination complaint may appeal an administrative decision concerning the outcome of such a complaint within 20 working days. Such an appeal is made to the President of the University. Such an appeal must be in writing and must be based on either a claim of inadequate due process or the existence of substantial new evidence that was unavailable during the initial investigation. Decisions concerning student breaches of the university's non-discrimination policies are referred to the Office of Student Conduct and Integrity to determine discipline that may result. Such disciplinary determinations are appealable separately under the procedures set forth by the Office of Student Conduct and Integrity and not under this procedure.

1. Affirmative Action Appeals Committee.
 - a. Appeals Board: during September of each academic year, the President will select ten (10) members to serve on the ISU Affirmative Action Appeals Board ("Board").
 - i. The Diversity Council shall nominate ten (10) individuals for service on the Board, of which the President shall select at least five (5) to sit on the Board.
 - ii. The President may select the remaining five (5) members of the Board at his discretion.
 - iii. Members of the Board shall serve for a three (3) year term.
 - iv. There shall be no limit on the number of terms any individual may serve.
 - v. To assure the appropriate consideration of appeals and appropriate conduct of Board members, the Board will receive annual training from the Director of the ISU Office of Affirmative Action, with the supervision of University General Counsel.
 - b. Appeals Committee: An Appeals Committee shall be convened from members of the Board to consider appeals from a decision of an administrator following the conclusion of an investigation of claim(s) of discrimination.
 - i. Following receipt of a written appeal to the President, the President shall ask the Chairperson of the University Diversity Council to convene an Appeals Committee of three (3) members of the Board, selected randomly.
 - ii. Both the appellant and the administrator whose decision is the subject of the appeal (the "Administrator") shall receive written notification from the chairperson of the University Diversity Council.
 - iii. Such written notification shall contain the identity of the appellant, the basis of the appeal, and the composition of the Appeals Committee.
 - iv. Such notification shall take place within five (5) working days of the date the president asks that there be a Committee convened.

- v. The Administrator shall be given a copy of the written appeal. In the event that a Committee member wishes to disqualify his/her self, the Chair will select an alternate from the Appeals Board.
- c. Contact with Appeals Committee: No individual involved in the matter under appeal shall contact members of the Appeals Committee ex-parte to discuss anything to do with the appeal.

2. Consideration of Appeal:

- a. Requirements for Appeal:
 - i. An appeal must be in writing.
 - ii. An appeal must be made within 20 working days of a final decision of an administrator.
 - iii. A written appeal must be submitted to the President of the University.
- b. Appeal Meeting: Before the Appeals Committee meets, each member shall be provided a copy of the written appeal and a copy of the investigation report, including attachments. Within 10 working days, the selected members should elect a Chairperson of the Appeals Committee, review the submitted appeal documents, conduct a meeting and decide whether or not the appeal has merit. Specifically, the Appeals Committee will consider only the whether or not there is:
 - i. A denial of adequate due process during the initial investigation; or
 - ii. The existence of substantial new evidence that was unavailable during the initial investigation.

No parties involved in the complaint(s) shall be present at the appeal review meeting; however, the Appeals Committee may confer with either the Affirmative Action Officer or General Counsel, if need be. The recommendation of the Appeals Committee shall be reached on the basis of a simple majority of the Appeals Committee sitting to review the matter.

- c. Report of Appeals Committee: The Appeals Committee will provide a report in written form of its final recommendation to the President of the University within three (3) working days of the Appeal meeting. All deliberations of the Appeals Committee shall be kept confidential except as required by law.

3. Decision of President. Having considered the recommendations of the Appeals Committee, the President of the University shall be responsible for a final determination of the appropriate action.

- a. If the President's decision is counter to the recommendation of the Appeals Committee, the President will provide the rationale for his decision to the Chairperson of the Appeals Committee.

- b. The President of the University (or his designee) is responsible for providing the final decision of the appeal to the appealing and non-appealing parties, in accordance with the ISU Affirmative Action Policy.