



Interim Appeal Procedures
Policy 923 Non-Discrimination and Anti-Harassment

1. Applicability. These appeal procedures apply to appeals of (1) dismissal of a formal complaint of discrimination or harassment by the Title IX Coordinator/Director of Equal Opportunity and 2) the determination made following an investigation of discrimination or harassment. Determinations following investigations may be made by the investigator or, for allegations of sexual harassment, by a hearing officer following a live hearing. Any complainant or respondent may submit an appeal on the bases set forth below.

2. Basis for Appeal. Appeals from dismissal of a formal complaint of discrimination or harassment or a final determination made following an investigation of discrimination or harassment must provide a basis that meets one or more of the following criteria.

- A procedural irregularity or failure that materially affected the dismissal or determination; or
- The existence of new evidence, not reasonably available at the time of the dismissal or determination, that could have reasonably affected the dismissal or determination; or
- The existence of a conflict of interest or bias that materially affected the dismissal or determination.

These are the only bases for appeal of the determination.

3. Time for Appeal. An appeal must be submitted within twenty (20) days from the date of receipt of the written notice of dismissal or notice of final determination.

4. Submission of Appeal. Appeals should be submitted using the Appeal of Dismissal and Determination form [Policy 923 Appeal of Dismissal or Determination](#). The submission must identify the basis for appeal and a detailed statement supporting the basis for appeal. Individuals who appeal the determination may attach other documentation if desired.

5. Discrimination Appeals Committee. Annually, the Office of the President or designee will request nominations for service on the Discrimination Appeals Committee. The President will select twelve (12) faculty or staff members to serve on the Discrimination Appeals Committee. Members of the Committee will serve three (3) year staggered terms. Members may be renewed for one additional term; thereafter, a one-year break in service to the Committee is required. The President is authorized to appoint faculty and staff members to the Committee as vacancies occur. To assure the appropriate consideration of appeals and appropriate conduct of Committee members, the Committee will receive training from the ISU General Counsel.

6. Appeal Review.

A. Appeal Panel. Upon receipt of an appeal request that is timely submitted, staff in the Office of the President or other designee of the President shall randomly select three (3) members of the Committee to serve as members of the panel to review the substance of the appeal and provide a written recommendation to the President. Each party, the appropriate Cabinet member, the investigator, and the Title IX Coordinator will receive notice of the appeal, the anticipated timeline for decision, and the membership of the Appeal Panel. Appeal Panel members with a conflict of interest shall recuse themselves and will be replaced by the Office of the President.

B. Review of Appeal. Within ten days of the notice of the appeal, the Appeal Panel will meet in person or virtually to review the appeal submission and any other relevant documentation or other materials. All deliberations, materials, and other information provided to the Appeal Panel will be kept private. The Appeal Panel will select a Chairperson who will be responsible for the overall review, requests information, and oversight of the written recommendation. The Appeal Panel may request additional information in writing from the investigator, the Title IX Coordinator/Director of Equal Opportunity, the Hearing Officer (if applicable) or other decision-makers in the investigation and determination process. The Appeal Panel may consult with the General Counsel as necessary to receive legal advice. The parties will not be present for any appeal meetings. The Appeal Committee will render a written recommendation ten (10) days from the first meeting.

C. Recommendation. The recommendation of the Appeal Panel shall be reached on the basis of a simple majority and will provide a written report of its final recommendation to the University President.

7. Final Determination. The President will consider the recommendation by the Appeal Panel and issue a final determination to the parties, the appropriate Cabinet member, and the Title IX Coordinator/Director of Equal Opportunity and Title IX within ten (10) calendar days of receipt of the recommendation.