

Dispute Resolution Procedures for Sex and Gender-Based Discrimination Decisions

Students may appeal a dismissal of a formal complaint, and they may also appeal determinations of responsibility. Following are the procedures for both of these appeal processes.

Appeal of a Dismissal of a Formal Complaint

A. An appeal of a dismissal of a formal complaint must be based on:

1. A procedural irregularity that affected the dismissal decision;
2. New evidence that was not reasonably available at the time the dismissal decision was made and that could affect the outcome of the matter; or
3. The Title IX coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent and it affected the dismissal decision.

B. To appeal the dismissal of a formal complaint, within 5 days of receipt of the dismissal, a complainant or respondent must submit a written appeal to the chancellor or, in the case of statewide employees, to the president. The president, chancellor, or their designee will review the appeal and render a prompt, written decision either upholding the dismissal, overturning it and sending it back to the Title IX coordinator for further investigation, overturning it and sending it to a different Title IX coordinator if a conflict exists, or seeking more information.

Appeals of Determination of Responsibility

A. Students, non-affiliated parties, and non-bargaining unit employees: The complainant and respondent each have a right to appeal a determination regarding responsibility.

1. An appeal must be based on:

- a. A procedural irregularity that materially affected the outcome of the matter, including a decision-maker's determination regarding relevance;
- b. New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could materially affect the outcome of the matter; or
- c. 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 materially affected the outcome of the matter.

2. To appeal, a complainant or respondent must submit a written request to appeal, within 5 days of receipt of the determination regarding responsibility, to their campus chancellor. (Statewide employees must file their appeal with the president of the University of Alaska). Upon receipt of a request to appeal a decision under this chapter, the chancellor or president shall allow the complainant and respondent to have 15 days to submit a written statement in support of, or challenging, the outcome, but no party is obligated to submit a statement, nor shall a party's decision not to file a statement be held against them. The chancellor or president may consider the grievance process record and take such action as the chancellor or president deems appropriate. The chancellor or president will issue a written decision describing the result of the appeal and the rationale for the result and will provide the decision to the complainant and respondent simultaneously.

B. Bargaining unit employees who have been found responsible and disciplined pursuant to this sex and gender-based discrimination chapter must resolve any dispute regarding the responsibility findings or discipline through the dispute resolution processes provided in their collective bargaining agreement.