

Reconsideration Requests, the Right to Appeal & the Appellate Process

November 2022

University of Missouri System
1000 University Blvd., Columbia, MO 65211

1

Recusal of an Appellate Officer

f Appellate Officer shall not have a Conflict of Interest or Bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

f If an Appellate Officer feels that they have a Conflict of Interest or Bias, or cannot make an objective determination, they must recuse themselves .

f If recusal occurs, an alternate appointment shall be made by:

- o Title IX - Chancellor (or Designee)
- o Equity ± Student, Student Organization or University Staff Respondents ± Chancellor (or Designee)
- o Equity ± Faculty, UM System Staff or University as Respondent ± President (or Designee)

University of Missouri System
1000 University Blvd., Columbia, MO 65211

2

University of Missouri System
1000 University Blvd., Columbia, MO 65211

3

‡ After review of the investigation and evidence gathered, Equity Officer determines whether there is a sufficient basis to proceed with the

Appeals under 600.030, 600.040, and 600.050

Appeals are limited to the following grounds:

- a. A procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedure, etc.);
- b. To consider 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;
- c. The Title IX Coordinator / Equity (HR) Officer, 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; or
- d. The sanctions fall outside the range typically imposed/P <</MCID 20>> BL

Appellate Process

f Appellate Officer will review Request for Appeal:

- o Is request timely?
- o Is appeal based on articulated bases for appeal?
- o If viewed in light most favorable to appealing Party, does the appeal state grounds that *could* result in an adjusted finding or sanction?

f If answer to these questions is no, appeal will be rejected.

f Decision to accept or reject an appeal will be made in writing within 15 days; otherwise, deemed accepted.

f If accepted, decision on appeal must be rendered within 10 business days from accepting request for appeal.

f If accepted, Appellate Officer must render written decision.

Appellate Process ±Written Decision

PRACTICE POINTER

If you decide to accept appeal, you may combine decision to accept appeal & written decision on appeal into one decision.

(will have to be completed within 15 days)

Appellate Process ±Written Decision

9 Describe procedural history of appellate case

9 List bases for appeal

9 If combining acceptance of request for appeal, include rationale for this:

‡ Timely



16
