LETTER – NOTIFICATION OF RECEIPT OF APPEAL REQUEST

INSTRUCTIONS FOR **TITLE IX COORDINATOR**: USE THIS LETTER TO NOTIFY BOTH PARTIES UPON RECEIPT OF AN APPEAL REQUEST THAT AN APPEAL HAS BEEN FILED, AS REQUIRED UNDER POLICY SECTION IV.H.5.and 6. USE THIS TO CREATE IDENTICAL, BUT SEPARATE LETTERS, TO COMPLAINANT AND RESPONDENT AND BE SURE THEY ARE BOTH SENT SIMULTANEOUSLY, COPYING THEIR PARTY ADVISOR (IF ANY).

Be sure to read this entire letter and make the appropriate text selections where indicated in [BRACKETS]

[INSERT HERE DATE OF LETTER OR EMAIL]

[INSERT METHOD OF DELIVERY: FIRST CLASS MAIL OR EMAIL]

RESPONDENT OR COMPLAINANT NAME

MAIL ADDRESS

Email address:

RE: Notification of Appeal of Initial

Determination of Responsibility

Dear **[INSERT RESPONDENT OR COMPLAINANT NAME]:**

I am writing to inform you that I have received a request for Appeal of [**INSTRUCTIONS CHOSE ONE AS APPROPRIATE:** a Dismissal of a Formal Complaint of Sexual Harassment **OR** an Initial Determination of Responsibility regarding a Formal Complaint of Sexual Harassment] in which you are a [**CHOOSE ONE:** Complainant/Respondent]. I am enclosing a copy of the Appeal Request that was filed for your information and review.

*Party Protections & Rights*

During the pendency of the Appeal process both parties remain entitled to equitable treatment. In addition, both parties will be afforded an opportunity to brief the Appellate Decision maker about the appeal taken in this case. Please take care to note the following deadlines with respect to this opportunity which have been triggered by this Notification of Appeal.

**[INSTRUCTIONS: YOU WILL NEED TO REVIEW THE APPEAL REQUEST TO DETERMINE WHETHER OR NOT “NEW EVIDENCE” IS THE BASIS OF THE APPEAL. IF IT IS, YOU MUST INFORM BOTH PARTIES OF THE FOLLOWING BRIEFING SCHEDULE AND DEADLINES:**

Briefing Schedule and Deadlines in Cases of Newly Available Evidence. In this case, where the basis of the appeal is a claim of newly available evidence affecting the outcome, the party relying upon such evidence in support of their appeal shall submit to the Appellate Decision-Maker their Brief along with such evidence or a summary of such evidence **first** and by **[INSTRUCTIONS: INSERT A DEADLINE DATE HERE which will provide the Appealing party 7 days from the anticipated date of receipt of your letter].** The Appellate Decision-Maker assigned in this case is **[INSTRUCTIONS: NAME THE APPELLATE DECISION MAKER]** and can be contacted at [**INSERT ADDRESS WHERE PARTIES MAY SUBMIT THEIR BRIEFS TO]**. The Appellate Decision-Maker shall then provide a copy to the non-appealing party so they may review the brief and “new evidence” to provide a response. The non-appealing party’s written response will be due within seven days of receipt of the brief and evidence.

**INSTRUCTIONS: IN CASES WITH EITHER NO CLAIM OF NEWLY AVAILABLE EVIDENCE, YOU MUST INFORM BOTH PARTIES OF THE FOLLOWING BREIFING SCHEDULE AND DEADLINES:**

Briefing Schedule and Deadlines In Cases With NO Newly Available Evidence. In this case, where there is no claim of newly available evidence, each party shall have until **[INSTRUCTIONS: INSERT A DEADLINE DATE HERE which will provide both parties 10 days from the date of anticipated receipt of your letter]** to submit a written statement in support of, or challenging the [**INSTRUCTIONS CHOSE ONE AS APPROPRIATE:**  Dismissal of a Formal Complaint of Sexual Harassment **OR** Initial Determination of Responsibility regarding a Formal Complaint of Sexual Harassment] to the Appellate Decision- Maker. The Appellate Decision-Maker assigned in this case is **[INSTRUCTIONS: NAME THE APPELLATE DECISION MAKER]** and can be contacted at [**INSERT ADDRESS WHERE PARTIES MAY SUBMIT THEIR BRIEFS TO.]**

Thank you for your anticipated cooperation through this process. Please let me know if you have any questions.

Sincerely,

NAME

(DISTRICT/Building Based) Title IX Coordinator

Enclosure: Appeal Request

cc: Party Advisor (IF ANY)