



Fall 2025

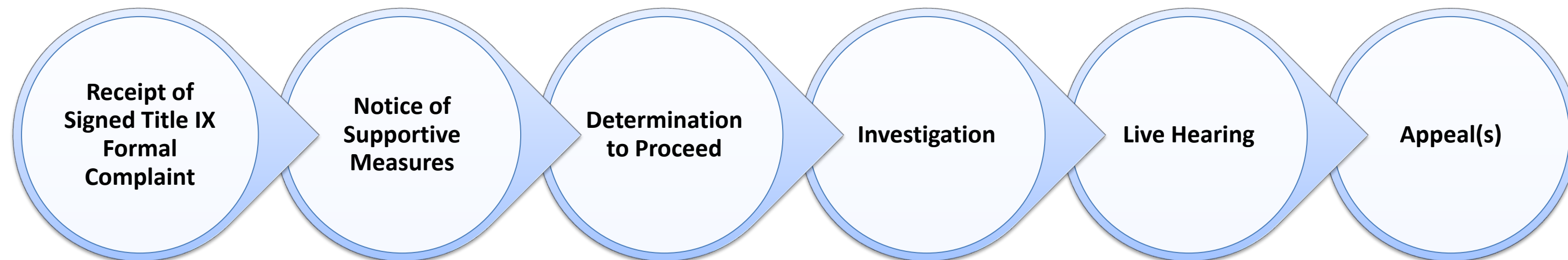
Title IX Training

Appeal Decision Makers

Agenda

- **Review Role and Responsibilities**
- **2020 Title IX Final Rule: Appeal Procedures**
- **Review Documents**
- **Discuss Common Pitfalls**
- **Q&A**

How Do We Get to an Appeal?



Anticipated Timeframe

- Collin College will endeavor to expedite all formal complaint investigations and resolutions.
- Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Collin College to delay its investigation, the Formal Resolution Process should be completed within a reasonably prompt time frame.
- Collin College may temporarily delay or grant a limited extension of the time frame for good cause as long as both parties are notified in writing of the delay or extension and the reason(s) for the action.
- The anticipated time frame for the appeal process phase, culminating with the appeal decision maker's *Appeal Determination* or the College District President or designee's decision (in cases where expulsion of a student or termination of an employee is recommended), is 45 College District business days.

Submitting an Appeal

- Either the Complainant or Respondent may appeal the Live Hearing Officer's determination.
- The appealing party must submit the completed *Appeal Request Form* within 10 College District business days of the Live Hearing Officer's determination.
- The only grounds for an appeal allowed under Title IX are:
 - Procedural irregularity that affected the outcome,
 - New evidence not reasonably available prior to the Live Hearing that could affect the outcome, and/or
 - Conflict of interest or bias by Collin College's participants that affected the outcome.

Notifying the Non-Appealing Party

- The Title IX Coordinator, Deputy Title IX Coordinator, or designee overseeing the case will notify the non-appealing party that the other party has appealed.
- The non-appealing party will be allowed to submit a written statement in response.
- The non-appealing party must submit their written statement within [10 College District business days](#) of notice of the appeal.
- The appeal will proceed even if the non-appealing party does not submit a written statement.

Appeal Decision Maker's Role

- Title IX Coordinators, Deputy Title IX Coordinators, Informal Resolution Facilitators, Investigators, Removal Challenge Officers, Live Hearing Advisors, and Live Hearing Officers cannot serve as Appeal Decision Makers.
- The Appeal Decision Maker will be an appropriate Vice President or designee.
- When an Appeal Decision Maker is needed to serve on a case, the appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee will assign the appropriate Vice President or designee.
- The Appeal Decision Maker must be free from conflicts of interest or bias for or against the parties.
- The Appeal Decision Maker must conduct a prompt, fair, impartial, unbiased, and equitable process from the beginning of the Appeal process to the submission of the *Appeal Determination*.

Advisors' Roles During the Appeal Phase

- In accordance with Title IX, both parties will have equal right to be accompanied by an advisor of their choice (e.g., family member, friend, legal counsel) to meetings with the Appeal Decision Maker.
 - However, only the party may speak on their own behalf.
 - Collin College retains the right to limit the role of both parties' advisors in meetings with the Appeal Decision Maker.
 - Should a party's advisor continuously speak on the party's behalf, become combative, or otherwise disrupt the proceedings, the Appeal Decision Maker reserves the right to ask them to leave or to end the proceedings and reschedule for a later date.
- Collin College will not provide an advisor for either party during the Appeal phase of the Title IX Formal Resolution Process.

Appeal Procedures

- **The appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee will provide the following items to the Appeal Decision Maker:**
 1. The final *Investigation Report*,
 2. A link to all information and evidence that is directly related to the allegation(s),
 3. The *Written Determination of Responsibility*,
 4. A link to the Zoom audio and video recordings of the Live Hearing,
 5. The appealing party's completed *Appeal Request Form*,
 6. The non-appealing party's completed *Non-Appealing Party Written Statement* (if submitted by the non-appealing party),
 7. The *Title IX Complaint Resolution Process Potential Penalties and Remedies* handout,
 8. The *Appropriate Vice President or Designee's Appeal Determination* template, and
 9. The *Appeal of Expulsion or Termination to the College District President or Designee Request Form* template (if applicable).

Appeal Procedures (Cont.)

- The Appeal Decision Maker will review the records and evidence.
- The Appeal Decision Maker may, at their discretion, meet separately with the Complainant and their advisor (if the complainant elects to provide their own advisor during the appeal phase), the Respondent and their advisor (if the respondent elects to provide their own advisor during the appeal phase), and/or witnesses.
- It is at the discretion of the Appeal Decision Maker to determine whether meetings should be held in person or via Zoom or other web conferencing software approved by Collin College.
- If the Appeal Decision Maker meets with any party, they must audio and/or video record the meeting.

Contacting the Parties

- If the Appeal Decision Maker elects to meet with any party and/or witness, the Appeal Decision Maker will contact the party and/or witness to request they schedule separate meetings.
- This communication will be made through one (1) or more of the following methods:
 1. A written communication sent to the individual's Collin College email account;
 2. A written communication sent to the individual's personal email account, if the individual is not a Collin College student or employee and/or the individual requests that communication be sent through this method;
 3. A letter mailed to the individual's address as listed with the Student and Enrollment Services Office or Human Resources Department;
 4. A letter hand-delivered to the individual on campus by the Appeal Decision Maker. The Appeal Decision Maker will document the date, time, and place of hand-delivery; and/or
 5. A phone call to the individual's number as listed with the Student and Enrollment Services Office, Human Resources Department, or provided to the Appeal Decision Maker.

Contacting the Parties (Cont.)

- If a party or witness does not respond to the Appeal Decision Maker's communication within 10 College District business days, the Appeal Decision Maker will attempt to contact the individual one (1) more time through at least one (1) of the methods listed on the previous slide.
- If a party or witness does not respond to this second communication within 10 College District business days, the Appeal Decision Maker will proceed with the appeal.

After the Appeal

- The Appeal Decision Maker will send an email to the Complainant and their advisor (if the complainant elects to provide their own advisor during the appeal phase) and the Respondent and their advisor (if the respondent elects to provide their own advisor during the appeal phase) containing the link(s) to the audio and/or video recording(s) of any meeting(s).
- The Appeal Decision Maker will deliberate on the evidence provided and make a determination.
 - Collin College uses the preponderance of the evidence standard (i.e., more likely than not to have occurred).
 - Think of this as “50% plus a feather.”
 - It is critically important that the Appeal Decision Maker does not use a higher standard of evidence when making a determination.

Relevant Evidence

- When determining responsibility, the Appeal Decision Maker must consider all information and evidence that is relevant to the allegation(s).
- Inculpatory Evidence: Evidence that can establish an individual's involvement in an act or their guilt.
- Exculpatory Evidence: Evidence that can exonerate an individual.
- For example, in a murder case:
 - Evidence of a prior dispute between the defendant and a next-door neighbor (unrelated to the murder) is not relevant to the case.
 - Evidence of a prior dispute between the defendant and the victim is relevant to the case because it may be related to the motive for the murder.

Determining Credibility

- The Appeal Decision Maker must determine the credibility of the evidence as well as the credibility of each party and witness.
- Credibility refers to the process of weighing the accuracy and veracity of evidence.
- Credibility and honesty are not the same.
 - Stating that evidence is not credible does not mean you are saying someone is lying.
 - Rather, you are evaluating the source, content, and plausibility of the information and evidence provided.
- Credibility gives weight to the evidence and provides support for the Appeal Decision Maker's determination.

Determining Credibility (Cont.)

- Credible evidence must be used to determine responsibility.
- Credibility determinations may not be based on a person's status as a Complainant, Respondent, or Witness.
- **When determining credibility:**
 - Evaluate the source, content, and plausibility of the evidence and information offered in light of other evidence.
 - If the source, content, and plausibility are strong, credibility is strong.
 - The best way to establish credibility is through corroboration (i.e., sufficient, independent evidence that supports the facts at issue).
 - Look for subtle biases of which the parties and witnesses may not be aware (e.g., victim-blaming, defensiveness, fear of getting in trouble).
 - First-hand information, especially direct knowledge or observation of the alleged incident(s), is best.

Determining Credibility (Cont.)

- **Factors to consider:**
 - Is the testimony/evidence believable? Does it make sense?
 - Are there inconsistencies and contradictions in the testimony/evidence?
 - Did the person seem to be telling the truth? Did the person have a reason to lie?
 - Is there other evidence that supports the testimony?
- **Remember: A responsible determination can be reached when the evidence is credible and sufficient even if there were no witnesses to the alleged incident(s).**

Determining Responsibility

- **Must consider Collin College's jurisdiction:**
 - Occurred while participating in or attempting to participate in Collin College's education program or activity, and/or
 - Impacted a person in the United States
- **The alleged conduct must be so severe, pervasive, and objectively offensive that it limits or denies a party's ability to participate in or benefit from Collin College's educational program or activity.**
- **Collin College's education program or activity includes:**
 - Locations, events, or circumstances over which the institution exercises substantial control over both the Respondent and the context in which the prohibited conduct occurred.
 - Any building owned or controlled by a student organization that is officially recognized by Collin College.

Determining Responsibility (Cont.)

- Quid pro quo sexual harassment, Clery Act, and VAWA offenses (i.e., dating violence, domestic violence, sexual assault, and stalking) are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because prohibiting such conduct presents no First Amendment concerns and such serious misconduct causes denial of equal educational access.
- If the allegation does not rise to the level of a Title IX violation, but the Appeal Decision Maker thinks it still should be addressed through another Collin College process, they can refer it to the appropriate process (e.g., Employee Complaint Process, General Complaint Process, Student Disciplinary Process).

Potential Penalties

- The Appeal Decision Maker may impose the following penalties on a [Student Respondent](#) or other penalties, as appropriate:
 - Reprimand
 - Restitution
 - Educational Project Experience (EPE)
 - Conditional Probation for One (1) Calendar Year, Two (2) Calendar Years, or Three (3) Calendar Years
 - Suspension for One (1) Regular Long Semester (i.e., Fall or Spring), One (1) Calendar Year, Two (2) Calendar Years, Three (3) Calendar Years, or Four (4) Calendar Years
 - Recommendation for Expulsion (Note: The Appeal Decision Maker can recommend Expulsion. However, the College District President or designee is the only entity at Collin College who can actually expel a student.)

Potential Penalties (Cont.)

- The Appeal Decision Maker may impose the following penalties on an Employee Respondent or other penalties, as appropriate:
 - Coaching and Counseling
 - Written Disciplinary Action
 - Unpaid Administrative Leave
 - Recommendation for Termination (Note: The Appeal Decision Maker can recommend Termination. However, the College District President or designee is the only entity at Collin College who can actually terminate an employee.)

Potential Remedies

- If the Appeal Decision Maker determines the Respondent committed prohibited conduct, Collin College must effectively implement remedies for the Complainant.
- Remedies are designed to restore or preserve the Complainant's right to equal access to education.
- The Appeal Decision Maker has flexibility to recommend remedies they think will best address each incident of prohibited conduct and meet each Complainant's needs.
- The appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee is responsible for ensuring the effective implementation of any remedies.

Potential Remedies (Cont.)

- **Potential remedies the Appeal Decision Maker can offer to a [Student Complainant](#) include, but are not limited to:**

1. Campus Change
2. Class Schedule Change
3. Drop a Course Without an Academic Penalty
4. Increased Security and Staff Monitoring of Certain Areas of the Campus
5. Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection, Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court
6. Late Withdrawal from a Course
7. No-Contact Directive Issued by Collin College
8. Referral to Appropriate Medical Facility
9. Referral to Appropriate Off-Campus Resources
10. Referral to Collin College Police Department and/or Local Law Enforcement Agency
11. Referral to Counseling Services and/or TimelyCare
12. Specific Educational Programming for an Individual or Group
13. Student Employment Assignment Change
14. Student Housing Change (If Residing in Collin College Student Housing)

Potential Remedies (Cont.)

- Potential remedies the Appeal Decision Maker can offer to an [Employee Complainant](#) include, but are not limited to:
 1. Increased Security and Staff Monitoring of Certain Areas of the Campus
 2. Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection, Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court
 3. No-Contact Directive Issued by Collin College
 4. Referral to Appropriate Medical Facility
 5. Referral to Appropriate Off-Campus Resources
 6. Referral to Collin College Police Department and/or Local Law Enforcement Agency
 7. Referral to Employee Assistance Program (EAP) and/or TimelyCare
 8. Specific Educational Programming for an Individual or Group
 9. Work Schedule Reassignment

Appeal Determination

- The Appeal Decision Maker will compose the *Appropriate Vice President or Designee's Appeal Determination*, which will describe the:
 1. Appeal and rationale for the determination, and
 2. Procedures and permissible grounds for appeal.
- Make sure the appeal deadline is filled in on both the *Appropriate Vice President or Designee's Appeal Determination* and the *Appeal of Recommendation for Expulsion or Termination to the College District President or Designee Request Form*, if applicable.
 - This deadline will be 4:30 p.m. on the tenth College District business day after the date you send the documents to the parties.

Calculating “College District Business Days”

- College District business days exclude:
 1. Weekends (i.e., Saturdays and Sundays)
 2. National holidays recognized by Collin College
 3. College District closures
- Do not count the day you send the documents.
- Examples:
 1. If you send the documents on Monday, October 6, 2025, the parties will have until 4:30 p.m. on Monday, October 20, 2025, to submit an appeal.
 2. If you send the documents on Tuesday, December 23, 2025, the parties will have until 4:30 p.m. on Friday, January 16, 2026, to submit an appeal due to the Winter Break.

Appeal Determination (Cont.)

- The Appeal Decision Maker will send the following documents simultaneously to the parties and their respective advisors (if the parties elect to provide their own advisors during the appeal phase) in electronic format or hard copy within 10 College District business days:
 - *Appropriate Vice President or Designee's Appeal Determination*
 - *Appeal of Recommendation for Expulsion or Termination to the College District President or Designee Request Form* (if applicable)
 - Any Other Applicable Forms or Documents (e.g., *Permanent No-Contact Directive Acknowledgment Form*)
- The Appeal Decision Maker's determination is final and non-appealable except when expulsion of a student or termination of an employee is recommended.
- The Appeal Decision Maker's obligation ends once the *Appropriate Vice President or Designee's Appeal Determination* becomes final or the Expulsion/Termination Appeal phase is initiated.

Expulsion and Termination Appeals

- Only in cases where expulsion of a student or termination of an employee is recommended, either the Complainant or Respondent may appeal the Appeal Decision Maker's determination.
- The appealing party must submit the completed *Appeal of Recommendation for Expulsion or Termination to the College District President or Designee Request Form* within 10 College District business days of the Appeal Decision Maker's determination.
- The only grounds for an appeal allowed under Title IX are:
 - Procedural irregularity that affected the outcome,
 - New evidence not reasonably available prior to the Live Hearing that could affect the outcome, and/or
 - Conflict of interest or bias by Collin College's participants that affected the outcome.

Notifying the Non-Appealing Party

- The Title IX Coordinator, Deputy Title IX Coordinator, or designee overseeing the case will notify the non-appealing party that the other party has appealed.
- The non-appealing party will be allowed to submit a written statement in response.
- The non-appealing party must submit their written statement within [10 College District business days](#) of notice of the appeal.
- The appeal will proceed even if the non-appealing party does not submit a written statement.

College District President or Designee's Role

- Only the College District President or designee can approve the expulsion of a student or termination of an employee.
- The College District President or designee will review all recommendations for expulsion, whether or not the Complainant or Respondent chooses to appeal the Appeal Decision Maker's determination.
- The College District President or designee must be free from conflicts of interest or bias for or against the parties.
- The College District President or designee must conduct a prompt, fair, impartial, unbiased, and equitable process from the beginning of the Expulsion or Termination Appeal process to the submission of the *Final Decision Regarding Expulsion of a Student or Termination of an Employee*.

Advisors' Roles During the Expulsion and Termination Appeals Phase

- In accordance with Title IX, both parties will have equal right to be accompanied by an advisor of their choice (e.g., family member, friend, legal counsel) to meetings with the College District President or designee.
 - However, only the party may speak on their own behalf.
 - Collin College retains the right to limit the role of both parties' advisors in meetings with the College District President or designee.
 - Should a party's advisor continuously speak on the party's behalf, become combative, or otherwise disrupt the proceedings, the College District President or designee reserves the right to ask them to leave or to end the proceedings and reschedule for a later date.
- Collin College will not provide an advisor for either party during the Expulsion and Termination Appeals phase of the Title IX Formal Resolution Process.

Expulsion and Termination Appeal Procedures

- The appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee will provide the following items to the College District President or designee:
 1. The final *Investigation Report*,
 2. A link to all evidence and documents relevant to the allegation(s),
 3. The *Written Determination of Responsibility*,
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 6. The appealing party's completed *Appeal Request Form*,
 7. The non-appealing party's completed *Non-Appealing Party Written Statement* (if submitted by the non-appealing party),
 8. The *Title IX Complaint Resolution Process Potential Penalties and Remedies* handout, and
 9. The *College District President or Designee's Final Decision Regarding Expulsion of a Student or Termination of an Employee* template.

Expulsion and Termination Appeal Procedures (Cont.)

- The College District President or designee will review the records and evidence.
- The College District President or designee may, at their discretion, meet separately with the Complainant and their advisor (if the complainant elects to provide their own advisor during the appeal phase), the Respondent and their advisor (if the respondent elects to provide their own advisor during the appeal phase), and/or witnesses.
- It is at the discretion of the College District President or designee to determine whether meetings should be held in person or via Zoom or other web conferencing software approved by Collin College.
- If the College District President or designee meets with any party, they must audio and/or video record the meeting.

Contacting the Parties

- **If the College District President or designee elects to meet with any party and/or witness, the College District President or designee will contact the party and/or witness to request they schedule separate meetings.**
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 3. A letter mailed to the individual's address as listed with the Student and Enrollment Services Office or Human Resources Department;
 4. A letter hand-delivered to the individual on campus by the College District President or designee. The College District President or designee will document the date, time, and place of hand-delivery; and/or
 5. A phone call to the individual's number as listed with the Student and Enrollment Services Office, Human Resources Department, or provided to the College District President or designee.

Contacting the Parties (Cont.)

- If a party or witness does not respond to the College District President or designee's communication within 10 College District business days, the College District President or designee will attempt to contact the individual one (1) more time through at least one (1) of the methods listed on the previous slide.
- If a party or witness does not respond to this second communication within 10 College District business days, the College District President or designee will proceed with the appeal.

Calculating “College District Business Days”

- **College District business days exclude:**
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- **Do not count the day you send the communication to the parties.**
- **Examples:**
 1. If you send the communication on Monday, October 6, 2025, the parties will have until 4:30 p.m. on Monday, October 20, 2025, to respond.
 2. If you send the communication on Tuesday, December 23, 2025, the parties will have until 4:30 p.m. on Friday, January 16, 2026, to respond due to the Winter Break.

After the Expulsion or Termination Appeal

- The College District President or designee will send an email to the Complainant and their advisor (if the complainant elects to provide their own advisor during the appeal phase) and the Respondent and their advisor (if the respondent elects to provide their own advisor during the appeal phase) containing the link(s) to the audio and/or video recording(s) of any meeting(s).
- The College District President or designee will deliberate on the evidence provided and make a determination to affirm, modify, or reverse the recommendation for expulsion or termination.
 - Collin College uses the preponderance of the evidence standard (i.e., more likely than not to have occurred).
 - Think of this as “50% plus a feather.”
 - It is critically important that the College District President or Designee does not use a higher standard of evidence when making a determination.

Final Decision Regarding Expulsion or Termination

- The College District President or designee will compose the *Final Decision Regarding Expulsion of a Student or Termination of an Employee*, which will describe the rationale for the determination.
- The College District President or designee will send the *Final Decision Regarding Expulsion of a Student or Termination of an Employee* simultaneously to the parties and their respective advisors (if the parties elect to provide their own advisors during the appeal phase) in electronic format or hard copy within 10 College District business days.
- The College District President or designee's decision is final and non-appealable.
- The College District President or designee's obligation ends once the *Final Decision Regarding Expulsion of a Student or Termination of an Employee* is sent to the parties.

Question & Answer Session



Title IX Coordinators

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