

Southwestern Community College Appeal Language Post Title IX Determination

*If the Complainant is not satisfied with the results of the administrative determination, they may, within thirty (30) days, under **Cal. Code Regs. Tit. 5, § 59338** submit a written appeal to the College District's Board of Trustees.*

The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final College District decision in the matter within forty-five (45) days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and the Respondent.

Cal. Code Regs. Tit. 5, § 59338 - Final District Decision; Appeals to Local Governing Board

(a) If the complainant is not satisfied with the results of the administrative determination rendered pursuant to section [59336](#), the complainant may submit a written appeal to the district governing board within thirty (30) days from the date of the notice required by section [59336](#). In student sexual misconduct cases subject to section [59337](#), subdivision (b), respondents who are not satisfied with the results of the administrative determination rendered pursuant to section [59336](#), subdivision (a), may submit a written appeal to the district governing board within thirty (30) days from the date of the notice required by section [59336](#). The governing board shall review the original complaint, the investigative report, the administrative determination, and the appeal and issue a final district decision within forty-five (45) days after receiving the appeal.

(b) If the governing board does not act within forty-five (45) days, the administrative determination shall be deemed approved on the forty-sixth (46) day and shall become the final district decision. The district shall promptly notify the complainant and the respondent of the board's action, or if the board took no action that the administrative determination is deemed approved.

(c) In any case not involving employment discrimination, the district shall promptly forward to the complainant, and the respondent, a copy of the final district decision rendered by the governing board, if any, and notice of the complainant's right to appeal the district's decision to the Chancellor pursuant to section [59339](#).

(d) In any case involving employment discrimination, the district shall promptly forward to the complainant a copy of the final district decision rendered by the governing board that includes the complainant's right to file a complaint with the Department of Fair Employment and Housing (DFEH), where the case is within the jurisdiction of that agency.

Cal. Code Regs. Tit. 5, § 59339 - Appeal to the Chancellor after final determination by the governing board.

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Section 59339 of Title 5 still only provides the complainant with the right to file a written appeal to the Chancellor for cases not involving employment discrimination, within 30 days from the date of the district's notice of the final determination rendered by the governing board.

(a) In any case not involving employment discrimination, the complainant may file a written appeal with the Chancellor within thirty (30) days from the date of the district's notice of final decision. Such appeals shall be processed pursuant to the provisions of article 4 (commencing with section [59350](#)) of this subchapter. The appeal must include copies of the complaint, the decision of the governing board, and the notice of final decision.

(b) In any case involving employment discrimination, the complainant may, before or after the final district decision is rendered, file a complaint with the Department of Fair Employment and Housing (DFEH).

(c) In any complaint dismissed pursuant to section [59332](#), a complainant may file a written appeal with the Chancellor within thirty (30) days from the date of the notice of dismissal.

(d) For any appeal under subdivision (a) or (c), the district shall provide all relevant, non-privileged documents upon request of the Chancellor.