

Agreement-Based Resolution Alternative Process

Agreement-Based Resolution is an alternative where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among the affected parties that balances support and accountability. If Saint Elizabeth University offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sex does not continue or recur within the education program or activity.

Any party may design the proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a Respondent violated the Policy.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct and that the matter must instead be resolved through an alternate process.

Initiating the Agreement-Based Resolution Process

Before the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred.
2. The requirements of the Agreement-Based Resolution process.
3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether Saint Elizabeth University could disclose such information for use in a future Saint Elizabeth University grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate.
4. Notice that an agreement resulting from Agreement-Based Resolution process is binding only on the parties and is not subject to appeal.
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations.
6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred.
7. A statement that the Respondent is presumed not responsible for violating this Policy unless the Respondent admits to a violation of this Policy.
8. An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney.
9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution.

10. The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of 3 days' notice.
11. Information regarding Supportive Measures, which are available equally to the parties; and
12. The potential terms that may be requested or offered in an Agreement-Based Resolution

Role of the Facilitator

Facilitating an Agreement

Agreement-Based Resolution processes are managed by trained facilitators. All facilitators will not be the same person as the investigator or the decisionmaker in Saint Elizabeth's Grievance Procedure. Any person designated to facilitate an Agreement-Based Resolution process may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. If the Title IX Coordinator is also the investigator or the decisionmaker, they would not be able to serve as a facilitator of Agreement-Based Resolution process.

All facilitators must have specialized training required by law and regulation. Such training includes:

Saint Elizabeth University's obligation to address sex discrimination, including Sex-Based Harassment, in its Education Program or Activity.

The scope of conduct that constitutes sex discrimination, including Sex-Based Harassment, under Title IX, including the definition of Sex-Based Harassment.

All applicable notification and information requirements related to parental, family, or marital status, including pregnancy and related conditions, and Saint Elizabeth University's response to sex discrimination.

The rules and practices associated with Saint Elizabeth University's Agreement-Based Resolution process, and

How to serve impartially, including by avoiding conflict of interest and bias

If all Parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the **Agreement-Based Resolution** process, or the Title IX Coordinator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Title IX Coordinator will inform the parties of such decision, in writing.

Agreement-based resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The investigator or Decisionmaker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

1. An agreement that the Respondent will change classes or housing assignments.
2. An agreement that the Parties will not communicate or otherwise engage with one another,
3. An agreement that the Parties will not contact one another.
4. Completion of a training or educational project by the Respondent.
5. Completion of a community service project by the Respondent.
6. An agreement to engage in a restorative justice process or facilitated dialogue.
7. Discipline agreed upon by all parties

To facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during Agreement -Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate. Any violations of the terms of the Resolution Agreement may result in disciplinary action.