

Informal Resolution

What is an Informal Resolution in the Title IX Office?

Informal Resolution is a process through which parties voluntarily engage with an impartial Informal Resolution Facilitator (IRF) to discuss remedies to resolve a formal complaint under the University Sexual Misconduct or Title IX Sexual Harassment. Informal Resolution is a non-disciplinary process separate from the University's investigation resolution policy by a hearing body process. Informal Resolution does not include any factual investigation or substantive determination under University policy. While parties may agree to a restriction, resulting in a binding agreement, the Agreement and the Resolution will not appear on any transcript or disciplinary record. Though individual cases may vary, Informal Resolutions aim to stop, remedy, and prevent any occurrence of sexual violence and sexual harassment. The Reporting Party is provided the opportunity to articulate their needs and develop terms designed to address those needs in a tailored, fact-specific manner. The Responding Party acknowledges the harm and addresses that harm without determining policy/violation/s or formal disciplinary action.

When can someone choose an Informal Resolution with the Title IX Office?

When an initial assessment in which a Reporting Party shares sufficient information for the Title IX office to conclude that the conduct being alleged would violate the Title IX Policy if substantiated.

- When there is no significant power dynamic between the Reporting and Responding Parties or other relationship between the parties that would make Informal Resolution ineffective or inappropriate.
- When the Title IX Office believes that an Informal Resolution process will not place the Reporting Party or others at risk for future harm and will serve to prevent future harm
- All of the above apply.

How are the terms developed?

The Reporting and Responding Parties voluntarily work with the Title IX Informal Resolution Facilitator (IRF) to reach an agreement for Informal Resolutions.

- The Informal Resolution Facilitator (IRF) works first with the Reporting Party to draft terms.
- The IRF will consider whether the terms will stop, remedy, and prevent future harm and suggest alternative or additional terms.
- The IRF will confirm in writing with the Reporting Party before contacting the Responding Party.
- The IRF will contact the Reporting and the Responding Parties that the Reporting Party has made allegations and would like to engage in an Informal Resolution. If the Responding Party chooses to engage in the Alternative Resolution process, the Responding Party will receive the suggested terms and have the opportunity to make counter- suggestions.

- Generally, the parties will not meet together but will meet with the IRF separately to develop terms.

Are the terms of an Informal Resolution binding?

An Informal Resolution process is administered by the Title IX Office and complies with the Title IX Policy.

Working with the Title IX Office in any fashion may not prevent a criminal or civil action.

If the final mutually agreed open terms have been fulfilled, the Title IX Office will NOT investigate the same allegation unless there are new allegations and parties fail to complete the terms, and the Reporting Party requests an investigation.

Must the Responding Party be notified of an Informal Resolution?

Yes, a Responding Party must be notified of the Reporting Party's request to engage in an Informal Resolution and include a Summary of Allegations.

The Responding Party can ask questions about the process and decide whether or not they would like to engage in an Informal Resolution process.

What if the Responding Party chooses not to participate in the Informal Resolution?

If the Responding Party is notified of the Informal Resolution and chooses not to participate in the process, the Reporting Party has the option to move forward with an investigation.

Can a Reporting or Responding Party be forced to participate in an Informal Resolution? No.

The ARF works with both parties to create mutually agreed-upon terms. For an Informal Resolution to be initiated and supported by Title IX Office, both parties must willingly engage in the Informal Resolution process.

Does the Reporting Party have to communicate directly with the Responding Party to develop the Informal Resolution terms?

No, the Reporting and Responding Parties generally do not directly interact during an Informal Resolution process. The IRF will act as a mediator between the Reporting and Responding Parties during the creation of the terms.

Will the Title IX IRF monitor the terms after an agreement has been made?

Yes. The IRF will continue to communicate timelines and monitor the completion of terms until all terms have been fulfilled.

What if the Responding Party does not fulfill the terms of the Informal Resolution after it is agreed upon?

If the Responding Party does not fulfill or complete the agreed-upon terms of the Informal Resolution, the Reporting Party may request an investigation into the allegations.

Informal Resolution Agreement for Complainant

The Informal Resolution process will only be used at the request and agreement of both the Reporting and the Responding Parties and under the direction of the Title IX Office. For the Informal Resolution Process to be appropriate, both parties must understand and agree on the necessary elements of the process. The following information was reviewed in your initial meeting with the Title IX Office, but please read through the following components and initial that you understand each of the following:

_____ Participation in this process is voluntary, and either the Reporting or Responding Parties can choose to end the process at any time before signing the agreement;

_____ The process can only be used once and will not be considered if requested by a repeat Responding Party under the Title IX Policy;

_____ The Reporting and Responding Parties must agree to all recommendations laid out in the agreement or the case reverts to an investigation;

_____ Participation in this process does not constitute a responsible finding of a policy violation and therefore is not reflected on a student's disciplinary record:

_____ If the Responding Party is accountable for violating this agreement, those violations will be considered for the future sanctioning phase of the disciplinary proceeding; and

_____ The Responding Party may be charged with *Failure to Comply with a Directive of a University Official* for failure to meet the requirements specified in the agreement.

_____ Information documented during this process can be subpoenaed if a criminal investigation is initiated.

Reporting Party's Signature

Date

IRF's Signature

Date

Informal Resolution Agreement for Respondent

The Informal Resolution process will only be used at the request and agreement of both the Reporting and the Responding Parties and under the direction of the Title IX Office. In order for the Informal Resolution Process to be appropriate, both parties must understand and agree on the necessary elements of the process. The following information was reviewed in your initial meeting with the Title IX Office, but please read through the following components and initial that you understand each of the following:

_____ Participation in this process is voluntary, and either the Reporting or Responding Parties can choose to end the process at any time before signing the agreement;

_____ The process can only be used once and will not be considered if requested by a repeat Responding Party under the Title IX Policy;

_____ The Reporting and Responding Parties must agree to all recommendations laid out in the agreement or the case reverts to an investigation;

_____ Participation in this process does not constitute a responsible finding of a policy violation and therefore is not reflected on a student's disciplinary record:

_____ If the Responding Party is found accountable for violating this agreement, those violations will be considered for the future sanctioning phase of the disciplinary proceeding; and

_____ The Responding Party may be charged with *Failure to Comply with a Directive of a University Official* for failure to meet the requirements specified in the agreement.

_____ Information documented during this process can be subpoenaed if a criminal investigation is initiated.

Responding Party's Signature

Date

IRF's Signature

Date

Reporting Party

By signing below, I indicate that I approve of the Title IX Office moving forward with this contract as-is and understand the requirements that must be completed on behalf of the Responding Party in this for the Informal Resolution Process (*as part of the Title IX Policy*) to be satisfied. By participating in this process, I understand and acknowledge that I am waiving my right to utilize a formal investigation to resolve this matter once both parties (myself & Responding Party) have signed this contract. Lastly, I understand and acknowledge that if the Responding Party fails to complete the activities set forth, the Responding Party may be charged with *Failure to Comply with a Directive of a University Official* under the Title IX Policy. I further understand and acknowledge that sanction (s) listed under the Title IX Policy may be imposed upon the Responding Party if they are found responsible for *Failure to Comply with a Directive of the University Official*.

Reporting Party's Printed Name	Signature	Date
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Title IX IRF's Printed Name	Signature	Date
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