



## **Title IX Procedures for Informal Resolution**

### **Informal Resolution**

The Informal Resolution process is a voluntary process requiring the written agreement of the Complainant and Respondent to resolve a complaint by any means other than an investigation. Any Informal Resolution agreed upon by both Complainant and Respondent must also have the approval of the Title IX Coordinator in order to be finalized. The Title IX Coordinator will determine whether the terms agreed to and/or set out in an Informal Resolution are sufficient to resolve the complaint. The Informal Resolution process may be stopped prior to conclusion by either party or the Title IX Coordinator if an agreement cannot be reached by the parties or the Title IX Coordinator determines that the Informal Resolution process is no longer appropriate to resolve the complaint.

Either party may request, in writing, to proceed with an Informal Resolution. However, when the Complainant is a student and the Respondent is an employee (whether faculty or staff), the Informal Resolution process is not available. Either party may request an Informal Resolution at any time prior to the completion of the Title IX Hearing; a request for an informal resolution is permitted during the hearing, but not after completion of the hearing, even if the final decision has not yet been finalized and communicated.

Informal Resolution permits a variety of options, including but not limited to: a set of agreed upon terms for communication or interaction between the parties; separating the parties; providing for safety; counseling; educational remedies; written apologies; training and/or coaching; and, community service. The nature of Informal Resolution process is flexible, and not all complaints resolved through Informal Resolution will proceed in uniform fashion.

### Receipt of Request for Informal Resolution

Following the receipt of a written request from either Party to use the informal resolution process, the Title IX Coordinator will prepare a written notice to both Complainant and Respondent. The written notice will include:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The request from the other party that the complaint be resolved through the informal resolution process;
- The requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
- Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared;

- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the formal investigation and adjudication processes, there is a determination of responsibility;
- An explanation that each party may be accompanied by an Advisor of their choice, who may be a parent, friend, or attorney;
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of 2 days' notice;
- Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant; and,
- The Complainant and Respondent must reply to the Title IX Coordinator in writing whether they agree to resolve the complaint using the Informal Resolution process.

If the Complainant requests an Informal Resolution before the Respondent has been informed of the complaint (by receiving a Notice of Investigation), then both parties must be informed of all information above, as well as:

- The identities of the parties involved in the incident, if known,
- The date and location of the alleged incident, if known.
- The right to inspect and review all evidence that is directly related to the allegations as part of the investigation process
- The expectation that both parties, as well as witnesses, will provide truthful information to the investigator, Hearing Officer, and the appeals officer.

#### Carrying Out the Informal Resolution

Following receipt of a written agreement by the Complainant and Respondent to engage the Informal Resolution process and the agreement of the Title IX Coordinator, the designated Informal Resolutions facilitator, who may also be the Title IX Coordinator, will then meet separately with each party, and their Advisor if either has one, to discuss the process, and what each would like to have occur or be included as part of the resolution including terms and conditions.

The Informal Resolutions facilitator will continue communicating separately with the Complainant and Respondent until agreement has been reached between them regarding the details of the resolution agreement.

The Title IX Coordinator will review the final terms and conditions of the agreement and approve that the agreement is sufficient to resolve the complaint. Each party must agree in writing to the final terms.

The Title IX Coordinator and/or the Informal Resolutions facilitator may involve other campus offices as needed and appropriate to carry out the process.

#### Early Conclusion of the Informal Resolution

Either party may choose to end the Informal Resolution process at any time by sending an email or other written communication to the Title IX Coordinator. Upon receipt of the request to end the Informal Resolution process, the Title IX shall inform the other party of the end of the Informal

Resolution, and shall then assign the matter to an investigator for commencement of the investigation process.

The Title IX Coordinator may choose to end the Informal Resolution process. Some reasons for this may include, but are not limited to: the matter is not proceeding toward a resolution, continuation of the process seems futile, one or both parties appear to be abusing the process, or a party engages in threatening behavior. If the Title IX Coordinator determines that the Informal Resolution process shall end prior to reaching a conclusion, both parties will be notified, in writing, and also provided with information regarding the next steps in the investigation process.

#### Conclusion of the Informal Resolution

The Informal Resolutions facilitator will send written notification to Complainant and Respondent at the conclusion of the Informal Resolution process. This notice shall include:

- Details regarding the original formal complaint including date the formal complaint was received by the Title IX Coordinator
- Date the Complainant and Respondent agreed to resolve the complaint via informal resolution
- Details of the agreed upon and approved resolution process and whether they have been completed or agreed to by Complainant and Respondent
- The notice concludes the resolution process and no investigation will be conducted unless the terms of the resolution agreement are not adhered to or was unsuccessful in stopping the conduct
- Note regarding retaliation

If the Informal Resolutions facilitator and the parties reach agreement, the matter is closed and no further action shall be taken.

The Informal Resolution process is generally expected to be completed within thirty (30) business days and may be extended for good cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension and the reason for the extension.

Records of any Informal Resolution will be maintained and can be shared with other offices as appropriate to effectuate the informal resolution process and any agreement resulting from the process.