

INFORMAL RESOLUTION PROCESS

The informal resolution process is a voluntary, structured interaction between involved parties (complainant and respondent) to resolve the allegations following the filing of a formal complaint and prior to a formal hearing on the allegations. The informal resolution process is intended to be flexible while also providing for a full range of possible outcomes.

The following are the parameters by which an informal resolution may be conducted.

1. The Title IX Coordinator may offer the parties the opportunity to become involved in an informal resolution process.
2. Likewise, either party (complainant or respondent) may petition the Title IX Coordinator in writing to offer an informal resolution process to the other party. The Title IX Coordinator is the sole administrator who determines if an Informal Resolution (hereafter IR) is appropriate given the allegations.
3. The Title IX Coordinator and/or the coordinator's designee (here after facilitator) will supervise the informal resolution process. The facilitator will present the option of an Informal Resolution and proposed terms to each Party independently and in writing. All related communication will go through the facilitator. Participation in an Informal Resolution is voluntary for all Parties and requires full informed and written consent. If either Party does not agree with the proposed terms, or is uninterested in engaging in negotiations, the party may continue with the College's formal grievance process at any time before signing the Informal Resolution Agreement (hereafter, IRA).
4. The IR will be voluntary for both parties and each party must submit a signed, written consent to become involved in the IR. An informal resolution is limited to matters involving students and cannot be offered if the complainant is a student and the respondent is an employee.
5. The IR will not require the parties to confront each other or even be present in the same room.
6. The parties may consult their advisor or have their advisor present at any time an IR meeting occurs.
7. Either party may withdraw, without penalty, from the IR up until a written resolution agreement (IRA) is signed by both parties. If either party withdraws from the IR, the formal grievance process will resume.
8. A signed resolution agreement (IRA) is binding on both parties.
9. The facilitator(s) has the authority to end the resolution process if the facilitator(s) believes that one or both parties are not operating in good faith. If this happens, the formal grievance process will resume.
10. Both parties and the facilitator (s) will have an opportunity to offer proposals to become a part of the final outcome(s)/agreement. An IR agreement may include, but is not limited to, an admission of responsibility, an admission of false allegations, disciplinary/punitive sanctions, counseling, and/or involvement in an educational program.

11. The Facilitator(s) and both parties must all agree to the outcome(s) of the IR. In doing so the facilitator will write a binding agreement based upon the parties verbal agreement with the negotiated outcome(s). Separately, both parties will then be offered the opportunity to sign this IR agreement (IRA). If either party refuses to sign this agreement, the IR will be considered failed and the grievance process will resume.

Initial Meeting

The Informal Resolution Facilitator will hold an initial process meeting with each party to discuss the Informal Resolution process and to communicate the parties their rights under the applicable College policies.

The Informal Resolution Facilitator will ask the complainant to submit a written request for remedies. The Informal Resolution Facilitator will meet with the complainant to discuss the written request.

The Informal Resolution Facilitator will share the written requests with the respondent and will meet separately with both parties to identify and facilitate areas of agreement.

Informal Resolution Agreements

Any agreements reached as part of the Informal Resolution process must be approved by the Title IX Coordinator. If the Title IX Coordinator determines at any time prior to the signing of the Informal Resolution Agreement (IRA) that the Informal Resolution process is no longer appropriate, the Title IX Coordinator may terminate the process and refer the matter back to a Formal Resolution Process.

Upon signing the Informal Resolution Agreement (IRA), the complainant and respondent are bound by its terms and cannot elect for a formal resolution process under applicable College policies based on the conduct alleged in the underlying complaint. Failure to comply with the signed agreement may result in disciplinary action for either party.

If the Complainant's or Respondent's circumstances change significantly, they may request a supplemental agreement; the Title IX Coordinator will determine whether it is appropriate to proceed. For example, if there are changes to a Complainant or Respondent's academic program that may conflict with a term of an agreement, the party can raise the concern to the Title IX Coordinator for their assessment as to whether a supplemental agreement may be appropriate.

Available Remedies of the Informal Resolution Process

Depending on the nature and circumstances of the particular situation, the following may be outcomes of an Informal Resolution Agreement (IRA) :

- Voluntary restrictions from participation in particular registered student organizations or campus events;
- Changes to on-campus housing, subject to availability;
- Changes to patronage of specific dining facilities;
- Participation in educational offerings on topics including but not limited to: consent and communication, the use of alcohol or other drugs, healthy interpersonal relationships, stress management and wellbeing;
- Provision to the respondent to read an "impact statement" written by the complainant (describing the impact(s) that the respondent's alleged conduct had on the complainant);
- Other measures deemed appropriate by the Title IX Coordinator.

Informal Resolution Outcomes

- **No Agreement Reached.**

The Informal Resolution process may be discontinued at any time by either the Title IX Coordinator (or designee), the complainant, or the respondent. If the Informal Resolution process is discontinued for any reason or if the parties fail to reach a mutually agreeable outcome for the alleged conduct, the complainant may request to re-engage an investigation and formal resolution process under the College's Policy on Title IX Sexual Harassment or Policy on Harassment, Discrimination, and Sexual Misconduct, as applicable. If an Informal Resolution process is terminated, the Informal Resolution process will no longer be made available as a remedy to resolve the complaint.

- **Formal Resolution Process Agreement Reached.**

Once both parties and the Title IX Coordinator sign an Informal Resolution agreement, the agreement is final, the parties are bound by its terms, and the allegations addressed by the agreement are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the agreement itself, absent a showing that a party induced the agreement by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College. The College may also investigate and discipline a party alleged to have breached an Informal Resolution Agreement (IRA). Except as noted above, there will be no disciplinary action taken against a respondent under the Informal Resolution process, and the resolution will not appear on the respondent's transcript or disciplinary record at the College.

Informal Resolution Timeline

- In most cases, the Informal Resolution process will be completed within thirty (30) days of receiving the written request. The College, at its discretion, may extend this timeframe for good cause. Agreements reached in the Informal Resolution process are not subject to a request for review.

Breaches of Agreement; Subsequent Use

- Alleged violations of an Informal Resolution Agreement, or allegations that the agreement was induced by fraud, misrepresentation, or any other misconduct, should be reported to the Title IX Coordinator, and may be subject to review and resolution by a hearing panel or under the administrative resolution procedures of the Policy on Harassment, Discrimination, and Sexual Misconduct, which may lead to disciplinary action.
- The participation of a respondent (or a Title IX Respondent) in a prior Informal Resolution process will generally not be considered relevant or taken into account in the resolution of a subsequent, unrelated complaint filed by a different complainant under the Policy on Title IX Sexual Harassment or the University Policy on Harassment, Discrimination, and Sexual Misconduct.

Confidentiality

Information shared or obtained during Informal Resolution will be treated as private to the extent permitted by law and will not result in subsequent disciplinary actions by the College. Specifically, no documents or statements made in Informal Resolution may be used in a subsequent College process (Investigative Resolution or Resolution by a Hearing Body) about the same allegations. Information documented during this process, however, can be subpoenaed if a criminal investigation is initiated. The College will not treat as private

information shared or obtained during Informal Resolution that relates to an increased risk to the safety of the College community (*see* Title IX Coordinator Initial Review) or an imminent risk of serious harm.

Non-Retaliation

Retaliation, as defined under the Policy on Title IX Sexual Harassment or Policy on Harassment, Discrimination and Sexual Misconduct, is strictly prohibited for any individual that participates in an Informal Resolution process.