

## Informal Resolution Process

The Informal Resolution process is a voluntary process that is separate and distinct from the University's formal investigation and resolution processes under the University Sexual Misconduct Policy or the University Nondiscrimination and Anti-harassment Policy. For the purposes of this process, the terms "Complainant" and "Respondent" encompass either a Title IX Complainant and Title IX Respondent under the Title IX Sexual Harassment Procedure, or a Complainant and Respondent under the Nondiscrimination and Anti-harassment Policy.

The Informal Resolution process is limited to matters involving students. Under this process, there will be no disciplinary action taken against a respondent, and the resolution will not appear on the respondent's disciplinary record. The parties may be accompanied by an advisor of choice to any meeting related to the Informal Resolution process.

A Complainant or Respondent may request an Informal Resolution process by informing the Title IX Coordinator for the University (or designee) in writing. The University may offer the Informal Resolution process for matters involving Title IX Sexual Harassment (as defined in the Sexual Misconduct Policy), or sexual assault, dating violence, domestic violence and stalking under the Student Code of Conduct or the Nondiscrimination and Anti-harassment Policy, only under the following circumstances:

- The matter involves a student complainant and a student respondent;
- A Complainant has filed a complaint of sexual misconduct or a Formal Title IX Complaint;
- The Title IX Coordinator has determined, through an initial assessment that the alleged conduct, if substantiated, would constitute sexual misconduct and/or Title IX Sexual Harassment; and
- The Title IX Coordinator has determined that the Informal Resolution process is appropriate for the matter.

In making a determination as to whether the Informal Resolution is appropriate, the Title IX Coordinator will consider factors, including, but not limited to, the following: (i) the outcome of an individualized safety and risk analysis of the Respondent relating to sexual misconduct, physical violence, failure to comply with a No Contact Order (NCO), and/or other relevant conduct, (ii) the nature of the alleged conduct, whether allegations involve multiple victims and/or a pattern of conduct, or other evidence-informed factors indicative of increased risk to campus safety, and (iii) whether the circumstances warrant the Title IX Coordinator filing a complaint.

For all matters under the Student Code of Conduct or Nondiscrimination and Anti-harassment Policy that do not involve allegations of sexual assault, sexual abuse, domestic violence, dating violence, or stalking, the University may also offer the Informal Resolution process if the Title IX Coordinator determines that Informal Resolution process is appropriate.

## Elements of the Informal Resolution Process

### Initiation of Informal Resolution

- Participation in an Informal Resolution process is voluntary, and the University will not require, encourage, or discourage the parties from participating in the Informal Resolution process.
- Either party may request that the University facilitate Informal Resolution after the parties are provided written notice of a Formal Title IX Complaint or a complaint alleging sexual misconduct. This request can be made at any time up until five (5) days before a scheduled hearing by the Title IX Hearing Panel or before an adjudicator is scheduled to make a decision.
- The Complainant and Respondent must consent in writing to participate in the Informal Resolution process.
- Following review and approval by the Title IX Coordinator, a trained Informal Resolution Facilitator will be assigned to work with the parties to attempt to facilitate an Informal Resolution agreement.

- The parties will be notified about the identities of the Informal Resolution Facilitator and parties in advance and the parties have the opportunity to raise concerns regarding a conflict of interest to the Title IX Coordinator.

### Informal Resolution Process

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 University policies.

The Informal Resolution Facilitator will ask the parties to submit written requests that provide detail regarding the remedies that they are seeking. The Informal Resolution Facilitator may meet again with the complainant and respondent to discuss the written requests.

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

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 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 or a Resolution by a Hearing Panel.

Upon signing the Informal Resolution agreement, the complainant and respondent are bound by its terms and cannot elect for a formal resolution process under applicable University 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, though not an exhaustive list, may be outcomes of an Informal Resolution agreement:

- 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 University's Title IX Sexual Harassment Procedure, Student Code of Conduct, or Nondiscrimination and Anti-harassment Policy, 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. To support candor and accountability, the University shall not use party admissions or other information learned during the Informal Resolution Process in any pending or subsequent formal process relating to the same allegations. 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 University, 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 University. The University may also investigate and discipline a party alleged to have breached an informal resolution agreement. 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 University.

### Informal Resolution Timeline

- In most cases, the Informal Resolution process will be completed within thirty (30) calendar days of receiving the written request. The University, 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 Student Code of Conduct, the Nondiscrimination and Anti-harassment Policy, or other applicable policy 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 Title IX Sexual Harassment Procedure, Equity and Access Office Complaint Procedure, or Student Sex Based Harassment Misconduct Procedure.

### Non-retaliation

Retaliation, as defined under the Sexual Misconduct Policy, Nondiscrimination and Anti-harassment Policy and Student Code of Conduct, strictly is prohibited for any individual who participates in an Informal Resolution process.

### Required Recordkeeping

In accordance with University Policy, the Title IX Coordinator or designee will maintain, for a period of at least seven (7) years, any records from an Informal Resolution process and the result therefrom.