

# TRAINING FOR THE INFORMAL RESOLUTION COORDINATOR



## IMPORTANT DEFINITIONS

- **Complainant:** an individual who is alleged to be the victim of conduct that could constitute sexual harassment
  - A complainant must be participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed.
- **Respondent:** an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- **Formal Complaint:** a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment

## CANNOT BE REQUIRED

- A recipient may not require as conditions of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the requirement to participate in an informal resolution process.

## WHEN OFFERED

- School cannot offer the informal resolution process until **AFTER** a formal complaint is filed.

## WHEN CAN IT TAKE PLACE?

- Any time prior to reaching a determination of responsibility

# REQUIRED NOTICE

Disclose

Disclosing the allegations



Preclude

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



Withdraw

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint



Consequences

Consequences from participating in the informal resolution process

## REQUIREMENTS OF PROCESS

- Obtain the parties' **voluntary, written** consent to the informal resolution process

## REQUIREMENTS OF THE PROCESS



- Do not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student



A blurred background image of an office interior. Several people are visible, some standing and some sitting, engaged in what appears to be a meeting or discussion. The lighting is bright, suggesting a window or large light source. A horizontal orange bar is positioned at the top of the image.

WHAT IS A MEDIATION?



A private process where a neutral third party helps the parties discuss and try to resolve the dispute



The parties have the opportunity to describe the issues, discuss their interests, understandings, and feelings.



The parties provide each other with information and explore ideas for the resolution of the dispute.

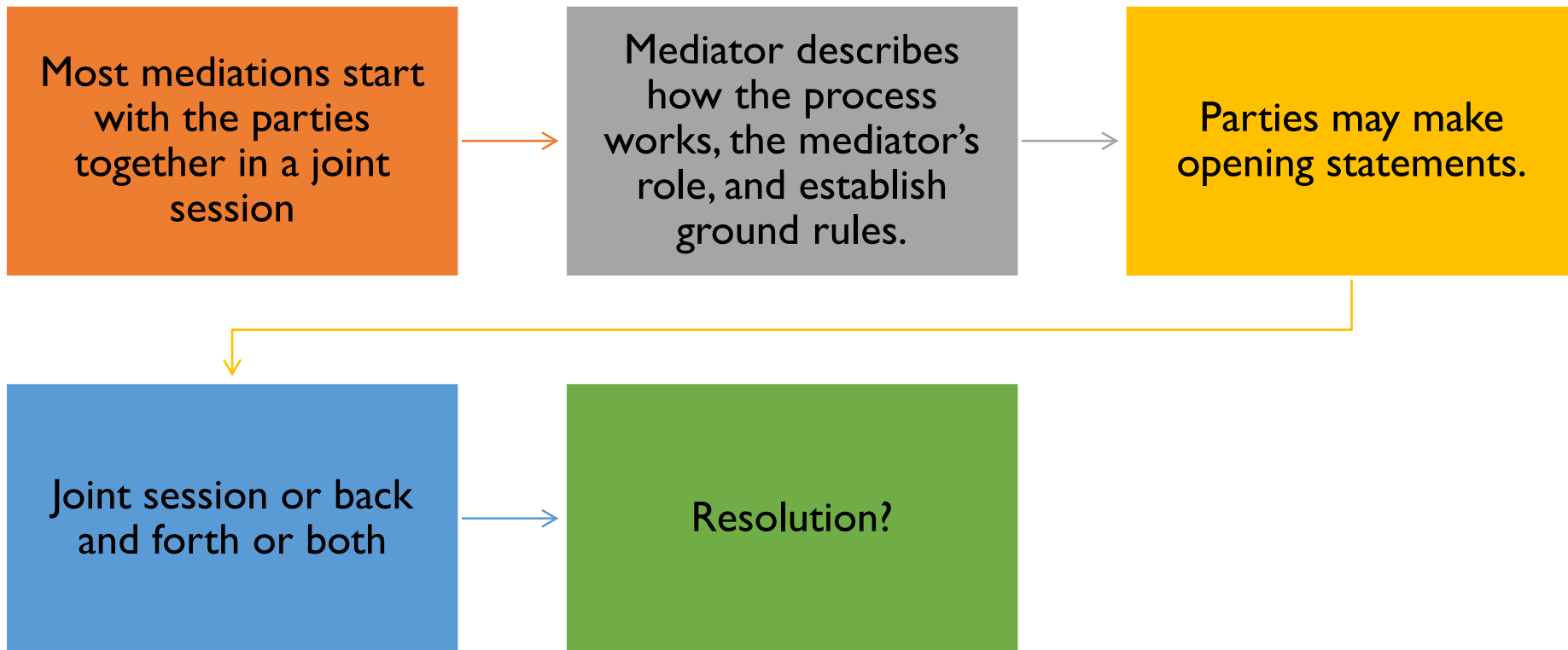
## WHAT IS A MEDIATION?

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- The mediator does not have the power to make a decision for the parties, but can help the parties find a resolution that is mutually acceptable.

# POSSIBLE MEDIATION PROCESS



# AGREEMENT DURING MEDIATION

If agreement is reached, the mediator will help reduce agreement to a written contract

In these cases, the agreement will be enforceable by the school.

## IMPORTANT DEFINITIONS-SUPPORTIVE MEASURES

- **Supportive Measures:** non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. **Such measures are designed to restore or preserve equal access to the School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational program or activity, or deter sexual harassment**

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# SUPPORTIVE MEASURES EXAMPLES

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- Counseling
  - Extensions Of Deadlines Or Other Course-related Adjustments
  - Modifications Of Work Or Class Schedules
  - Campus Escort Services
  - Mutual Restrictions On Contact Between The Parties
  - Changes In Work Or Housing Locations
  - Leaves Of Absence
  - Increased Security And Monitoring Of Certain Areas Of The Campus
  - Other Similar Measures



BIAS



# IMPARTIALITY

- Impartial means that you do not have any **prejudice** towards the complainant or respondent i.e. lack of bias
- Impartial means that you will render a decision based **ONLY** on the **evidence**
- Impartial means you do not opine about the facts before considering **ALL** the **facts**
- Impartial means you avoid **conflicts of interest**: an investigator or decision maker should recuse themselves from a particular case if they have a conflict of interest