

AGREEMENT-BASED RESOLUTION ALTERNATIVE PROCESS

What is an Agreement-Based Resolution Alternative Process to a Title IX Complaint?

Agreement-Based Resolution Alternative Process is a non-disciplinary process in which parties voluntarily engage with an impartial Agreement Resolution Facilitator (ARF) to discuss remedies to resolve a formal complaint under the University's sexual misconduct or Title IX sexual harassment policies. It is separate from the University's investigation and hearing process.

Agreement-Based Resolution Alternative Process includes no 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, Agreement-Based Resolution Alternative Process aims to stop, remedy, and prevent any occurrence of sexual violence and sexual harassment. The Reporting Party can articulate its needs and develop terms designed to address them in a tailored, fact-specific manner. The Responding Party acknowledges and addresses that harm without determining policy violation/s or formal disciplinary action.

When can someone choose an Agreement-Based Resolution Alternative Process 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 alleged conduct would violate the Title IX Policy, if substantiated.

- When there is no significant power dynamic between the Reporting and Responding Parties or other relationships between the parties that would make Informal Resolution ineffective or inappropriate; and
- When the Title IX Office believes that an Agreement-Based Resolution Alternative Process will not place the Reporting Party or others at risk for future harm and will serve to prevent future harm.

How are the terms developed?

For the Agreement-Based Resolution Alternative Process, the Reporting and Responding Parties voluntarily work with the Title IX Alternative Resolution Facilitator to reach an agreement.

- The Agreement Resolution Officer (ARF) works first with the Reporting Party to draft terms.
- The ARF will consider whether the terms will stop, remedy, and prevent future harm and may suggest alternative or additional terms.
- The ARF will confirm the agreed-upon terms in writing with the Reporting Party before contacting the Responding Party.
- The ARF will contact the Reporting Party and the Responding Party to advise 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 Agreement-Based Resolution Alternative 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 Agreement-Based Resolution Alternative Process binding?

The Title IX Office administers an Agreement-Based Resolution Alternative Process complying with the Title IX Policy. Should one or both parties fail to comply with the informal resolution, the Reporting Party may request a formal hearing under Section A (page 7 of 23) of this policy.

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

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

Must the Responding Party be notified of a binding Agreement-Based Resolution Alternative Process?

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 Agreement-Based Resolution Alternative Process?

If the Responding Party is notified of the Informal Resolution and chooses not to participate, the Reporting Party can proceed with an investigation.

Can a Reporting or Responding Party be forced to participate in the Agreement-Based Resolution Alternative Process?

No. The IRF works with both parties to create mutually agreed-upon terms. For an Informal Resolution to be initiated and supported by the Title IX Office, both parties must willingly engage in the Agreement-Based Resolution Alternative Process.

Does the Reporting Party have to communicate directly with the Responding Party to develop the Agreement-Based Resolution Alternative Process?

No, the Reporting and Responding Parties generally do not directly interact during the Agreement-Based Resolution Alternative Process. The ARF will act as a mediator between the Reporting and Responding Parties during the creation of the terms.

Will Title IX ARF monitor the terms after an agreement?

Yes. The ARF 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 Agreement-Based Resolution Alternative Process 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.

Agreement-Based Resolution Alternative Process for/Responding Complainant Party

The Agreement-Based Resolution Alternative 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 Agreement-Based Resolution Alternative 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 indicate 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 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

Alternative Resolution Facilitator

Date

Agreement-Based Resolution Alternative Process Agreement for Respondent

The Agreement-Based Resolution Alternative 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 Agreement-Based Resolution Alternative Process to be appropriate, both parties must understand and agree on the necessary elements of the process. The following information was reviewed in your original meeting with the Title IX Office, but please read through the following components and state 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 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

Alternative Resolution Facilitator

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 for the Agreement-Based Resolution Alternative 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 and the 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 Signature

Date

Alternative Resolution Facilitator

Date



Agreement-Based Resolution Alternative Process

The Reporting Party has submitted a Formal Complaint, a Notice of Allegations has been sent to both parties, and both parties have agreed to participate in the Informal Resolution Process*.



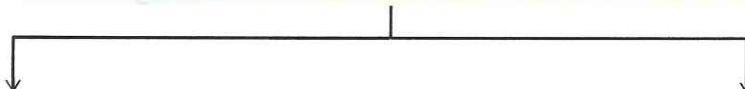
Both parties sign an Agreement-Based Resolution Alternative Process consent form acknowledging that they understand their rights and agree to participate in the Process.



The facilitator meets with the Responding Party (and their advisor, if applicable) to determine whether they agree with the outcomes the Reporting Party is requesting, whether they want to alter any of the requested outcomes, and/or whether they refuse to agree with any/some of the requested outcomes.



Facilitator continues to meet with Reporting and Responding Parties (and their advisors) separately to see if they can agree on outcomes ◊.



Both parties agree about the outcomes; Facilitator drafts a written agreement that contains the agreed-upon outcomes, sends a copy to each party.

Parties cannot come to an agreement on the outcomes OR either party declines to participate further in the process.

The facilitator prints the final copy of the written agreement; both parties sign it, and its terms are effective immediately. The Title IX Coordinator maintains a copy of the agreement and holds parties accountable. The matter is now closed and cannot be pursued via the Investigation and Hearing Process.

The Agreement-Based Resolution Alternative Process does not proceed; the Investigation and Hearing Process would begin. The Reporting Party may withdraw their Formal Complaint at any time, thus halting the Grievance Process, if they do not wish to proceed with an investigation.