

## **Office of Student Conduct and Community Standards Informal Resolution Process**

The Informal Resolution process is a voluntary process that is separate and distinct from the University's formal student conduct investigation and resolution process.

For the purposes of this process, the terms "Complainant" and "Respondent" encompasses either a Student Conduct Complainant or Student Conduct Respondent under the University's [Student Code of Conduct \(3364-30-04\)](#)

The Informal Resolution process is limited to matters involving students at the discretion of the Director of Student Conduct and Community Standards (or Designee). 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 unless agreed upon by both parties during the resolution. The parties may be accompanied by an Advisor and/or a Support Person to any meeting related to the Informal Resolution process.

A Complainant or Respondent may request an Informal Resolution process by informing the Director of Student Conduct and Community Standards (or Designee) for the in writing. The University may offer the Informal Resolution process for matters included in section "(E)(2) Sexual Misconduct" of the University's Student Code of Conduct only under the following circumstances:

- The matter involves a student Complainant and a student Respondent; and
- Is not being resolved under the Title IX Policy; and
- The Director of Student Conduct and Community Standards (or Designee) has determined, through an initial assessment that the alleged conduct, if substantiated, would constitute a violation of section "(E)(2) Sexual Misconduct" of the University's Student Code of Conduct; and
- The Director of Student Conduct and Community Standards (or Designee) 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 Director of Student Conduct and Community Standards (or Designee) 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 mutual No Contact Directive (NCD), a Civil No Contact Order (CNCO) or any protection order put in place by a court of law, 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 Director of Student Conduct and Community Standards (or Designee) pursuing a formal resolution process.

### **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 only after the parties are provided written notice of a sexual misconduct allegation. This request can be made at any time prior to reaching a determination regarding responsibility.
- The Complainant and Respondent must consent in writing to participate in the Informal Resolution process.
- Following review and approval by the Director of Student Conduct and Community Standards (or Designee), 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 other participating parties in advance, and the parties will have the opportunity to raise concerns regarding a conflict of interest to the Director of Student Conduct and Community Standards (or Designee)

### **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 to the parties their rights under the University's Student Code of Conduct.

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.

The Informal Resolution Facilitator provides to the parties a written notice disclosing: the allegations, 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, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the standard adjudication process with respect to the allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any agreements reached as part of the Informal Resolution process must be approved by the Director of Student Conduct and Community Standards (or Designee). If the Director of Student Conduct and Community Standards (or Designee) determines at any time prior to the signing of the Informal Resolution agreement that the Informal Resolution process is no longer appropriate, the Director of Student Conduct and Community Standards (or Designee) may terminate the process and refer the matter back to a Formal Resolution Process.

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 Director of Student Conduct and Community Standards (or Designee) 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 Director of Student Conduct and Community Standards (or Designee) 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 case, the following 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 access to 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 Director of Student Conduct and Community Standards (or Designee).

### **Informal Resolution Outcomes**

- The Informal Resolution process may be discontinued at any time by either the Director of Student Conduct and Community Standards (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 Student Code of Conduct.
- If an Informal Resolution process is terminated, the Informal Resolution process will no longer be made available as a remedy to resolve the complaint. Because the University has an obligation to address reports of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, the University may use party admissions or other information learned during the Informal Resolution Process in any pending or subsequent Formal Resolution Process.
- Once both parties and the Director of Student Conduct and Community Standards (or Designee) 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 unless agreed upon during the informal resolution process.

### **Informal Resolution Timeline**

- The Informal Resolution process will be completed in a timely manner. Once the Informal Resolution Agreement is signed, there is no opportunity for appeal on the part of any party.

### **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 Director of Student Conduct and Community Standards (or Designee), and may be subject to review and resolution which may lead to disciplinary action.
- The participation of a 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 Student Code of Conduct.

### **Non-Retaliation**

Retaliation, as defined under the Student Code of Conduct, is strictly prohibited for any individual that participates in an Informal Resolution process.

### **Required Recordkeeping**

In accordance with University Policy, the Director of Student Conduct and Community Standards (or Designee) or designee will maintain, for a period of at least 7 years, any records from an Informal Resolution process and the result therefrom.