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Title IX Informal Resolution Process Guide

This guide is a supportive document to MCW Policy AD.CC.080 Prohibiting Sexual Harassment and Abuse in Education Programs and all definitions listed within this document are in reference to the policy.

The Informal Resolution process is an alternative to a Formal Grievance process by which the Parties reach a mutually agreed upon resolution of an allegation. Informal Resolution is applicable following the filing of a Formal Complaint, when both Parties voluntarily agree and provide written consent to resolve the matter through an informal process, or when the Respondent accepts responsibility for violating this policy or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation. MCW will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. It is not necessary to pursue Informal Resolution first in the order to pursue the Formal Grievance process.

Only after both Parties provide voluntary written consent, an Informal Resolution process may be utilized in place of the Formal Grievance process. Either Party may withdraw consent from the Informal Resolution process and resume the Formal Grievance process prior to the conclusion of the Informal Resolution. The Informal Resolution process can result in agreed upon sanctions to the Respondent and is binding once the process is concluded. Informal Resolution is generally a facilitated dialogue process and may involve a variety of techniques. MCW in its sole discretion, may appoint a qualified external individual(s) to serve in the facilitation role for Informal Resolution.

Prior to implementing Informal Resolution, the Title IX Coordinator will provide the Parties with written notice of the reported misconduct and any potential sanctions or measures that may be discussed as a result from participating in the Informal Resolution process, including information regarding any records that will be maintained or shared by MCW. An agreement will be provided to the Parties to sign indicating their voluntary consent to participate in the Informal Resolution process. The agreement will include a written acknowledgement by all participants that all statements made in Informal Resolution are confidential and cannot be introduced during a Formal Grievance process should the Informal Resolution Process be abandoned prior to an agreement.

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing Supportive Measures (only) to remedy the situation.
- When the Parties agree to resolve the matter through an Informal Resolution mechanism as described below, usually before a formal investigation takes place, however, Informal Resolution can be initiated at any time prior to a conclusion of the

Formal Grievance process.

- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process.

Either Party who wishes to initiate Informal Resolution can contact the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in the order to pursue the Formal Grievance process listed below.

When the Parties cannot agree on all terms of an Informal Resolution, the Formal Grievance process will be initiated or resume at the same point where it was paused.

The Title IX Coordinator may consider the following factors to assess whether an Informal Resolution process is appropriate:

- The Parties' amenability to Informal Resolution;
- Likelihood of potential resolution;
- The Parties' motivation to participate;
- Civility of the Parties;
- Results of a safety and risk analysis;
- History of corrective action or discipline;
- Whether an Emergency Removal is needed;
- Skill of the facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the Parties;
- Rationality of the Parties;
- Goals of the Parties;
- Power differential existing between the Parties;
- Adequate resources to invest in alternate resolution (time, staff, etc.)

The ultimate determination of whether the Informal Resolution is available or anticipated to be successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached and provides copies to the Parties. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable.

Respondent Accepts Responsibility

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all the alleged misconduct, the informal or formal process will be paused.

If the Respondent accepts responsibility, the Title IX Coordinator or designee will evaluate and make a determination that the individual is in violation of MCW's Policy. The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the Sexual Harassment, Discrimination, and/or Retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which

are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The Parties are still able to seek Informal Resolution on the remaining allegations, subject to the stipulations above.

Negotiated Resolution

The Title IX Coordinator with the written consent of the Parties, may negotiate and implement an agreement to resolve the allegations that satisfies all Parties and MCW. MCW will maintain confidentiality over any negotiated resolution, to the extent feasible.

Please see the MCW Policy AD.CC.080 Prohibiting Sexual Harassment and Abuse in Education Programs, Title IX Resolution Process and Formal Grievance Guides for further information.

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