

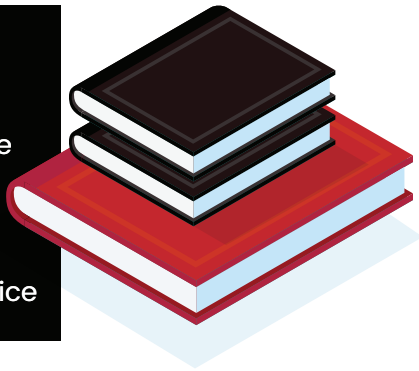
TITLE IX INFORMAL RESOLUTION

A recipient is not required to offer an informal resolution process. A recipient must offer the outlined formal process. A recipient may offer more than one type of informal process. Either party may withdraw before the conclusion of the informal process and resume the formal process. An informal resolution process may not be used in cases of staff misconduct perpetrated on a student.

PROCESSES

May include but are not limited to:

- ▶ Arbitration
- ▶ Mediation
- ▶ Restorative Justice



NOTICE

- Information about any process available.
- Consequences resulting from participating in any process.
- What records will be maintained or could be shared.
- Whether facilitators may be called as a witness in adjudicatory processes.
- If an admission of responsibility would be considered in a formal process.

REQUIREMENTS

- ▶ A formal complaint has been filed.
- ▶ Informal process is entered into voluntarily in writing by both parties.
- ▶ The right to a formal process may not be waived.
- ▶ Reasonably prompt timeframes.
- ▶ Where the complainant or respondent is a minor or legally incompetent person, then the party's parent or legal guardian will receive the required written notice and may act on behalf of individuals exercising Title IX rights or involved in Title IX proceedings.

DISCRETION

- ▶ Confidentiality of informal records.
- ▶ If informal resolution facilitators may be called as witnesses in formal hearing processes.
- ▶ If admission of responsibility within an informal process may be used against a respondent in a formal process.
- ▶ If investigation occurs within an informal process.
- ▶ If and what disciplinary measures that may result from an informal process.
- ▶ If a safety and risk assessment must be performed before entering into an informal resolution process.
- ▶ If parties may directly interact throughout the process.
- ▶ Whether a facilitator can directly question parties.

TRAINING

Individuals facilitating informal resolution must be free from conflicts of interest, bias, and trained to serve impartially.



106.45(B)(9)