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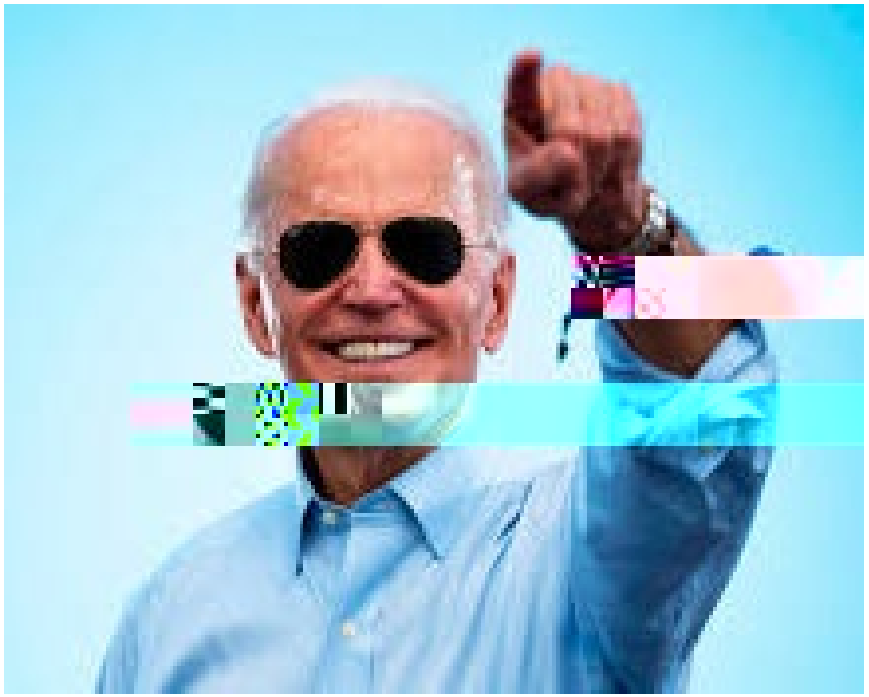
JULY 2022

https://wordinfo.info/results/misnomer

informal

adjective

an informal visit.

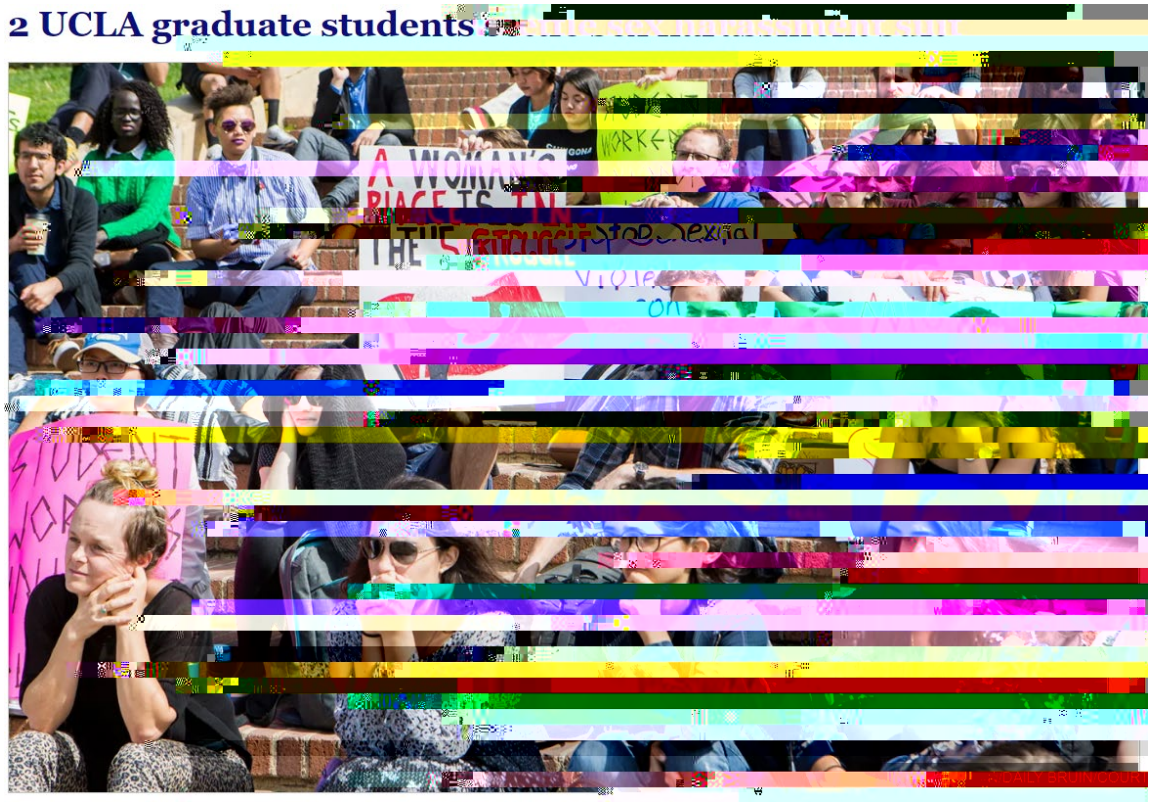


1. Written notice, including rights and options
2. Voluntary and timely process
3. No conflict of interest
4. Facilitated by appropriately trained personnel
5. Know limits

- May not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student
- May not require as a condition of
  - enrollment or continuing enrollment,
  - or employment or continuing employment,
  - or enjoyment of any other right,

  waiver of the right to an investigation and adjudication of formal complaints of sexual harassment
- May not require the parties to participate in an informal resolution process

## 2 UCLA graduate students




https://www.dailycal.org/2016/09/14/2 -ucla -graduate -students- settle- sex-harassment -suit/

1. “UCLA handled Takla’s report through what appears to be a truncated process called ‘Early Resolution,’ rather

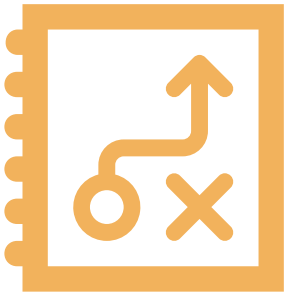
3. “ Takla requested a formal investigative report after the conclusion of Ea6 (t)83m-- -1eIs /P297 cm 0 0 mp461.203 Tdi2.07(c)0.7 (iv

1. Facilitator's Role & Qualifications
   - Conflict of Interest/Bias
   - Soft Skills
   - Training
2. Prompt Resolutions
3. Documentation
   - Written Notice for Title IX Claims
   - Notice of Rights & Options
   - Consent/Participation Agreements
   - Final Resolution Agreement
4. Voluntary Participation
   - Red Flags
   - Initial Assessment of IR Requests

- Varies with matter/policy
- E.g.,
  - 

College has a well -regarded Office of Victim Services. Staff Counselor receives complaint and provides support and resources to Complainant. Complainant requests Counselor to facilitate informal resolution between Complainant and Respondent.

- May the Counselor serve as facilitator?



After assessing internal capacity, College determines that instructors in the School of Social Work have appropriate skills and training to facilitate conflict resolution. One of the instructors has published a paper on the use of tr papt(0Ç1u  p rÄP 0R%a' S0Ž qe3 es13.3  (he )-6x17.4 (Co)

- Educate the participants about informal resolution options
- Provide Notice of Rights & Options, such as:
  - Whether the process will involve a face -to -face interaction
  - Whether and when the process can be terminated
  - Nseeerhevproth hv.8 ( )-51.4 (i)098 -0 0 du6.6 ( )-1-0 dEv.8 ( )-51.-1(f)-

Factors to consider:

- The nature of the alleged offense
- Whether there is an ongoing threat of harm or safety to the ca 0 0 1 .1 ( to)1.3 ( tlT /Ar1DC  3J [(s)]lT /Ar1DCfto)1.3 ( tlT 2.13 ( t(th)-6 ( )

Title IX Coordinator receives formal complaint alleging sexual harassment. Complaint alleges that Respondent Student repeatedly “catcalls” and uses sexually suggestive innuendo in comments to s

Title IX Coordinator receives a report from a third party re concerns of dating violence between Complainant and Respondent.

Title IX Coordinator schedules initial outreach meeting with Complainant to offer support and resources. During the meeting TIXC observes bruising on Complainant's chest and neck and a slight limp.

Complainant states they will not participate in a formal complaint process and requests informal resolution options. Respondent is also willing to participate in informal process.

- Do you have any concerns re offering IR under these facts?
- If you determine IR is inappropriate, how will you proceed?

1. Basic fact-finding (not a full -blown investigation)
2. Is this appropriate for mediation ( e.g., campus safety, voluntary)? *all relevant internal stakeholders should agree
3. Issue agreement to mediate to both parties
4. Meeting with complainant to discuss process & possible resolution (process is confidential, explore possible resolution options)
5. Meeting with respondent to discuss process & possible resolution
6. Consider joint session (take lead of parties here)
7. Formulate possible resolution in consultation with internal stakeholders (needs to satisfy institutional prerogatives) & share with parties
8. If parties accept, memorialize in writing

“When an assailant is charged with a crime, the first thing they’re told is to deny guilt—which is exactly the opposite of what many survivors want,” says Ackerman, a rape survivor herself. “They want acknowledgment that a crime was committed. Many want an apology. They want to tell their own stories and ask questions about why the assault happened. And they want to be reassured that the person who caused the harm understands the suffering they caused—and that they will never commit a sexual assault again.”

https://www.goodhousekeeping.com/life/a37234704/restorative- justice/

# Cornerstone of RJ is the recognition of harm not the violation of a rule.

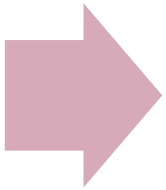
Traditional Conduct Process:

What rule was violated?

Is there enough evidence to support a finding of responsibility?

How should we punish the offender?

Did we follow our policy?



Restorative Justice Process:

What is the harm?

Who is responsible?

What can they do to repair the harm?

How can we rebuild trust?

Informal resolution is available only after a formal complaint has been filed, prior to a determination of responsibility, and if the complainant and respondent voluntarily consent to the process in writing. Informal resolution is not available in cases in which

The informal resolution process is only available where the complainant has filed a formal sexual harassment complaint that involves parties of the same status (e.g., student- student or employee - employee) and the parties voluntarily request in writing to resolve the formal complaint through the informal resolution process. Within five workdays of receiving a written request to start the informal resolution process, the school will appoint an official to facilitate an effective and appropriate resolution. The Title IX Coordinator may serve as the facilitator. Within five workdays of such appointment, the parties may identify to the Title IX Coordinator inwriting any potential conflict of interest or bias posed by such facilitator to the matter. The Title IX Coordinator will consider the information and appoint another facilitator if a material conflict of interest or bias exists.

The facilitator will request a written statement from the parties to be submitted within 10 workdays. Each party may request that witnesses are interviewed, but the school shall not conduct a full investigation as part of the informal resolution process. The facilitator will hold a meeting(s) with the parties and coordinate the informal resolution measures. Each party may have one advisor of their

The Title IX Coordinator will determine whether it is appropriate to offer the