



Savannah-Chatham County Public School System
APPENDIX H – INFORMAL RESOLUTION PROCESS FORMS

Title IX Sexual Harassment: Notice, Referral and Authorization Form

The SCCPSS Title IX Coordinator has determined that the Title IX Sexual Harassment Formal Complaint Process in which you are a party is an appropriate matter to refer to the Voluntary Informal Resolution Process.

At part of this Notice, SCCPSS is required to provide notice of the formal allegations at issue in this matter. They are as follows:

[DESCRIPTION OF FORMAL ALLEGATIONS INCLUDING COUNTER-ALLEGATIONS]

You are not required to consent to and authorize an Informal Resolution Process. An Informal Resolution Process will only be initiated if all parties to the Formal Complaint agree to participate.

Each party to the Formal Complaint has the right to withdraw from and terminate an Informal Resolution Process at any time. There is an official Notice of Withdrawal form that any party may use to terminate the Informal Resolution Process. If the Informal Resolution Process is terminated the Formal Complaint Process will resume.

Note that the initiation and continuation of this process requires the approval of SCCPSS. SCCPSS's Title IX Coordinator has the role of formally granting approval. Your receipt of this notice is an indication of SCCPSS's initial approval for you to engage in the Information Resolution Process. SCCPSS's approval may be withdrawn at any time.

The timelines applicable to the Formal Complaint Process for investigations and hearings are suspended while an Informal Resolution Process is initiated and ongoing.

The Informal Resolution Process is conducted under the direction and authority of an Informal Resolution Facilitator. The Informal Resolution Facilitator will be selected, trained, and paid by SCCPSS.

Preliminary steps will be taken in the training and selection process to ensure that any Informal Resolution Facilitator assigned to a dispute is not laboring under a conflict of interest or improper bias against one of the parties. Challenges to the suitability of any assigned Informal Resolution Facilitator can be raised with SCCPSS's Title IX Coordinator.

The Informal Resolution Process can be fairly characterized as a form of mediation. It is unique in that it involves the SCCPSS as an administrative actor in the Process.

In some ways this dispute is between the complainant and the respondent. However, Title IX places SCCPSS at the center of the process. SCCPSS is required to respond appropriately to sexual harassment in its educational programs. SCCPSS has certain measures that it cannot take unless the Formal Complaint process is followed. SCCPSS is opposed to allowing individuals who work for SCCPSS and attend SCCPSS schools to violate Title IX with impunity. Therefore, SCCPSS will not agree to resolutions between the complainant and respondent that



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do not comply with SCCPSS's wider responsibilities under Title IX or other laws, regulations, policies, and mandates. Therefore, SCCPSS reserves the right to approve or reject any resolution agreement generated or tendered through this process if it fails to sufficiently address SCCPSS's requirements, obligations, and needs.

This signed form will be maintained as part of the record in this matter by SCCPSS. Other forms that may be retained are Notice of Withdrawal Forms and the Informal Facilitator's Rules of Engagement.

The only notes that may be retained from this process are those necessary to draft a final resolution agreement if the parties agree to participate in the drafting of a resolution agreement after the conclusion of this Process. The parties should shred, destroy, and delete any other notes they take as part of this process.

By and through my signature below I hereby acknowledge receipt of this Notice.

If I am signing on behalf of a child or a person without the legal capacity to sign on their own behalf, I am representing that I am legally authorized to do so.

Receipt of Notice Acknowledged by:

Name

Date

By initialing the box below, I am indicating whether or not I am willing to participate in an Informal Resolution Process:

I voluntarily agree to participate in the Informal Resolution Process.

I choose not to participate in the Informal Resolution Process.



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Title IX Sexual Harassment: Informal Resolution Process Conditions of Mutual Agreement

The parties recognize that the Informal Facilitator is required to be impartial and neutral.

The Informal Facilitator has disclosed all known material dealings and interests with the parties.

If the Facilitator becomes aware of any circumstances that might reasonably be considered to affect their capacity to act impartially, they will immediately inform the parties.

The parties waive any claims they could bring based on the services provided by the Informal Facilitator.

The parties recognize that the Informal Facilitator will not be offering legal advice and has not been engaged for the purpose of providing legal advice to any party to this Informal Resolution Process.

The Informal Facilitator will not make decisions for the parties or impose resolutions and conditions on them.

The Informal Resolution Process shall be conducted in a manner that the Informal Facilitator considers appropriate.

The parties acknowledge that they have the right to have one or more persons, including those that are legally qualified, to assist and advise them in the Informal Dispute Resolution Process.

The Informal Resolution Facilitator has been selected and collaboratively trained by SCCPSS.

The Informal Resolution Facilitator is paid by SCCPSS.

The parties shall bear their own individual costs and expenses in connect with their participation in this matter.

All legal costs of preparation for, participation in, and representation in the Informal Dispute Resolution Process shall be born by the parties that have procured those services unless otherwise agreed to in writing by a party who agrees to pay for legal services on behalf of another party.

This Informal Dispute Resolution Process does not concern or address claims for money damages.

This Informal Dispute Resolution Process does not concern or address any awards of attorney's fees or costs.

The parties may present statements, documentation, and information in connection with their participation in the Informal Resolution Process. However, the Informal Resolution Process is not intended to be an evidentiary trial or hearing.



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The Informal Resolution Facilitator may limit the direct interaction of parties (including representatives of SCCPSS) at the Facilitator's discretion.

Questions asked between individual claimants and respondents should not be asked without express permission. As a matter of course any questions directed at other parties should be asked through the Informal Resolution Facilitator.

Information communicated to the Informal Facilitator in private shall generally not be repeated to the other parties.

Any statements made or records shared in connection with the Informal Resolution Process will be deemed confidential. The District's Investigator will not gather information and evidence through the Informal Resolution Process. In addition, the scope of the Investigator's participation in the Informal Resolution Process will be limited in order to prevent the sharing of evidence through the participation of the parties.

The Informal Dispute Resolution Process will be kept confidential by the parties, their representatives, the Informal Facilitator and the Mediation Center of the Coastal Empire, LLC.

The requirement of confidentiality will not apply where:

- (a) the parties consent in writing to specific disclosure;
- (b) disclosure is necessary to implement or enforce a resulting Resolution Agreement;
- (c) a party is required by law to make disclosure or report to an appropriate authority; or
- (d) disclosure is provided for under the terms of a resulting Resolution Agreement.

The presentation or use of any document in the Informal Resolution Process shall not make that document confidential or privileged if the document is or otherwise should have been available to the parties by other means outside the Informal Dispute Process.

The parties agree not to call the Informal Facilitator as a witness, expert, arbitrator or consultant in any litigation, arbitration or any other legal proceedings relating to this matter.

Any party may, in their absolute discretion, terminate the Informal Resolution Process at any time without giving a reason. A party should use the "Notice of Withdrawal Form" if they choose to terminate the Process.

The Informal Resolution Process may be continued to a future date based on the agreement of all parties and the consent of the Informal Facilitator.

In addition, the Informal Facilitator may terminate the Informal Resolution Process based on any of the following circumstances:

- (a) The Informal Facilitator, for any reason whatsoever, determines that they are unable to assist the parties in facilitating a resolution;
- (b) The parties advise the Facilitator that they are unable to arrive at a facilitated resolution;



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- (c) The time allocated to the Informal Resolution Process has expired, and no extension has been agreed to;
- (d) A resolution agreement has been executed by the Parties; or
- (e) The parties have entered into an agreement in principle that remains to be formalized based on a need for additional drafting, additional research, administrative authorization, a requisite authorizing signature or some other need that prevents the parties from entering into a formal written agreement prior to the expiration of an Informal Resolution session.

The Informal Facilitator may continue to assist the parties to reach a formal resolution after termination of the Informal Resolution Process.

No agreement as to the terms of any agreement or resolution as a result of the Informal Resolution Process shall be binding on the parties unless and until it is put in writing and signed by all the bound parties or their representatives.

Parties will have 10 days to sign any mutually agreed upon Informal Resolution Agreement.

Once the final Informal Resolution Agreement Form is signed, the matter is closed, the informal resolution is non-appealable, and the formal complaint process will not be re-initiated.

Any individual signing on behalf of a child or any party without legal capacity to sign this Agreement is representing that they are legally authorized to sign on that individual's behalf.

This agreement has been entered into on _____ immediately prior to the Informal Resolution Process scheduled to begin that day.

Agreed to by the parties of the above-referenced Formal Complaint on this the

_____ day of _____, _____ by:

Signature

Name (Printed)

Signature

Name (Printed)



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Signature

Name (Printed)
Title IX Coordinator or Authorized Designee, SCCPSS



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Informal Resolution Process Notice of Withdrawal

I am a party to an ongoing Sexual Harassment Formal Compliant Proceeding in the Savannah-Chatham County Public School System.

By my signature below, I am providing my formal Notice of Withdrawal from the Informal Resolution Process initiated in connection with the Formal Complaint Proceeding.

I understand that this Notice of Withdrawal is effective immediately upon the receipt of this Notice by SCCPSS's Title IX Coordinator or the Informal Dispute Facilitator engaged in this Complaint Proceeding.

If I am signing on behalf of a child or a person without the legal capacity to sign on their own behalf, I am representing that I am legally authorized to do so.

Respectfully submitted by:

Name

Date



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Informal Resolution Agreement Initial Template

This Template is offered as a starting point for a written resolution agreement. It may (and should) be modified by the participating parties in order to arrive at an appropriate resolution of the matter at hand.

COMES NOW the undersigned parties below and an authorized representative of the Savannah-Chatham County Public School System and enter into the following Informal Resolution Agreement.

The Purpose of this Agreement is to resolve the Formal Complaint of Sexual Harassment under Title IX that was filed with the Savannah-Chatham County Public School System by _____ (Complainant) against _____ (Respondent).

The undersigned parties agree and consent to the following supporting and remedial measures:

The undersigned parties agree that _____ will be subject to the following disciplinary measures to be applied by the Savannah-Chatham County Public School System:

The undersigned parties waive the right to participate in the Formal Hearing Process provided for under 34 C.F.R. § 106.45 to prosecute or defend claims based on allegations of sexual harassment brought in the Formal Complaint described above.

Nothing in this agreement shall prevent any party to this Agreement from pursuing or defending a private cause of action unless otherwise specified in the agreed to measures above.

Nothing in this agreement concerns, waives, establishes or addresses possible claims to money damages by or against any party to this agreement.

The parties expressly agree that this agreement should not be used as grounds for establishing a civil claim for money damages or attorney’s fees and costs for or against any other party or a party’s agent or representative.

Agreed to by the parties of the above-referenced Formal Complaint on this the

_____ day of _____, _____ by:



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Signature

Name (Printed)

Signature

Name (Printed)

Signature

Name (Printed)
Title IX Coordinator or Authorized Designee, SCCPSS