



TITLE IX -- INFORMAL RESOLUTION CONSENT

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students in educational institutions that receive federal financial assistance. When a Formal Complaint of sexual harassment has been filed, the Richmond County School System (RCSS) may facilitate an informal resolution process. This process is voluntary. Any party may decline to participate. If the parties agree to participate in the informal resolution process, the investigation may be abated for a short period of time to allow the parties to concentrate their efforts on resolution. This form outlines the conditions of the informal resolution process and to obtain written agreement to participate in the informal resolution process or a refusal to participate therein.

What is Informal Resolution? An Informal Resolution is an alternative to formal investigation and adjudication procedures in which both sides voluntarily agree to “informally” resolve issues or concerns involving harassment, discrimination, or retaliation. It allows for the resolution of the complaint more quickly than the formal investigation process.

Is Informal Resolution mandatory? Who decides whether to resolve a concern by Informal Resolution?

Informal Resolution is a voluntary process. Both parties (complainant and respondent) must decide and agree to participate. All parties must provide written consent to participate in Informal Resolution. The final determination about the use of Informal Resolution is made by the Title IX Coordinator.

What is the goal of an Informal Resolution? The goal of an Informal Resolution process is to come to a mutually satisfying agreement to resolve and address the alleged complaint.

Can Informal Resolution be used when an employee is alleged to have committed sexual harassment against a student? No. Informal Resolution is not allowed to resolve allegations that an employee sexually harassed a student.

What happens during Informal Resolution? During Informal Resolution, both parties have the opportunity to share their sides of the story and negotiate a mutually agreeable resolution. Complainants and Respondents do not have to meet together during the Informal Resolution process. There are several types of Informal Resolution:

1. Resolution Agreement:
2. Facilitated Dialogue
3. Mediation
4. Shuttle Negotiation/Conversation
5. Restorative Justice Practices

(For more detailed explanations, see the additional attachment.)

Who facilitates an Informal Resolution? The informal resolution process is facilitated by a trained, impartial third party. Title IX Coordinators may serve as facilitators.

Can my Advisor participate in Informal Resolution with me? Advisors may not act as participants, speak for or on behalf of a Party, present information, ask questions, or make statements.

What happens if I change my mind about participating in Informal Resolution? Do I waive my rights to a formal grievance process if I choose Informal Resolution? At any time prior to signing an informal resolution agreement, any party has the right to withdraw from the informal resolution process and resume the formal grievance process. Agreeing to Informal Resolution does not waive the right to a formal investigation and adjudication.

Name: _____

Complainant

Respondent

School: _____

Date: _____

School Title IX Coordinator: _____

Complainant/ Respondent: Read each of the conditions of the Title IX Informal Resolution process. Write your initials in the box next to each statement to indicate your understanding.

Initial	Conditions of Informal Resolution
	Participation in this process is voluntary and either the Complainant or Respondent can choose to end the process at any time and for any reason. prior to signing the agreement at the end of the Informal Resolution process.
	Withdrawal from the Informal Resolution process may result in the continuation of the Formal Complaint and investigation process.
	Informal Resolution, even if voluntary, will not be used in some cases involving sexual assault or when there is an allegation involving an employee and student.
	Both the Complainant and Respondent must participate in individual conference meetings with appropriate staff to learn more about the resolution process prior to participating;
	The Complainant and Respondent must agree to all recommendations laid out in the formal agreement or the matter may be referred to the Title IX Coordinator for further action.
	The Title IX Coordinator will make the final determination about the appropriateness of Informal Resolution.
	Information documented during this process can be subpoenaed if a criminal investigation is initiated;
	Participation in this process does not constitute a responsible finding of a <i>Policy</i> violation and therefore is not reflected on a student's disciplinary record.
	If the Informal Resolution process is not successful in resolving this matter, formal grievance process will resume.
	If the Respondent is found responsible for any violations in the future, this agreement can be considered during the sanctioning phase of that disciplinary proceeding;
	The RCSS reserves the right to suspend or terminate the Informal Resolution process and revert back to an investigation at any time; and
	I understand that, unless otherwise agreed by the parties, any agreement made between the parties will not be made a part of the Claimant's student disciplinary file. It will however, be maintained by the Title IX Coordinator and noted in his or her complaint file.
	Parties who fail to comply with the terms of the Informal Resolution agreement may be subject to disciplinary action by the RCSS.
	Any agreement made between the parties through this process is final. There is no right to appeal. This agreement is final.

Verification of Explanation of Informal Resolution Process

My signature below verifies that I have had the conditions of the Informal Resolution process explained to me. I have received a written document explaining the Informal Resolution process.

Printed Name (*Parent/Guardian if minor*)

Date

Signature (*Parent/Guardian if minor*)

Complainant Respondent

Decision about Participation in the Informal Resolution Process

_____ I voluntarily agree to participate in the Informal Resolution process. I have not been coerced or forced to participate in the Informal Resolution process.

_____ I do not agree to participate in the Informal Resolution process.

Printed Name (*Parent/Guardian if minor*)

Date

Signature (*Parent/Guardian if minor*)

Complainant Respondent

Types of Informal Resolution

1. Resolution Agreement:

- a. Respondent accepts responsibility.
- b. Title IX Coordinator recommends sanction and remedies.
- c. Parties agree to sanctions and remedies as recommended.

2. Facilitated Dialogue

Structured conversation between the Complainant and Respondent led by a facilitator with the possibility of reaching an agreeable outcome.

3. Mediation

- a. Procedure in which the parties discuss disputes with the assistance or aid of an Informal Resolution Facilitator who helps them in reaching settlement.
- b. Parties talk privately about their thoughts, feelings and experiences.
- c. Parties consider what actions could meaningfully resolve the situation.
- d. Parties explore mutually agreeable solution.
- e. Parties negotiate an agreement.

4. Shuttle Negotiation/Conversation

- a. Conversation that is indirect and facilitated by Informal Resolution Facilitator
- b. Disputants can:
 - i. “Tell their story well” by sharing privately about their thoughts, feelings and experiences related to the conflict.
 - ii. Consider what actions could meaningfully resolve the conflict.
 - iii. Explore the possibility of negotiated resolution by exchanging proposed go-forward Agreements or “future stories”, with a trained facilitator as intermediary.
 - iv. Negotiate a mutually agreeable solution that resolves the dispute

5. Restorative Justice Practices

- a. Helps a student to own what she/he did, make it right for those hurt or affected, and involve the community in helping both the victim *and* the offender. Restorative justice acknowledges that those who do wrong need healing as well.
- b. Emphasis on repairing the harm caused by the behavior
- c. Best accomplished through cooperation
- d. Can lead to transformation or people, relationships, and communities
- e. Can be used in any type of resolution