

Policy 923 Informal Resolution

Informal resolution provides Complainants and Respondents with a voluntary, structured environment in which to resolve allegations of discrimination or harassment without participating in a formal investigative process. Informal resolution is intended to be flexible while also providing for a full range of possible outcomes. Informal resolution is not available for complaints of discrimination or harassment in which the Respondent is an employee (non-student) accused of committing Title IX Sexual Harassment against a student.

An informal resolution involves a remedies-based process designed to eliminate or address potential discrimination or harassment. The process is an alternative to the Policy 923 formal investigation process. Informal resolution aims to:

- Assure fairness;
- Facilitate communication between the parties; and
- Maintain an equitable balance of power between the parties.

To participate in the informal resolution process, a [Policy 923 Formal Complaint](#) must have been filed with the Office of Equal Opportunity and Title IX. When a party requests Informal Resolution, the Title IX Office will review the matter to confirm that Informal Resolution is appropriate.

Participation in the informal resolution process is voluntary. Both parties must agree in writing to participate in the informal resolution process. Either party may withdraw from the informal resolution process at any time and return to the prior formal investigation process. Indiana State University does not compel face-to-face confrontation between the parties or participation in any particular form of informal resolution. Both parties may have a support person of their choosing attend any meetings related to the informal resolution process.

If the parties agree to a resolution during an informal resolution process:

- The Director of Equal Opportunity will oversee the implementation of the resolution;
- The formal complaint will be deemed resolved;
- The matter will be terminated.

Informal resolution does not result in formal findings of policy violations. If a finding of a policy violation is desired, formal investigation is the more appropriate option.

The agreed upon resolution will be considered binding on both parties and breaching the resolution would give rise to a new complaint which may restart the formal investigation process. Once a resolution is signed by both parties, the parties cannot request a formal investigation of the same matter.

Informal Resolution Process

1. Complainant files [Policy 923 Formal Complaint](#) with the Director of Equal Opportunity and Title IX Coordinator (“Director”).
2. Director meets with Complainant to determine if they wish to pursue a formal investigation or informal resolution.
3. Director issues Notice of Allegations to the Respondent.
4. If Complainant opts to participate in informal resolution of the Policy 923 Formal Complaint, Director notifies Respondent to determine their interest in participating in informal resolution.
5. If both parties are agreeable to informal resolution, Director supplies informal resolution process materials to the parties.
6. Parties sign and return the Agreement to Participate in Informal Resolution to Director. Signed Agreements will be stored in the case file. If either party refuses to sign the agreement, the informal resolution will be considered failed and the grievance process will resume.
7. Director conducts preliminary information gathering and prepares a summary of the information and evidence gathered.
8. Director identifies a neutral party (“Facilitator”) to facilitate the informal resolution and provides a copy of the information summary and evidence to the Facilitator and the parties.
9. Facilitator speaks individually with both parties to identify opportunities for resolution.
10. Facilitator actively communicates with both parties. (No requirement that they meet face to face. Communications may be in person, in writing, by telephone, or electronic interface (i.e. Zoom, Teams Conference).
11. The Facilitator has the authority to end the informal resolution process if the Facilitator believes that one or both parties is not operating in good faith. In this instance, the formal grievance process will resume.
12. Once a resolution is agreed upon by both parties, Facilitator will memorialize the resolution in writing and provide the written to both parties.
13. Parties review and sign the resolution and return signed resolution to the Director.*
14. Director reviews the written agreement to confirm resolution of the Formal Complaint.
15. Director monitors implementation of the resolution.

* If at any time prior to the signing of the resolution, either party wishes to no longer participate in informal resolution, said party must notify the Director in writing. Director will notify parties in writing that the formal investigative process will commence.

**Agreement to Participate in
Policy 923 Informal Resolution**

- (1) I have reviewed the Policy 923 Formal Complaint detailing the allegations that are the subject of this Informal Resolution;
- (2) I have received a copy of the Policy 923 Informal Resolution materials;
- (3) I voluntarily agree to participate in this Policy 923 Informal Resolution;
- (4) I understand that if either party refuses to sign the agreement, the formal grievance process will resume.
- (5) I understand that the Information Resolution process will be facilitated by a University-trained, neutral facilitator of the University's choosing. The Facilitator has the authority to end the informal resolution process if the Facilitator believes that one or both parties is not operating in good faith;
- (6) I understand that at any time prior to agreeing to a resolution, either party may withdraw from Informal Resolution and resume the formal investigative process;
- (7) I understand that at the conclusion of the Informal Resolution process, the agreed upon resolution will be provided to the parties in writing for signature;
- (8) I understand that the written resolution will be reviewed by the Director of Equal Opportunity/Title IX Coordinator ("Director") and may be accepted as prepared or returned for modification;
- (9) I understand that at the conclusion of the Informal Resolution process and acceptance by the Director, the Policy 923 Formal Complaint will be deemed resolved; and
- (10) I agree that upon resolution of the Policy 923 Formal Complaint, the agreed upon resolution will be considered binding and that a breach of the agreed upon resolution may result in a new complaint which may restart the formal investigation process.

Date

Signature

Printed Name