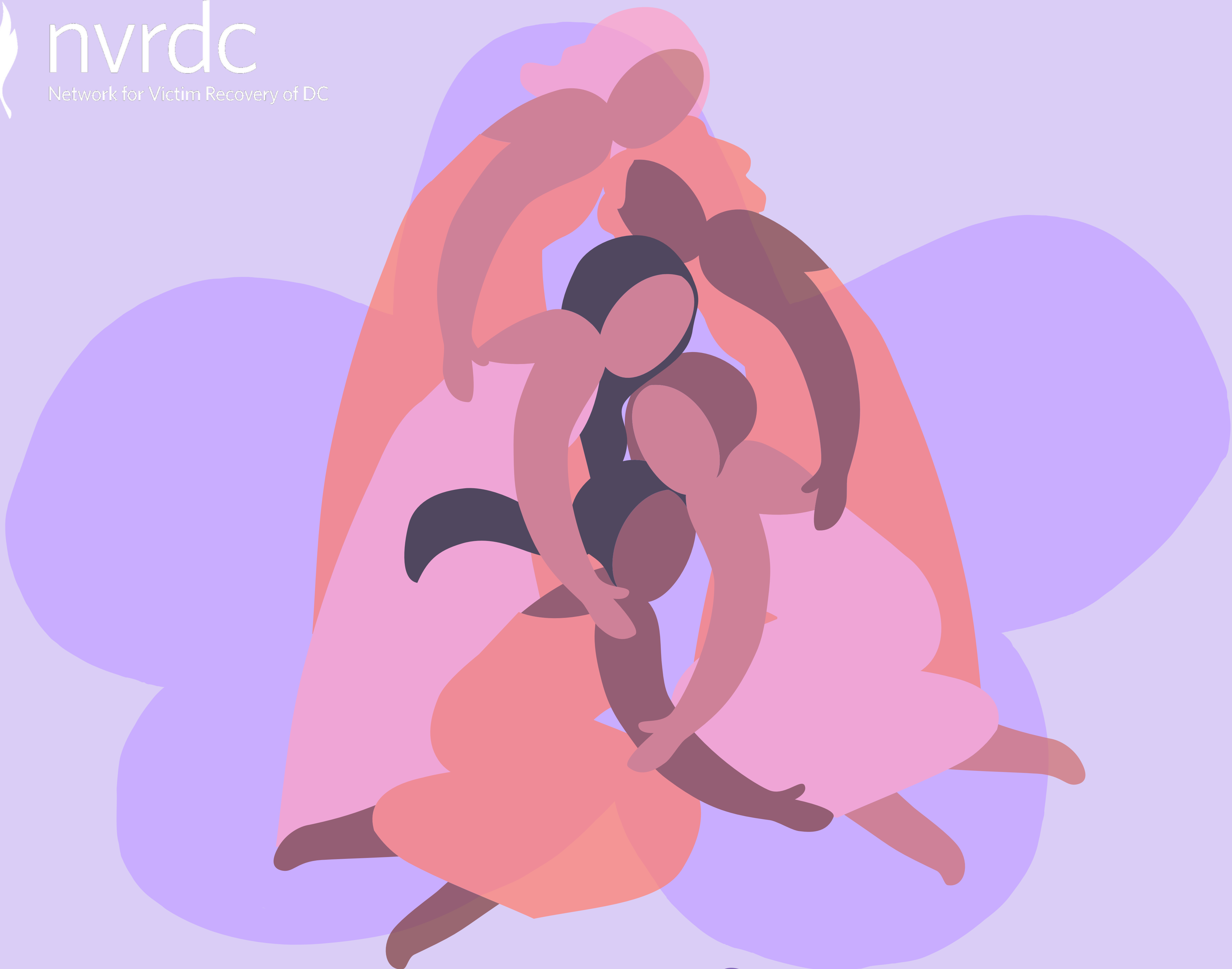




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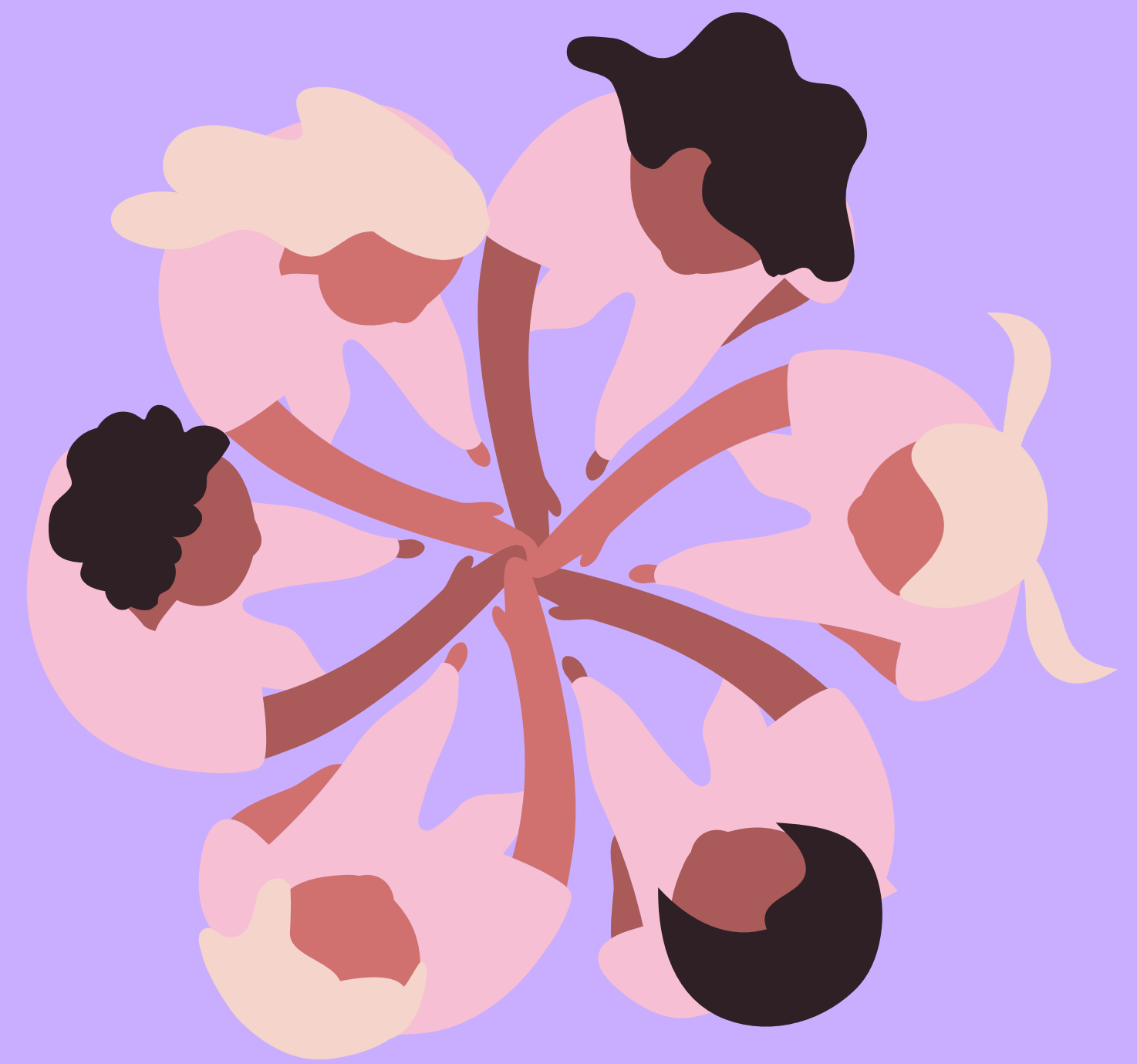
Network for Victim Recovery of DC



# Title IX Informal Resolutions: Q&A

## What happens in an informal resolution process?

An informal resolution process is an option that some colleges or universities may offer after a formal complaint of sexual harassment is filed. This resolution option does not require going through the formal investigation and hearing process. While the process may look different from school to school, it generally involves a neutral party (often someone from the school) speaking to the parties one-on-one, and figuring out if there is common ground that will allow for the parties to reach an agreement about how to resolve the complaint. NOTE: Some schools may choose not to offer informal resolution.



## Are informal resolutions the same as mediation?

Sometimes. Typically, a lot of people think “mediation,” means a situation where two people meet in the same room with a third-party who works to get the two sides to come to a resolution. This is only one type of way mediation works and is generally not what schools mean by “informal resolution.”

If a school uses some form of mediation, it generally involves a school official acting as a go-between, with the parties never needing to interact with or talk to each other. It is uncommon that a school would use an informal resolution process that has the complainant\* and respondent in the same room together, unless it was under a circumstance where that is what the complainant specifically requested and it was thoroughly discussed ahead of time.

\*A “complainant” is the term Title IX uses for the person who files a complaint informing the school that they experienced sexual harassment. NVRDC uses “complainant” and “survivor” interchangeably in our materials. A “respondent” is the term Title IX uses for the person against whom the sexual harassment complaint is filed. “Parties” refers to both the complainant and the respondent.

# Are informal resolutions bad for survivors?

Only the survivor knows whether an informal resolution process is right for them! Think of it like reporting to the police; this can be a good and safe option for some survivors, but can be very scary and unsafe for others. It's not that there is a good or bad choice! Whether or not to participate in an informal resolution process is a personal decision and depends on what feels safe for a survivor based on their own experiences, feelings and goals! NVRDC supports informal resolution as an option for survivors as long as survivors are choosing (and are not forced) to participate in the process and that it is overseen by trained professionals.

## What are the rules for an informal resolution process for college and university survivors of sexual-harassment?

Under the new regulations, the Department of Education allows schools to choose if they want to have an informal resolution process as part of their Title IX policies. If a school chooses to offer an informal resolution process, then it must:

- (1) Be voluntary. The parties can choose to participate, no one should be forced or pressured;
- (2) Be accessible. The parties should be able to choose to participate in informal resolution at any time between the filing of a formal complaint and finding of responsibility; and
- (3) Be flexible. Either party should be able to withdraw and go back to the formal grievance process at any time during the informal process. Furthermore, with the parties' consent, schools have the freedom to allow the parties to choose an informal resolution mechanism that best suits their needs.
- (4) Be safe. Schools are obligated to ensure that all persons who facilitate informal resolutions are free from conflicts of interest and bias and are trained to serve impartially without prejudging the facts at issue.



# What are some possible outcomes in an informal resolution process?

Informal resolutions can involve a wide array of outcomes. Some common outcomes include: the respondent admitting to causing the complainant harm or providing some type of apology; the respondent agreeing to learn about and reflect on consent or healthy relationships; the respondent speaking to a mental health counselor; the respondent agreeing to a no-contact order; the respondent agreeing to temporarily or permanently withdraw from a university. Typically, the outcome will not be to discipline the respondent, as is the goal of the formal process. The goal of an informal resolution is to tailor an agreement to meet the needs of the specific complainant and their situation that will also provide some sort of closure and resolution.

# How do I learn about my school's informal resolution process?

After receiving a formal complaint, a school is required to issue a notice of investigation that explains procedures for both the formal grievance process and the informal resolution process. Contact your school's Title IX Office and request detailed information about whether there is an informal resolution process and what it entails. There's no one-size fits all process for student-survivors of sexual harassment and only you know if such an informal process is right for you.

If you are a **DC college or university student** considering informal resolution with your school and you would like to know more about your options, you can speak to an attorney at

NVRDC for free.

Phone: 202.742.1727

Email: [info@nvrdc.org](mailto:info@nvrdc.org)

Website: [www.nvrdc.org](http://www.nvrdc.org)

