**Introduction**

Regulations issued by the United States Department of Education governing the Title IX grievance process require that all colleges and universities hold a live hearing before making any determination regarding responsibility for covered reports of Title IX sexual harassment. This hearing must provide for live cross-examination by the parties’ Advisors.

The regulations also permit colleges and universities to offer and facilitate informal resolution processes (“Informal Resolution”), as long as each party voluntarily agrees to the process through an informed, written consent.

Sinclair Community College recognizes that there may be instances when the parties to a formal Title IX complaint wish to resolve the underlying dispute without a formal Title IX investigation or without going through the formal Title IX decision-making process. Sinclair’s voluntary, structured Informal Resolution Process is designed to address the parties’ concerns while also protecting their procedural rights.

Sinclair’s Informal Resolution Process is not appropriate for every type of alleged conduct. Specifically, the Informal Resolution Process is not available to resolve allegations that an employee engaged in Title IX Sexual Harassment of a student and may not be available if there is a pending administrative agency complaint or civil action involving the College or any of its officials, employees, or agents. The Title IX Coordinator has the discretion to determine when the use of the Informal Resolution Process is appropriate.

**Requesting or Terminating the Informal Resolution Process**

Either party may request an Informal Resolution by informing the Title IX Coordinator (or designee), in writing. However, Informal Resolution will not occur unless all parties agree in writing to participate. Sinclair will not require that a party participate in the Informal Resolution Process in order to enroll at, continue to be enrolled at, be employed by, or continue to be employed by, the College.

Sinclair will not require that a party participate in the Informal Resolution process in order to enroll at, continue to be enrolled at, be employed by, or continue to be employed by, the College.

The Informal Resolution Process may be terminated at any time by any of the parties involved, by the Title IX Coordinator, or by the Informal Resolution facilitator, at which point the formal complaint will return to the process set forth in Sinclair’s Title IX Sexual Harassment and Sex Discrimination Procedure. The Informal Resolution Process may be terminated by either party at any time during the process prior to the signing of the Informal Resolution Process agreement.

**Privacy & Confidentiality**

While participating in the Informal Resolution Process, the parties agree that any testimony and evidence (including admissions of responsibility) they share or receive concerning the allegations in the Formal Complaint is confidential for the duration of the informal resolution process. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any party may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the parties withdraw from the informal resolution process, or if the process concludes for any reason without an agreement, information disclosed or obtained for purposes of the informal resolution process may be incorporated into the formal investigation and live hearing, provided that this information is disclosed and reviewed by the parties under the investigatory and hearing procedures described in the College’s Title IX Sexual Harassment and Discrimination Policy and Procedure.

**Timeline**

In most cases, the Informal Resolution Process will be completed within thirty (30) days after both parties agree in writing to participate in the Process. Sinclair, at its discretion, may extend this timeframe for good cause. Agreements reached in the Informal Resolution Process are not subject to a request for review.

**Breaches of Agreement; Subsequent Use**

Alleged violations of an Informal Resolution agreement, or allegations that the agreement was induced by fraud, misrepresentation, or any other misconduct, should be reported to the Title IX Coordinator, and may be subject to review and resolution according to applicable Sinclair policies, which may lead to disciplinary action.

The participation of a party in a prior Informal Resolution Process will generally not be considered relevant or taken into account in the resolution of a subsequent, unrelated complaint under Sinclair’s Title IX Sexual Harassment and Discrimination Procedure.

**Non-Retaliation**

Retaliation, as defined in Sinclair’s Title IX Sexual Harassment and Sex Discrimination Procedure, is strictly prohibited for any individual that participates in an Informal Resolution Process.

**Required Recordkeeping**

The Title IX Coordinator or designee will maintain, for a period of at least seven (7) years, any records from an Informal Resolution Process and the result therefrom.

**Procedure**

1. **Prior to engaging in the Informal Resolution Process, Sinclair will:**
2. Provide written notice to the parties, documenting (1) the allegations in the formal complaint, (2) the requirements of the Informal Resolution Process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution Process and resume the grievance process with respect to the formal complaint, and (3) any consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared.
3. Obtain the parties’ voluntary, written consent to participate in the Informal Resolution Process.
4. **If all parties provide written consent to participate in the Informal Resolution Process**

1. Sinclair will designate an Informal Resolution Process facilitator (“Facilitator”).
2. The designation of a Facilitator will be made by the Title IX Coordinator (or designee). The Facilitator may be the Title IX Coordinator provided that such a designation does not raise a conflict of interest.
3. If a party wishes to challenge the appointment of a particular Facilitator, that party may contact the Title IX Coordinator within 48 hours of the Facilitator’s designation. All such challenges will be reviewed by the Deputy Title IX Coordinator, unless the Deputy Title IX Coordinator made the initial designation, at which point the Title IX Coordinator will review the designation. In instances where the Title IX Coordinator has been designated as the Facilitator, such challenges will be reviewed by the Deputy Title IX Coordinator. There are no additional grounds to challenge the appointment of a Facilitator.
4. Once a Facilitator has been designated, the Facilitator will notify the parties of a mutually convenient date, time, and location for the Informal Resolution to occur. The location for the Informal Resolution will allow the parties to remain separate for the duration of the Informal Resolution. Informal Resolution may be rescheduled one time with 24 hours’ notice to the Facilitator. Any additional rescheduling shall be at the discretion of the Title IX Coordinator (or designee).
5. **Prior to the day of the Informal Resolution:**

1. The Title IX Coordinator or designee will provide the Facilitator with the records relevant to the underlying dispute, which may include the Formal Complaint and any accompanying documents.
2. The parties may provide a written statement to the Facilitator 2 days prior to the scheduled Informal Resolution Process meeting but it is not required. The purpose of this statement is to allow a party to share any concerns they have about the Informal Resolution Process or about their expectations for resolution. The Facilitator is not expected to verify any information provided in the written statement. These written statements will not be shared with the other party unless express permission to share the written statement is given by the party authoring the written statement.
3. **On the day of the Informal Resolution:**
4. The parties will report to the location given in the correspondence scheduling the Informal Resolution meeting. The parties may each be accompanied by an advisor of their choice during the Informal Resolution Process. The Informal Resolution Process may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the Informal Resolution meeting virtually with technology enabling each party to meet separately with the Facilitator. Any party may request permission to participate virtually in the Information Resolution Process. Such requests must be submitted to the Facilitator as soon as possible and at least three days prior to any scheduled meeting.
5. The Facilitator will meet separately with each party to ensure that the parties do not confer if they do not wish to do so. The Facilitator will discuss with each party the Informal Resolution Process and will communicate with each party their rights under the applicable Sinclair policies.
6. Upon meeting with the Facilitator, each party shall have the ability to share, in as much detail as the party believes will aid the process, their desired remedies. The Facilitator will discuss with each party the information, if any, that may be shared with the other party.
7. The Facilitator will continue meeting with the parties in an effort to identify areas of agreement until such time that an agreement is reached, a party wishes to conclude the Informal Resolution, or the Title IX Coordinator (or designee) believes that an agreement is not likely to occur.
8. **Available remedies of the Informal Resolution Process**
9. Restrictions from participation in particular student organizations or campus events.
10. Restrictions on access of complainant or respondent to specific College facilities.
11. Participation in educational offerings or required training on topics related to the alleged misconduct of the Respondent, including but not limited to consent and communication, healthy interpersonal relationships, stress management and wellbeing, diversity or cultural bias, appropriate workplace behavior.
12. Having the respondent read an “impact statement” written by the complainant describing the impact(s) that the respondent’s alleged conduct had on the complainant). or
13. Other measures deemed appropriate by the Title IX Coordinator.
14. **If an agreement is reached.**
15. Any agreements reached as part of the Informal Resolution Process must be approved by the Title IX Coordinator.
16. The Facilitator will reduce the terms of the agreement to writing and the parties will sign the agreement. Upon signing the agreement, the complainant and respondent are bound by its terms and cannot elect for a formal resolution process based on the conduct alleged in the underlying complaint.
17. Failure to comply with the signed agreement may result in disciplinary action for either party.
18. Sinclair may investigate and discipline a party alleged to have breached an Informal Resolution agreement.
19. The signing of the Informal Resolution Agreement by the parties does not prevent Sinclair College from proceeding against the Respondent for a policy violation under a different policy or procedure not related to the Sinclair Sexual Harassment and Sex Discrimination Policy and Procedure.
20. **If an agreement is not reached.**
21. The Informal Resolution Process may be discontinued at any time by the Title IX Coordinator (or designee), the Facilitator, the complainant, or the respondent.
22. If the Informal Resolution Process is discontinued for any reason or if the parties fail to reach a mutually agreeable outcome for the alleged conduct, the matter will return to the process set forth in Sinclair’s Title IX Sexual Harassment and Sex Discrimination Procedure.
23. Requests for a continued or second Informal Resolution will be addressed by the Title IX Coordinator (or designee) on a case-by-case basis.

**Additional matters**

The Facilitator, along with the Title IX Coordinator where necessary, shall decide all matters not specifically provided for by these procedures.