



Knowledge and Skills (Item(s) and Level)

3.4 Case Resolution Pathways

Foundational
Intermediate

4.1 Curriculum Development

Foundational
Intermediate

8.2 Compliance and Application

Foundational
Intermediate



Formal Resolutions

- § 106.45 Grievance procedures for the prompt and equitable resolution of complaints of sex discrimination; and
- § 106.46 Grievance procedures for the prompt and equitable resolution of complaints of sex-based harassment involving student complainants or student respondents at postsecondary institutions



Informal Resolutions

- “In lieu of of resolving a complaint through the recipient’s grievance procedures, the parties may instead elect to participate in an informal resolution process under § 106.44(k) if provided by the recipient consistent with this paragraph.”

(p. 1549)



Informal Resolutions

- (1) Recipient may offer an informal resolution anytime prior to a finding, unless complaint alleges “that an employee engaged in sex-based harassment of an elementary or secondary school student or such a process would conflict with Federal, State, or local law.”

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Informal Resolutions

- (1)(i): Recipient's have the discretion to determine the appropriateness of offering an informal resolution when it receives reporting information “and may decline to offer informal resolution despite one or more of the parties’ wishes.” (p. 1538)

Informal Resolutions





Informal Resolutions

- (3): Prior to initiating informal resolution, recipient must provide the following notice that explains:
 - (i) The allegations;
 - (ii) The requirements of the informal resolution process;
 - (iii) That, prior to reaching an agreement, any party retains the right to withdraw from the process and initiate/resume the formal grievance process;

Informal Resolutions



Informal Resolutions

- (5) “Potential terms that may be included in an informal resolution agreement include but are not limited to:
 - (i) Restrictions on contact; and
 - (ii) Restrictions on the respondent’s participation in one or more of the recipients programs or activities or attendance at specific events, including restrictions the recipient could have imposed as remedies or disciplinary sanctions had the recipient determined at the conclusion of the recipient’s grievance procedures that sex discrimination occurred.”



Caveats to Using Informal Resolutions

- Largely as burdensome as a formal resolution.
 - This option shouldn't be used to “save time” on a case, it should be intentionally offered by the institution.
 - Consider the training of additional staff and potential external partnerships.
- Effect on parties.
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Caveats to Using Informal Resolutions T (

