

**APPENDIX C: ANTI-DISCRIMINATION,
HARASSMENT, RETALIATION, AND TITLE
IX GRIEVANCE PROCEDURES
PROCESS C (INFORMAL RESOLUTION)**

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I. OVERVIEW OF PROCESS C—Discrimination, Harassment, Retaliation, and Title IX

An Informal Resolution can only be pursued once a Formal Complaint is filed and is available for all cases under this Policy except as noted therein.

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Coordinator at any time prior to the conclusion of a hearing (formal resolution process), or the Coordinator may offer the option to the Parties, in writing. The College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

An Informal Resolution can consist of: 1) Supportive Measure only; 2) Alternative Resolution Process; or a modality of a 3) Educational Conversation.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Resolution Process. Any Party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Formal Resolution Process. If an investigation is already underway, the Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution.

An Informal Resolution cannot be used in cases of involving a student Complainant and an Employee Respondent¹. To the extent permitted, Providence College will not use information obtained and utilized during Informal Resolution in any other College process or legal proceeding, though information documented and/or shared during informal resolution could be subpoenaed by law enforcement if a criminal investigation or civil suit is initiated.

A. SUPPORTIVE MEASURES

In addition to Reports, any Formal Complaint brought forward to the Office of Equity Compliance will be followed up with supportive measures and resolved informally, to the extent possible, when a Complainant requests resolve the matter informally. This option is available when the Complainant does not want to engage the other resolution options, and the Coordinator does not initiate a Formal Complaint.²

Following the filing of a Formal Complaint, a Complainant may request supportive measures only as part of the informal resolution process.

The Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the College's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change.

¹ This applies only to cases under Title IX.

² At any time during this process a complainant and/or Coordinator may initiate or resume the Formal Resolution Process, if applicable.

If the Respondent has received the NOIA, the Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate.

B. ALTERNATIVE RESOLUTION PROCESS

For matters covered by the Anti-Discrimination, Harassment, Retaliation, and Title IX Policy and respective procedures, the Alternative Resolution Process (“ARP”) can only be pursued after a Formal Complaint has been filed. At any time, prior to a determination (formal resolution process) either Party may request that the College consider an ARP.

The Coordinator may, in consultation with other College officials, determine whether an alternative resolution process may be appropriate; if so, the parties directly involved will participate in individual conference meetings with the Coordinator and/or the individual designated to facilitate the resolution. This meeting is to ensure both Parties understand the ARP before agreeing to pursue this option for resolving their concerns. Each Party must voluntarily consent to engage in the process and the College must agree that the resolution option is available.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

The Coordinator may consider the following factors to assess whether the alternative resolution process is appropriate for the Parties:

- The Parties’ amenability to alternative resolution process.
- Likelihood of potential resolution, considering any power dynamics between the Parties.
- The nature and severity of the alleged misconduct.
- The Parties’ motivation to participate.
- Results of a violence risk assessment/ongoing risk analysis.
- Respondent’s disciplinary history.
- Formal Complaint complexity.
- Goals and motivations of the Parties.
- Adequate resources to invest in alternative resolution (e.g., time, staff).

a. Notice of Investigation of Allegation- ARP (NOIA-ARP)

Before initiation of an ARP, the College will provide the Parties with a written notice that explains:

- The allegations.
- The requirements of the Alternative Resolution Process.
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution process and to initiate or resume the College’s Resolution Process.
- That the Parties’ Alternative Resolution Agreement (*hereinafter referred to as Agreement*) to a resolution at the conclusion of the ARP will preclude the

Parties from initiating or resuming the Resolution Process arising from the same allegations.

- The potential terms that may be requested or offered in an Agreement, including notification that an Agreement is binding only on the Parties.
- What information the College will maintain, and whether and how it could disclose such information for use in its Resolution Process.

The Coordinator has the authority to determine whether the alternative resolution process is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, often including terms of confidentiality, release, and non-disparagement.

b. Withdrawal from ARP

At any time prior to the conclusion of the ARP, the College or the Parties may decide to withdraw from the process and pursue the Formal Resolution Process. If the Parties are not able to resolve the Formal Complaint through the alternative resolution process, the Formal Complaint may be resolved through the formal process unless the Formal Complaint is withdrawn or dismissed.

c. Conclusion of ARP

At the conclusion of the alternative resolution process, parties will be given an Agreement and the matter, related allegation(s), and agreement as it relates to such allegation(s) is considered final³. The Agreement is signed by the Parties, the Coordinator and/or the facilitator of the ARP and are enforced by the College. Once signed, the Parties are not permitted to revoke or appeal an Agreement. The results of Formal Complaints resolved through the ARP are not appealable. Reports that an Agreement has been violated should be reported and submitted to the Coordinator who will review and may refer the submitted report, and corresponding documentation, to the appropriate College official for further review and action.

If the Respondent is found responsible for any related violations in the future, an Agreement can be considered during the sanctioning phase of that disciplinary proceeding. Records related to the process, including an Agreement, will be maintained in the Office of Equity Compliance, in the Office of the Dean of Students (for students) or the Office of Human Resources and applicable Division (for employees). Records related to an ARP may be subject to a lawfully issued subpoena or judicial order.

d. Acceptance of Responsibility for Harm, Impact of Harm, and/or Policy Violation(s) during ARP

³ Once parties have signed the Alternative Dispute Resolution Agreement, a Party is prohibited from filing a formal complaint or navigating a resolution process as it relates to the same issues resolved in the Alternative Dispute Resolution Agreement.

During the Alternative Dispute Resolution a Respondent may choose to accept responsibility for the harm or impact of harm reported in the formal complaint. Accepting responsibility for the harm or impact of harm does not mean the Respondent is accepting responsibility for an alleged Policy violation under the Anti-Discrimination, Harassment, Retaliation, and Title IX Policy and respective procedures.

A Respondent who is interested in accepting responsibility for a policy violation can do so at any time during the ARP, however, accepting responsibility for a policy violation and/or prohibited conduct may be considered factual evidence in a Formal Complaint investigation when an ARP is not reached, the terms are broken, the terms are incomplete, or the terms are not accepted by the College.

II. EDUCATIONAL CONVERSATION

When the Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct. The Complainant(s) may request that the Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Coordinator may also implement supportive measures to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy. At any time during this process a complainant and/or Coordinator may initiate or resume the Formal Resolution Process, if applicable.