

August 2020

## Explanation of Informal Process Options

### I. Introduction

In most cases, the parties<sup>1</sup> may participate in an informal resolution process as an alternative to any formal process (e.g., [SMAP](#), [SMAP-X](#)). This process may be initiated after the [Formal Complaint](#) is filed, after written notice of the allegations has been provided to the respondent and after **all** parties voluntarily consent in writing to the informal resolution process. All parties must agree to treat the information obtained in the course of the informal resolution process as **confidential**, which means it should not be disclosed to third parties except as may be required by law, nor can it be used in a formal grievance procedure at the University (or affiliated entity), should the matter not be informally resolved. Once the parties agree to a particular outcome as part of the informal resolution process, the matter will be deemed resolved and the parties will be precluded from taking the resolved matter to the formal grievance process. These options are available until a formal decision making process (post-investigation) begins.

The parties must also agree to comply with the University's non-retaliation provisions and must review and sign the [Privacy and Non-Retaliation Acknowledgement](#). Either party can withdraw consent to the informal resolution process at any time. If that happens, the complaint may be resolved through the formal hearing procedure.

**NOTICE:** The Title IX Coordinator retains the right to either end the informal resolution process and/or to initiate the formal hearing process.

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<sup>1</sup> The Informal Resolution Process is **not available** in matters covered by the University's Title IX Policy when the complainant in the matter is a student and the respondent is an employee. For purposes of this process, an employee is any individual who is not enrolled as a full time student at Tufts and receives remuneration from the University.

## Office of Equal Opportunity

### II. Options

Please select (up to three) options in order of preference:

- OEO to conduct a general conversation with respondent about the University's policies, procedures and standards of conduct to be sure they fully understand Tufts' policies on consent, sexual harassment, et. al.<sup>2</sup>
- OEO to conduct detailed conversation with respondent about the allegations raised by the complainant and a reminder of the University's policies, procedures and standards of conduct, including Tufts' policies on consent, sexual harassment, et. al.
- OEO to refer respondent to CARE education and support or to The Haven if they are a student; if they are an employee, OEO can refer the respondent to the Employee Assistance Program (EAP)
- OEO to recommend targeted training (i.e., GreenDot or OEO training) for respondent or respondent's club, group, team, department, floor, etc.
- OEO to assist the parties with a bilateral/mutual Stay Away Request or No Contact Order with specific restrictions to be negotiated by the parties with a mediator
- OEO to refer employee parties to HR or Chair or Department Supervisor or Dean for a non-punitive, non-sanctionable coaching and counseling conversation about standards of conduct
- OEO to facilitate written communication between student parties (e.g. complainant writes respondent letter explaining how they harmed complainant; respondent may respond to OEO, but not directly to complainant unless requested; response may be made verbally or in writing)

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<sup>2</sup> This option is also available as a supportive measure in circumstances where an impacted party opts against pursuing a formal complaint. In that circumstance the conversation would be a general and non-punitive conversation about policy, process and standards of conduct with a respondent outside of any formal complaint process.

**Office of Equal  
Opportunity**

- OEO to engage in shuttle diplomacy (e.g. complainant asks that respondent not eat in cafeteria on Tuesdays, will they agree?)
- OEO to facilitate in-person or remote mediation
- Other request appropriate to the circumstances presented: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. Acknowledgment by the Parties**

I, \_\_\_\_\_, agree as follows:

- I acknowledge that I have voluntarily filed a formal complaint against the Respondent(s). (Complainant/s Only)
- I acknowledge that I have received written notice of the allegations filed against me. (Respondent/s Only)
- I voluntarily elect to participate in the informal resolution process. I understand that this process is available only if the other party or parties also agree to voluntarily participate.
- I understand that I can withdraw from the informal resolution process at any time before reaching an agreed-upon outcome, either verbally or in writing. At that time, I can choose to pursue my complaint through the formal process or choose not to pursue the complaint further. I understand that if I choose not to pursue the complaint further the University may in its discretion continue the formal process with prior notice to me.
- I have had the opportunity to select up to three options offered by OEO under the Informal Resolution Process.
- I understand that any information obtained in the course of the Informal Resolution Process is confidential; I agree to maintain the confidentiality of

## Office of Equal Opportunity

such information and agree not to disclose it to third parties except as may be required by law; and I agree not to use any such information in a formal grievance procedure.

- I agree not to call the OEO-provided facilitator or mediator as a witness in any subsequent proceeding involving the matter that proceeded through the informal resolution process, even if it was not resolved.
- I understand that once I agree (verbally/in writing) to a particular outcome, this matter will be deemed resolved and it may not proceed to the formal grievance procedure. I also understand and agree that any agreement reached in this informal process will be memorialized and maintained in the case file.
- I understand that if, as part of the outcome reached through the informal resolution process, I agree to complete certain tasks (i.e., apology, education, training, counseling, EAP, etc.), I must complete those tasks in the timeframe agreed upon.
- I understand that if I do not complete the agreed--upon tasks, I may be subject to disciplinary action, up to and including expulsion or termination.
- I agree that I will abide by the University's Non-Retaliation provisions and I have signed the corresponding Privacy and Non-Retaliation Acknowledgement.

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Name – **Please print or write legibly**

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Signature

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Date