
INFORMAL RESOLUTION PROCESS

After the filing of a formal complaint, at any time prior to reaching a determination regarding responsibility or dismissal of the formal complaint, the University may facilitate an informal resolution process that does not involve a full investigation and adjudication. The University will not require the parties to participate in an informal resolution process and will not offer this informal resolution process unless a formal complaint is filed. The University will not require, as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment. **Informal resolution is NOT available if there are allegations that an employee sexually harassed a student. It is, however, available if there are allegations that a student sexually harassed an employee.**

UNC Greensboro offers a mediation process, in which the complainant and respondent, using a University-provided mediator(s), attempt to resolve a grievance in a mutually acceptable manner. Mediation is a procedure in which disputing parties enlist the assistance of a neutral party to help them achieve a voluntary, bilateral agreement that finally and definitively resolves all or portions of their dispute, without resorting to adversarial procedures such as grievance hearings, administrative hearings, or litigation. Any such mediated agreement that the parties are able to negotiate will be embodied in a written agreement.

Requesting Mediation. Either party may request mediation at any time, prior to a finding of responsibility. The University will seek the voluntary written consent of the other party prior to engaging in mediation. Both parties will receive a written notice that includes this Informal Resolution Process, and the allegations that are the subject to the investigation. Both parties must voluntarily consent, in writing, to engage in mediation.

Engaging in mediation requires that the parties agree that, anything said or done by either party during a mediation process will not be referred to or used against a party in any subsequent proceeding, even if the parties do not resolve their agreement in mediation. If mediation does not produce a settlement, no fault or blame will attach to either party and parties retain the rights they had prior to mediation.

Role of the Mediator. The University-provided mediator is a neutral third party(s) whose role is to guide the process, facilitate communication, and assist the parties to generate and evaluate possible outcomes for a successful resolution. A mediator assists the parties in defining, clarifying, communicating about, and ascertaining the substantiality and relevance of the issues that appear to divide the parties and to aid the parties in generating, considering, and communicating with each other about possible bases for resolving the dispute. A mediator does not act as a judge and does not render decisions.

A mediator cannot be called to serve as a witness in any subsequent proceedings between the parties. Mediators may be trained members of the faculty or staff, outside mediators from the community, or mediators from other campuses within the University. In incidents that involve faculty, the mediator **may not** be members of UNC Greensboro Faculty Grievance Committee. Mediators will have successfully completed formal mediation training substantially equivalent to that required for certification by the North Carolina Administrative Office of the Courts or to have been formally trained in mediation specifically designed for use in a university setting.

Mediation Attendees. Participation in mediation will be limited to the complainant, respondent, and mediator. Either party can ask for a recess at any time in order to consult with an attorney or other advisor, but attorneys, advisors, or other support persons may not attend the mediation.

Mediation Process. Complainants will be provided an opportunity to describe the impact of the incident to the Respondent and Mediator. Respondents will be provided an opportunity to describe the intent behind the incident to the Complainant and the Mediator.

The goal of the process is to develop a written agreement between the parties documenting the resolution of the incident. The Mediation Agreement will be written by the Mediator and signed by each party. The Mediation Agreement will then be binding on both parties and enforced by the University, and will contain a statement that the parties will not disclose the contents of the Agreement. Mediation Agreements can include, but are not limited to, agreed-upon supportive measures as outlined in the applicable policy; agreed-upon disciplinary measures as outlined in the applicable policy; agreed upon modifications to work or class schedules; changes in work or housing locations; and mutual restrictions on contact between the parties. If the mediation agreement includes terms that obligate the university, a University official with the authority to bind the university must also sign the mediation agreement.

Conclusion of Mediation. At the conclusion of mediation, the parties will sign the mediation agreement and receive of an executed copy. This agreement is binding on the parties, will be enforced by the University, and precludes either party from resuming a formal complaint rising from the same allegations. Failure of the parties comply with the terms of the Mediation Agreement may result in disciplinary action.

If the parties are unable to reach an agreement, they will sign a notice of impasse, which will be produced by the mediator, and contains a short, written statement to the appropriate authority necessary to invoke the next step in the grievance process, i.e., that mediation was attempted but settlement was not reached.

Withdrawal from this Informal Process. 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.

Records Retention. Copies of Mediation Agreements will be maintained by the University in accordance with the applicable records retention schedule.

To preserve the confidentiality and integrity of the mediation process audiotape, videotape, recording devices, and transmission devices are not permitted. Handwritten notes will be collected by the mediator and destroyed at the conclusion of the process.

All documents generated during the course of mediation and any communications shared in connection with mediation are confidential to the extent provided by law.