WAC 172-125-200 Informal resolution. (1) **Referral.** The Title IX coordinator or investigator may refer any report or complaint to the informal resolution process. It is not necessary that a formal complaint be filed for a report to be referred to this process, unless the complaint meets the definition of a formal Title IX complaint. A report/complaint may be referred to the informal resolution process at any time prior to the completion of an investigation. The Title IX coordinator may determine informal resolution is not appropriate, even if requested by both parties, if the alleged conduct could present a future risk of harm to others. Informal resolution is not available for complaints of sexual harassment committed by an employee against a student.

(2) **Voluntary participation.** Informal resolution processes may include a variety of voluntary processes that are structured to facilitate dialogue between impacted parties while balancing support and accountability. The various types of informal resolution options available at EWU and procedures for resolution are available on the EWU Title IX website. In all cases, the impacted parties must agree in writing to participate in the informal process and EWU will not require or pressure a party to participate in the informal process. A party is not required to waive the right to an investigation and/or hearing to participate in this process.

(3) **Informal resolution officer.** Informal resolutions will be handled by an EWU employee who is trained to facilitate such processes. In no case will the informal resolution officer be the same person as the investigator or any EWU employee who will make a decision regarding the complaint if informal resolution is not successful. The informal resolution officer must also not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

(4) **Written information about the process.** Before beginning the informal resolution process, EWU will provide both parties with the following information in writing:

(a) Summary of the alleged conduct;

(b) The requirements of the informal resolution process;

(c) Notice 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 investigative process;

(d) That the parties' agreement to a resolution at the conclusion of the informal resolution process will preclude the parties from initiating or resuming a formal complaint process arising from the same allegations;

(e) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and

(f) What information EWU will maintain and whether and how EWU might use such information if the formal complaint process is initiated or resumed.

(5) **Options for resolution.** Potential terms that may be included in an informal resolution agreement include, but are not limited to:

(a) Restrictions on contact;

(b) Restrictions on the respondent's participation in university programs or activities or attendance at specific events;

(c) Training; or

(d) Any other terms the parties agree upon that the informal resolution officer deems appropriate.

(6) **Written agreement.** Any informal resolution agreement must be in writing and signed by the parties and the informal resolution officer. In the agreement, the parties must be advised in writing that:

(a) The agreement is final, and they are waiving any right to a formal complaint process, including any right to appeal; and

(b) If a student does not successfully complete all aspects of an agreement, they may be charged with failure to comply under the student conduct code, chapter 172-121 WAC, and/or any possible violation of this code for the conduct that was the basis for the informal resolution.

(7) **Referral back to the formal complaint process.** If any party decides to leave the informal resolution process or the informal resolution officer determines the process is no longer appropriate, then the matter shall be referred back to the Title IX coordinator to determine the next steps under this code.

[Statutory Authority: RCW 28B.35.120(12). WSR 25-14-092, s 172-125-200, filed 7/1/25, effective 8/1/25. Statutory Authority: RCW 28B.35.120(12), Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., section 504 of the Rehabilitation Act of 1973, Americans with Disability Act of 1990, 42 U.S.C. § 12101 et seq., and chapter 28B.112 RCW. WSR 24-22-048, s 172-125-200, filed 10/28/24, effective 11/28/24.]