

**Year 3 Public Description of Work for
Action Collaborative on Preventing Sexual Harassment in Higher Education**

The Ohio State University

**Informal Resolution Process for Protected Class Discrimination,
Harassment, and Sexual Misconduct**

Relevant Rubric Area(s):

Response:

- Improved Policies
- Restorative/Transformative Justice and Alternative Resolutions
- Trauma-Informed Programs and Practices

Description of Work:

1. What are the purpose and goals of what you did or what you are doing, and how you did it?

The Ohio State University Office of Institutional Equity (“OIE”) sought to increase options for resolution of complaints of protected class discrimination, harassment, and sexual misconduct in a manner that provides agency to the parties and provides additional options to remedy behavior of concern. The primary goal of the process was to provide an alternative resolution to a formal investigation and adjudication process for parties who did not want to participate in a formal process while meeting the same goals of stopping behavior, preventing its recurrence, and restoring access to parties’ education or employment. While informal resolution was listed as an option in the university’s policy prior to this year, there was not a defined process and procedure to guide parties through the process, and it was largely unutilized. This year, the university added definition and structure to the process, which has allowed OIE to better inform parties about the option of informal resolution and how it can be used, providing for increased interest and use by parties as a means to resolve concerns. This new process relies heavily on alternative dispute resolution principles and is moving to incorporate Restorative Justice practices in the long-term goals.

OIE employees Resolutions Officers to facilitate the informal resolutions process in addition to conducting hearings and performing other functions related to resolution of reports. The Resolutions team, in conjunction with OIE partners and the university’s Office of Legal Affairs, began the process of developing the informal resolutions option by benchmarking programs already in existence at other institutions and having conversations with current practitioners. Using the information learned, the team then created a formalized process intended to meet the needs of the Ohio State community. The Resolutions team met with practitioners at Rutgers university and the University of Michigan to gather anecdotal information on process wins, setbacks, and best practices. After reviewing the provided information, OIE reviewed other

Year 3 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education

institutions' policies and process documents and found Miami University's policy particularly helpful as a guideline to begin the work of creating a process and procedure to be included in the [OIE Process Standards](#) document. OIE Resolution Officers attend trainings on mediation, restorative practices, and other protected class content area trainings to prepare for this process.

The final process includes the option for parties to voluntarily and independently agree to participate in the informal resolution process. Parties indicate that they would like to participate in the process by signing a form that outlines the process as well as the impact of participating in the process. The process itself involves the use of shuttle negotiation to come to terms, and when agreement is reached, both parties sign an Informal Resolution Agreement document, which includes agreed-upon terms for what will occur if the agreement is breached. The informal resolutions process is also used in situations where the respondent expresses that they are interested in accepting responsibility for the alleged policy violation. The process allows for any report of potential protected class discrimination, harassment, or sexual misconduct to be resolved in this manner with the approval of OIE both at the outset and finalization of the agreement. Each case considered for informal resolution is evaluated to determine whether the informal resolution process is an appropriate option based on the facts and circumstances involved in that case.

How is the work consistent with the findings and recommendations of the 2018 NASEM report and/or an area of the Rubric?

This work aligns with the area of Response and specifically related to implementing restorative or transformative justice and alternative means of resolutions. It also aligns with the areas of Improved Policies and Trauma-Informed Response and Education Programs. This process allows all parties to have increased agency in their process and select the option that is most effective for their needs.

What is the current status of the work?

The initial implementation of this process is implemented and has been used several times over the last academic year. Next steps include additional education and increasing awareness of this option, infusing additional restorative practice principles into the process, and assessing additional modes of delivery in addition to shuttle negotiation. Additional process improvements have been and will continually be assessed as appropriate.

Year 3 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education

2. How is this work new for your organization and new or uncommon in higher education?

Informal resolution practices are not necessarily new to higher education but have not been adopted at a large scale across the country as a means of addressing reports of protected class discrimination, harassment, and sexual misconduct. This process is new to Ohio State, and development of a structure for implementing informal resolutions has allowed for increased usage by parties who would like to resolve concerns outside of the formal investigation and adjudication process. Informal resolution presents a step in a new direction for the university to explore alternative options for addressing behavior of concern outside of formal disciplinary processes.

3. How you plan to evaluate the success, effectiveness, and/or impact of the work? (i.e. evaluation plans; results from evaluation research; or information on the impacts of the work)

OIE is continuing to explore options for evaluating this work, as many of the impacts are anecdotal. Direct feedback from parties and stakeholders has been the most effective tool for feedback currently. Additional, long-term impact on recidivism and violation of agreements will be helpful in crafting additional education and better tools for parties. The Resolutions team has also engaged in discussion on “exit survey” style data collection for all resolution options. This process is still in development, but could provide immediate feedback on impact, if not efficacy. As the university community becomes more aware of the process, OIE will also be able to measure the increase in utilization by parties.

4. How did you involve stakeholders in the plans and work?

University support, both within and outside of OIE, was the key element in moving this initiative forward. Support from OIE leadership, including but not limited to the Associate Vice President for OIE and the current and former Title IX Coordinators, in dedicating resources to gather data and socializing amongst university leadership and other stakeholders was instrumental. OIE worked closely with the Office of Legal Affairs, who provided support and legitimacy to using this process for both students and employees, including faculty and staff.

After creating the overall structure, the Resolutions team worked to educate other personnel within OIE about the process and its potential benefits. Working with OIE Civil Rights Intake Coordinators and Civil Rights Investigators was important to create understanding of the process within the office and how this new process would fit into already established workflows. OIE also worked with university partners external to the office, such as Office of Human Resources Employee and Labor Relations colleagues, who provided valuable feedback into the employment impacts of the informal resolution process and how to incorporate managers in a manner that is

Year 3 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education

helpful to the process and takes into consideration the ongoing impacts to the unit. Continued feedback from all these groups has been important in continuing to refine practices and communication.

5. What do you envision to be the next steps for this work?

Next steps for this process as noted above include expanding the offerings from shuttle negotiation to other forms of conflict resolution and incorporating more practices from restorative justice principles. Continued refinement of policies and forms is also important to ensure clarity for all parties.

Website for further information (if applicable): <https://equity.osu.edu/>

Point of Contact Name: Allan Williams

Email Address for Point of Contact: williams.3839@osu.edu