

Negotiated Resolution



Title IX Office

Negotiated Resolution is a voluntary and remedies-based resolution process. Negotiated Resolution is grounded in restorative justice principles and allows the parties to acknowledge the harm caused by an incident and identify the actions needed to help repair the harm, prevent its recurrence and address its effects. Negotiated Resolution will only be used when the individuals involved agree to engage in the process and the Title IX Office approves its use to resolve the formal complaint. Additionally, Negotiated Resolution is not available to resolve allegations that an employee sexually harassed a student.

GW recognizes that there is no single way to try and repair harm. Therefore, the Title IX Office will work with the parties to come up with a Negotiated Resolution agreement tailored to the specific needs and circumstances of the parties. The parties will not be required to meet directly with one another during this process. Rather, the Title IX Office can serve as an intermediary between the parties until a Negotiated Resolution agreement is finalized.

Potential terms of a Negotiated Resolution agreement include, but are not limited to the following:

- No Contact Order(s);
- Trainings on topics such as substance/alcohol misuse awareness, sexual harassment, consent, and healthy relationships;
- Anger management programs;
- Counseling;
- Impact Statements and written responses, which the Title IX Office can read aloud to the parties;
- Agreements regarding on-campus housing, class schedules, and participation in student organizations or activities.

Additional information about Negotiated Resolution:

- Negotiated Resolution does not involve an investigation and does not typically result in the university making a determination regarding whether or not a party violated university policy.
- The terms of a Negotiated Resolution agreement are typically remedies-based as opposed to disciplinary actions. Disciplinary action may only be included as a term when there is sufficient factual foundation and both parties have agreed upon a sanction.
- Either party can withdraw from Negotiated Resolution at any time prior to agreeing to a final Negotiated Resolution agreement. If a party withdraws, the case may be referred for investigation under the Investigative Resolution process.
- Once a Negotiated Resolution agreement has been accepted by both parties, the agreement is final and binding.
- If a party violates the Negotiated Resolution agreement, the party may be subject to a disciplinary process. The underlying matter may also be referred to the Title IX Coordinator to determine what, if any, further action may be appropriate, including investigation under the formal resolution process.
- Information shared with the Title IX Office during Negotiated Resolution can be used in a subsequent investigative resolution.
- While a Negotiated Resolution agreement is typically not considered a disciplinary record, information related to the violation of an agreement may become part of an individual's disciplinary record.
- The terms of a Negotiated Resolution agreement may be shared with a discrete number of university administrators in order to properly facilitate the terms of the agreement. In addition, the Negotiated Resolution agreement may be shared as required by law, such as in response to a lawful subpoena.
- Both parties may have an advisor of their choice, including a lawyer, assist them throughout the Negotiated Resolution.
- While it is not possible to predict how long the Negotiated Resolution process will take because every case is unique, typically this process can take between 4-6 weeks to complete.

For further information regarding the Negotiated Resolution process, please review the [Title IX Sexual Harassment and Related Conduct Policy](#).