

Adaptable Resolution Procedures
Michigan State University RVSM and Title IX Policy

I. OVERVIEW

OCR recognizes that the traditional investigative and adjudicative processes do not always adequately fulfill the needs of the person who has experienced harm or allow the parties an opportunity to repair the harm that has been caused.

Adaptable resolution is a voluntary, non-disciplinary process that allows parties to resolve matters over which OCR has jurisdiction outside of the formal grievance process. Adaptable resolution is designed to stop the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the impacted party or parties while maintaining safety of the University community. Adaptable Resolution is designed to allow individuals to acknowledge harm and take responsibility for repairing harm without facing formal University discipline. Adaptable Resolution does not focus on the gathering of evidence, determination of facts, or determine whether or not Prohibited Conduct occurred. Adaptable Resolution may take multiple forms and is based upon the parties' needs and may include an educational meeting with the Respondent. The Investigation, Support and Resolution (ISR) Department facilitates the adaptable resolution process and may involve University partners.

The parties may be accompanied by an advisor or support person at any meetings related to the Adaptable Resolution process. The University will strive to complete the Adaptable Resolution process within 90 business days from the date the parties agree to an adaptable resolution process. The adaptable resolution process may be initiated only after a formal complaint has been filed.

II. TYPES OF ADAPTABLE RESOLUTION

Michigan State University has a commitment to providing individuals with options to resolve conflict in meaningful ways. Adaptable resolution is based on the foundations of restorative justice. There are multiple pathways to complete adaptable resolution and may each involve different levels of engagement and procedures. MSU has identified educational meetings and restorative interventions as two resolution pathways. (See section IV.G and IV.H for specific procedures)

Examples of adaptable resolution that may be available through ISR or other University offices may include, but are not limited to:

- A. Educational Meeting:** ISR may conduct an educational meeting with individuals about concerns related to the Policy. This involves notifying the individual about the concerns and providing education and information about the applicable University policies and expectations. An educational meeting is not disciplinary in nature and does not involve a determination that Prohibited Conduct occurred. An educational meeting is intended to notify the individual of the

concerns, and stop and prevent recurrence of conduct that could, if proven, or if it were to recur or persist, violate the Relationship Violence and Sexual Misconduct and Title IX Policy.

- B. Restorative Intervention:** The adaptable process is an opportunity for the Claimant to express their feelings, ask questions, and have a voice in the resolution agreement on how to move forward. It may also be an opportunity for the Respondent to hear about the harm caused and repair it (to the extent possible). These processes include facilitated dialogue, restorative circle process, shuttle negotiation and mediation.
- 1. Facilitated Dialogue:** A structured and facilitated conversation between two or more individuals. A facilitated dialogue may result in, but does not require, the parties reach a mutual resolution.
 - 2. Restorative Circle Process:** A structured and facilitated process where individuals who have experienced harm or conflict can come together to engage in dialogue about the harm and how it may be repaired. This process may include individuals who recognize their contribution to harm and take responsibility for repairing it. A circle may also include multiple members of the community to explore direct and indirect impact on the broader community. All participants must agree to who will be present.
 - 3. Shuttle Negotiation:** A negotiated agreement between participants facilitated via a process where the parties do not meet together, but instead meet separately with a facilitator to discuss perspectives, experiences, and interests while working towards meeting needs. This facilitated process does not require direct interaction between participants.
 - 4. Mediation:** A process where participants work together with the help of a trained mediator to resolve a misunderstanding or conflict. The mediator assists participants in exploring potential agreements that address the situation from the perspective of all participants. Mediators are neutral third parties and do not take sides or make decisions.

III. AVAILABILITY OF ADAPTABLE RESOLUTION

After a formal complaint has been filed, either party may request an adaptable resolution process, or ISR may suggest it to the parties in some instances. Adaptable Resolution is not permitted in cases where an employee is reported to have engaged in prohibited conduct against a student. Adaptable Resolution is generally not used when the concerns involve allegations of sexual assault, relationship violence, or where there are potential risks to the physical safety of a member of the community. Where Adaptable Resolution has otherwise been requested, ISR will determine whether it is appropriate considering:

- A.** The safety of the parties and the University community;
- B.** Each party's interest in participating in Adaptable Resolution;
- C.** The parties' opportunities to freely choose among resolution options;

- D. Whether the University has a legal obligation to investigate the matter, and if so, whether the University has, or has means to obtain, sufficient information about the reported conduct to carry out an investigative process (including consideration of the claimant's willingness to participate in that process);
- E. The availability of resources to facilitate the requested Adaptable Resolution;
- F. Any legal parameters that may prevent the University from addressing a respondent's conduct directly with a respondent;
- G. Prior or subsequent conduct of the respondent.

Adaptable Resolution must be approved the Title IX Coordinator, or designee¹. The Title IX Coordinator, or designee, may consult with additional University or community partners as necessary to make an informed decision. In cases involving University employees, the Title IX Coordinator, or designee, will consult with the appropriate human resources unit.

Additionally, the timing of the request may be considered when determining the appropriateness of adaptable resolution. For example, the evidence that has already been collected, whether the request seeks to delay a scheduled meeting or hearing, or is made after the conclusion of the investigation or hearing. Requests for adaptable resolution must be made in good faith and may not be used to improperly delay the formal grievance process.

IV. ADAPTABLE RESOLUTION PROCESS

Adaptable resolution is designed to work with the needs of the parties. Some forms of adaptable resolution, including facilitated dialogue, restorative circle processes, shuttle negotiation, and mediation, may require more engagement and/or preparation than other resolution forms.

- A. **Request for Adaptable Resolution:** After the filing of a formal complaint, any party may request an adaptable resolution process at any time prior to the issuance of the written determination of whether prohibited conduct occurred. Requests may be made to the Support and Intake team member, Investigator, Hearing Administrator, Director, or Title IX Coordinator. The Director for the Resolution Office will review the case to determine whether adaptable resolution may be offered in accordance with section III. Availability of Adaptable Resolution.
- B. **Informational Meeting:** If a party is unsure if they would like to request the Adaptable Resolution Process, they can request to meet with the Director of the Resolution Office or a trained adaptable resolution facilitator to discuss the process and answer questions about the process. This meeting may occur prior to the submission of a formal complaint and prior to the Director's evaluation of the appropriateness of initiating the Adaptable Resolution Process. This meeting does not initiate the Adaptable Resolution Process.

¹ The Director for the Resolution Office has been designated to carryout the Adaptable Resolution process and procedures.

- C. Notice of the Initiation of the Adaptable Resolution Process:** If the Claimant requests Adaptable Resolution, and the request is approved, the Respondent will be invited to participate and vice versa. The parties will be provided notice that explains:
1. The allegations;
 2. The requirements of the adaptable resolution process;
 3. That prior to agreeing to any resolution, any party has the right to withdraw from the adaptable resolution process and to initiate or resume the formal grievance process;
 4. That the parties' agreement to a resolution at the conclusion of the adaptable resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
 5. The potential terms that may be requested or offered in an adaptable resolution agreement is binding only on the parties; and
 6. What information the University will maintain and whether and how the University could disclose such information. Information gathered and utilized in the Adaptable Resolution Process may not be used in other University processes, including the formal grievance process.
 7. That the adaptable resolution process is separate from (1.) the University's human resources related processes that may be used to address employee performance and misconduct, and (2.) the University's student conduct processes. A party's participation in the adaptable resolution process does not preclude the University from addressing performance and behavior issues under human resources related policies and processes apart from the civil rights policies, or to address the behavior under University student conduct processes apart from the civil rights policies.
- D. Party Meetings with Adaptable Resolution Facilitator:** The claimant(s) and respondent(s) will meet separately with the Director of the Resolution Office or a trained Adaptable Resolution Facilitator to explain the process and identify harms and needs of the participants.
1. Each party can identify an advisor and/or support person to join the process.
 2. The parties can choose whether their process involves face-to-face interactions with the other party or invited participants.
 3. Before adaptable resolution can be implemented, the parties must reach an agreement on the process and approach. The Adaptable Resolution Facilitator(s) will determine the parties' readiness to participate in Adaptable Resolution. The Director for Resolution Office in consultation with Adaptable Resolution Facilitator(s), and the Title IX Coordinator, or designee, determines whether the agreed upon approach is appropriate.
 4. The adaptable process is flexible. The parties may decide to engage in one or more type of adaptable resolution. Any decision to change the structure of the resolution must be agreed upon by all parties and the adaptable resolution facilitator.

- E. Agreement to Participate:** Adaptable resolution is a voluntary process. All parties must consent in writing to participate and also successfully complete all preparatory meetings with the adaptable resolution facilitators in order to continue with the adaptable resolution process. The Claimant and Respondent may choose to end the process at any time before a resolution agreement is finalized.
- F. Discontinuing the Resolution Process:** Any party or ISR may request to discontinue the Adaptable Resolution process at any time prior to the finalization of the resolution agreement. In discontinuing the Adaptable Resolution Process, the formal complaint may continue through the formal grievance process or may be dismissed. However, information gathered and utilized in the Adaptable Resolution process generally may not be used in other University processes, including the formal grievance process.
- G. Educational Meeting Procedures:** If the parties choose to resolve the matter through an educational meeting, the parties will agree to the terms of the meeting in writing. The agreement must be signed by all parties.
1. The respondent will meet with an adaptable resolution facilitator and may be accompanied by an advisor and/or support person.
 2. The Claimant will not be part of the educational meeting.
 3. An educational meeting involves notifying the individual about the concerns and providing education or information about the applicable University policies and expectations. An educational meeting is not disciplinary in nature and does not involve a determination that Prohibited Conduct occurred.
 4. Following the educational meeting, all parties and the Resolution Office will receive written notification confirming that the educational meeting occurred.
 5. After successful completion of the educational meeting, the matter will be considered fully resolved with regard to violations of the Relationship Violence and Sexual Misconduct and Title IX Policy.
- H. Restorative Intervention Procedures:** The adaptable process is an opportunity for the Claimant to express their feelings, ask questions, and have a voice in the resolution agreement on how to move forward. It may also be an opportunity for the Respondent to hear about the harm caused and repair it (to the extent possible). These processes include facilitated dialogue, restorative circle process, shuttle negotiation and mediation.

Some of the foundations of restorative justice include:

- Focusing on harms and needs rather than law or policy
- Non-adversarial, multipartial, and relational resolution
- Fostering empowered, collaborative decision-making process
- Fostering a safe, confidential environment for respondents to accept responsibility for causing harm and promoting accountability
- The ability to include other community members who are supportive of the restorative space and holding community members accountable.

- The use of non-legal or policy-driven terms. Claimants are referred to as harmed individuals and respondents are referred to as individuals who caused harm.

Restorative interventions will be conducted by a trained adaptable resolution facilitator.

1. The adaptable resolution Facilitator will meet with each participant separately to prepare for the specific restorative intervention(s) and determine the readiness of the individuals to participate.
 - a. In order to participate in restorative interventions, the participants must demonstrate readiness, which includes the respondent accepting responsibility for causing harm and a desire to address the impact. This acceptance of responsibility does not constitute a finding that the Respondent engaged in Prohibited Conduct or result in disciplinary action under the Relationship Violence and Sexual Misconduct and Title IX Policy.
 - b. The adaptable resolution facilitator will ask the parties the central questions to be discussed during the restorative intervention.
 - a. For example, the harmed person (Claimant) may be asked: 1) How has this impacted you? 2) What has been the hardest part for you? 3) What do you need?
 - b. For example, the person responsible for causing harm (Respondent) may be asked 1) What have you thought about since? 2) What are you willing to do to meet the needs and repair the harm?
 - c. The adaptable resolution facilitator will discuss and prepare parties for the specific interactions. This may include the structure of the meeting, safety of participation, the flow of the structured conversation, share the script for the meeting (if applicable), etc.
 - d. The adaptable resolution facilitator may require one or more participants to engage in additional meetings or education prior to engaging in a restorative intervention.
 - e. Examples of potential ways to repair harm may include, but are not limited to:
 - a. Participation in an educational program
 - b. Acknowledgement/apology
 - c. Restitution²
 - d. Repair of physical/material harm
 - e. Community Service
 - f. Community reintegration
 - g. System changes
 - h. No contact agreement
 - i. Restriction from attending or participating in certain events

² Restitution may be available in limited circumstances, and MSU will have limited ability to enforce or facilitate restitution between parties. The Adaptable Resolution process does not negotiate financial settlements between parties. Restitution is not available in the context of employment-related matters.

2. The adaptable resolution facilitator will schedule and conduct the restorative intervention(s) and any follow-up intervention(s). For example, parties may begin with a shuttle negotiation and transition to a facilitated dialogue or restorative circle.
3. Following the conclusion of the restorative intervention, the adaptable resolution facilitator will follow up with the parties individually.

I. Adaptable Resolution Agreement: The Restorative Intervention may or may not result in a mutual agreement between parties for further action. In some cases, the parties may agree that the harm has been repaired by participating in the adaptable resolution. In cases where the parties agree to Respondent participating in an educational meeting only, the following standards apply.

1. If an agreement is reached:
 - a. Any agreements reached by the parties during the adaptable resolution process are final and binding only for the parties. Any agreements must be documented, signed by the parties, and approved by the Title IX Coordinator, or designee. The Title IX Coordinator, or designee, may consult with additional University or community partners as necessary to make an informed decision. In cases involving University employees, the Title IX Coordinator, or designee, will consult with the appropriate human resources unit.
 - b. The parties and the Title IX Coordinator, or designee, may rescind their agreement within two business days.
 - c. After the rescission time frame has lapsed and no party has rescinded the agreement, the agreement will be effective. The Director of the Resolution Office will notify the parties that the Adaptable Resolution process has been completed.
 - d. Once the agreement is effective, the parties may not appeal the agreement and the formal grievance process will not be initiated, absent a new allegation of prohibited conduct.
2. If an agreement is not reached, the matter will be referred to the Director of Investigation for evaluation of next steps for a formal complaint under the Relationship Violence and Sexual Misconduct and Title IX policy.
3. Failure to comply with the adaptable resolution agreement may result in:
 - a. The agreed upon consequences by the parties in the signed agreement (for example, placing a hold on the student's account or interim suspension until the terms of the agreement are met);
 - b. Enforcement and/or disciplinary action by the Office of Student Support and Accountability for students and/or the responsible Human Resources unit for employees.

4. Where circumstances surrounding the adaptable resolution change and both parties desire a change to the agreement, the parties may request the Title IX Coordinator, or designee, to modify an existing adaptable resolution agreement.

V. RECORD RETENTION & SUBSEQUENT REPORTED CONDUCT BY RESPONDENT

All records will be maintained by the University for at least seven (7) years in accordance with law and University record retention policy.

By signing a participation agreement, the participants agree not to use information obtained during an Adaptable Resolution process in any other University process, including those outlined in the Relationship Violence and Sexual Misconduct and Title IX Policy and the Anti-Discrimination Policy. The University also will not use information obtained during the Adaptable Resolution process in any other University process, except to the extent required by law. The University and/or parties may need to release information obtained during the Adaptable Resolution if sought by law enforcement, in a legal proceeding, or government investigation.

In accordance with the Mandatory Reporting for Relationship Violence, Sexual Misconduct, and Stalking Policy (footnote 4), the Director of the Resolution Office, Adaptable Resolution Facilitator(s), or any employee who has been designated to administer the Adaptable Resolution process, is considered an employee exempted during provision of service.

Should the Respondent subsequently be reported to have violated the RVSM Policy or the Anti-Discrimination Policy, at the discretion of the Title IX Coordinator, or designee, all reported prohibited conduct may not be eligible for resolution under the adaptable resolution process.

VI. ACCOMMODATIONS

Michigan State University is committed to providing equal opportunity for participation in all programs, services, and activities. Accommodations for persons with disabilities may be requested by contacting the Director of the Resolution Office before a specified date. Requests received after the specified date will be honored when possible. Any party requiring a translator or interpreter may request support directly from the Director of the Resolution Office or the adaptable resolution Facilitator. Accommodations or interpretation services which require a person to be present will not negate the party's right to have an advisor and/or support person present.

Effective Date: September 21, 2026

Michigan State University reserves the right to develop and implement new rules, guidelines, and procedures not presently included in this document.

It is the responsibility of Michigan State University to reasonably attempt to inform the participants in the hearing process of any substantive changes in or additions to the current procedures.