

EARLIER RESOLUTION¹ INFORMATION

General Information

Administrative Process: An Office of Equity earlier resolution is an administrative process designed to facilitate an agreement by the parties to address a formal complaint alleging discrimination in violation of [USU Policy 305](#).

Process Advisors and Support Persons: Both parties may use a process advisor and/or a support person to assist them throughout the earlier resolution process.

Participation: Participation in the earlier resolution process is completely voluntary and no party shall be pressured, coerced, or unduly influenced into participating. Parties must consent, in writing, to participating. Additionally, either party may change their mind about participating in the process at any time.

False Information: A person who knowingly provides false information related to discrimination will be referred to the appropriate administrator for appropriate action, including possible Corrective Action or Sanctions under the [USU Student Code](#) or [USU Policy 311](#) or [407](#).

Retaliation: University policy prohibits retaliation by students and employees, regardless of whether they are parties. Retaliation includes intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege under USU's discrimination policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a formal investigation, proceeding, or hearing related to discrimination.

A student who engages in retaliation may be subject to discipline up to and including suspension or expulsion.

An employee who engages in retaliation may be subject to discipline up to and including termination.

Supportive Measures: If you are a student and your education has been affected as a result of the incident underlying the formal complaint or the Office of Equity process, you may be able to get supportive measures while your case is pending. Please contact the Supportive Measures Specialist for more information.

Conflicts of Interest/Bias: If you have a concern at any point in the process that anyone involved in your case in the Office of Equity has a conflict of interest or bias, please email the Equity Executive Director at alison.adams-perlac@usu.edu.

Privacy and Information Sharing: With the exception of an Earlier Resolution Agreement signed by both parties which are private and may be shared on a need-to-know basis with

¹ Sometimes referred to as an informal resolution.

Student Conduct (student) or the Respondent's supervisor (employee), statements made and documents generated during the earlier resolution process shall remain confidential and will not be used in a formal Grievance Process.

Formal Investigation: Either party may request to withdraw from the earlier resolution at any time. In that event, the earlier resolution will be stopped and the formal investigation process will resume. A formal investigation will also proceed if the parties do not reach an agreement.

Withdrawal of a Formal Complaint: The Claimant may request to withdraw their formal complaint at any time. The Office of Equity may, but need not, dismiss the case at that point. If the Office of Equity does not dismiss the case and determines to proceed without Claimant's involvement, it will notify both parties.

Facilitation: Earlier resolution agreements may be facilitated via written communication, telephone, videoconferencing, and/or in-person meetings. Parties will not be required to confront each other or be in the same room during the earlier resolution process.

Possible Terms: Depending on what the parties agree to, an earlier resolution may result in a number of outcomes including but not limited to:

- An apology by Respondent, in-person or in writing;
- That Respondent complete discrimination training or other related education;
- That Respondent complete community service;
- That Respondent leave the university and not reenroll until Claimant has graduated;
- A finding that Respondent violated the university's discrimination policy; and/or
- A sanction or other punitive or disciplinary measures.

Executive Director Approval: The Equity Executive Director must approve an earlier resolution agreement for it to become effective.

Compliance: An earlier resolution agreement signed by the parties and approved by the Executive Director is binding and the parties will be expected to comply. A Respondent who fails to abide by the terms of an earlier resolution agreement may be subject to discipline. The facilitator shall be responsible for monitoring and ensuring the terms of the agreement have been met.

Earlier Resolution Timeframes²

- **Within 40 business days of the Formal Complaint or the date the parties agreed to proceed with an earlier resolution, whichever comes later**, an earlier resolution agreement will be reached.
- **Within 5 business days of the earlier resolution agreement**, the Office of Equity will electronically share the agreement with each party.

² These are general timeframes and may be extended based on good cause.