

# Oberlin College

## Adaptive Resolution Process Procedures

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The Adaptive Resolution Process (ARP) is a series of inclusive conflict resolution practices that yield participant-authored, effective, and just outcomes through examination of attitudes and behaviors that contributed to the conflict or harm; and that result in clear accountability measures that repair harm and discourage future harm. Adaptive dispute resolution practices—including conflict coaching, facilitated dialogue, mediation, and restorative practices—are available to participants on a voluntary basis. ARP is an alternative to the formal resolution process and does not result in College-mandated disciplinary action against the responding party. The College, however, will enforce any signed resolution agreement.

The College will not mandate that ARP be used for any complaint as the parties must be willing to engage in this process for it to achieve the goal of stopping the alleged misconduct, addressing its effects, and preventing its recurrence. The ARP may not be an appropriate form of resolution in all cases, and will only be used when both the College and the parties mutually agree that this process is an appropriate way to resolve the report.

ARP is not available to resolve complaints under the Title IX Sexual Harassment Policy when the reporting party is a student and the responding party is an employee. ARP may be used in cases when both parties are employees.

### **Requesting The Adaptive Resolution Process**

Once a formal complaint has been filed with the OEDI Director or Deputy Title IX & Equity Coordinator, a reporting party may have the option to request an adaptive resolution process to resolve the complaint.

The reporting party must meet with the OEDI Director or a Deputy Title IX & Equity Coordinator to discuss the options available for resolving their complaint within the ARP. The reporting party may suggest desired outcomes and a particular resolution process.

The OEDI Director and Deputy Title IX & Equity Coordinator will also meet separately with the responding party. The responding party will be provided with the written complaint that was filed before the meeting. At this initial meeting, the responding party may choose to share further information with the Deputy Title IX & Equity Coordinator regarding those

complaints, but is not required to do so. The Deputy Title IX & Equity Coordinator will discuss reporting party's desired outcomes and preferred resolution process. If both parties agree to ARP, a written agreement outlining the process for dispute resolution will be entered into and the matter will be referred to the ARP Facilitator to assist that parties in reaching a final resolution.

### **The Adaptive Resolution Process Procedures**

1. Advisors or support persons are not permitted in the ARP process unless both parties agree to allow observers.
2. Meetings are not recorded and the participants are not permitted to record any meetings. Any notes taken by the ARP Facilitator may not be used in a formal proceeding.
3. Either party or the College can request to end the ARP at any time if one of the following occurs:
  - a. One of the parties fails to participate in the ARP.
  - b. One of the parties is reported to have additional new violations of College policy towards the other party.
  - c. Both parties agree in writing that the matter discussed in the formal complaint has been resolved to their satisfaction.
4. The ARP Facilitator will work with the parties to reach a written resolution agreement and, if requested, supervise compliance with the terms of the agreement.
5. The ARP Facilitator may not be called as a witness in a Formal Resolution Process.
6. Once the parties have completed terms of the resolution agreement, the ARP Facilitator will provide a final report indicating the matter has been resolved. The OEDI Director or Deputy Title IX & Equity Coordinator will confirm in writing to both parties that the ARP process has concluded and that the formal complaint has been resolved.

Ordinarily the ARP will be completed within thirty (30) business days of the request for the ARP.

### **Record Keeping**

Records of the adaptive resolution process will be maintained in the Office of Equity, Diversity, and Inclusion per the [OEDI Record Retention Policy](#). Generally, final resolution agreements will not be included in official College student or employment records unless the terms of the resolution agreement require such action.