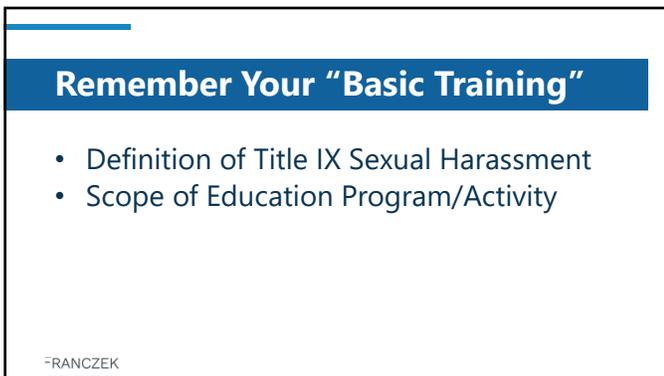




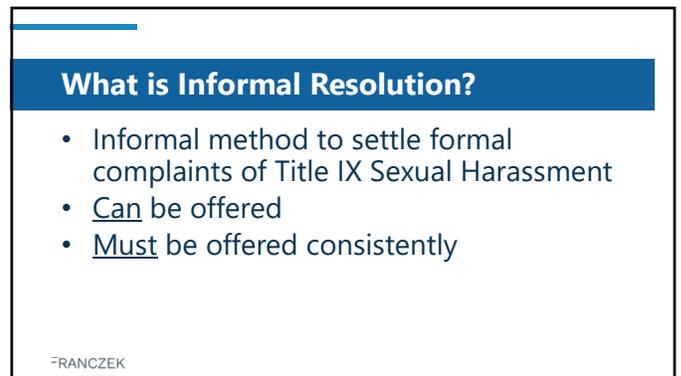
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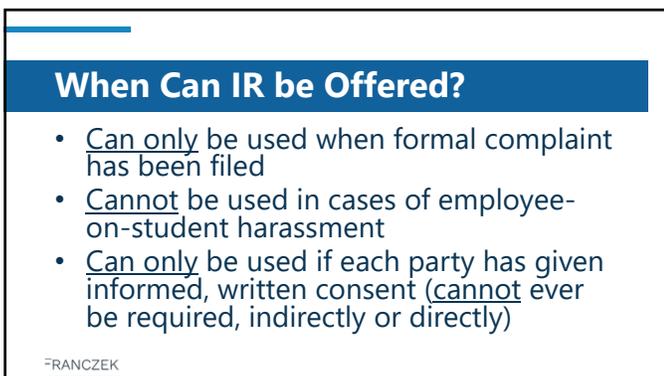
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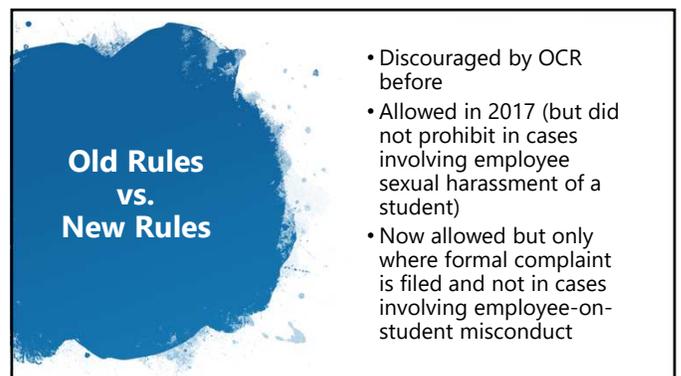
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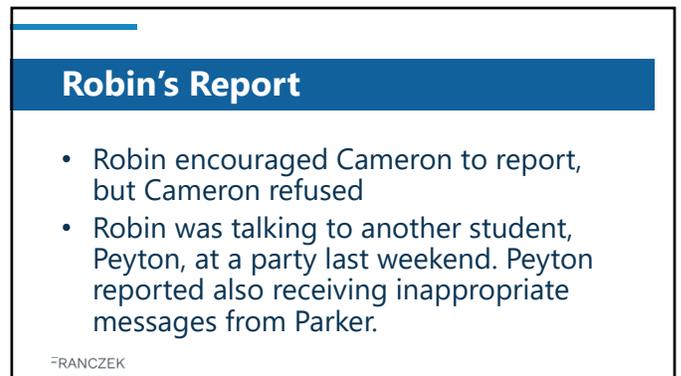
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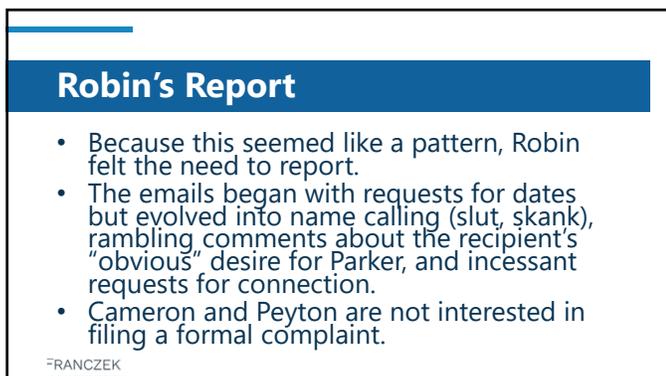
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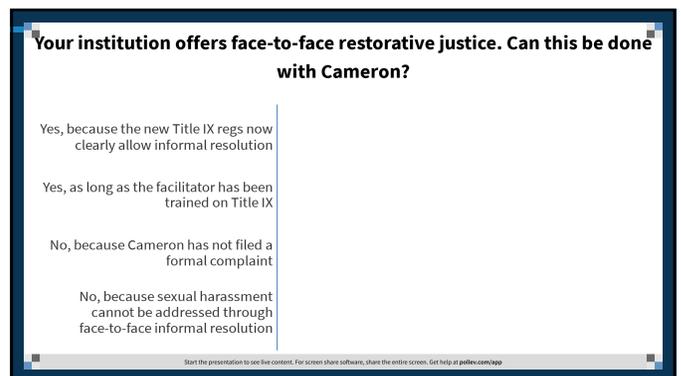
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12

Types of Informal Resolution

- Restorative Justice
- Mediation
- Consider: Face to Face?

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13

Who Should Serve as an IRF?

- Trained Facilitator
- Neutral Party/Impartial/Unbiased
- No prejudgment of case
- Per Illinois Tech policy:
 - IRF cannot be involved in the investigation
 - IRF can be employee or third party contractor

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14

Standard

- Declined to define "bias," "conflict of interest," "prejudge"
- The Department encourages recipients to apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased, exercising caution not to apply generalizations that might unreasonably conclude that bias exists....

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Conflict of Interest

- Flexibility to choose informal resolution facilitator
- Can use a school employee
- Can use an individual with a history of working in certain fields
- Caution against using generalizations to identify conflict of interest

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Pre-Judgment

Tips for avoiding pre-judgment of facts:

- Each case is fact-specific
- Keep an open mind
- Listen to facts presented
- You are not an advocate for either party, even if you believe one is right

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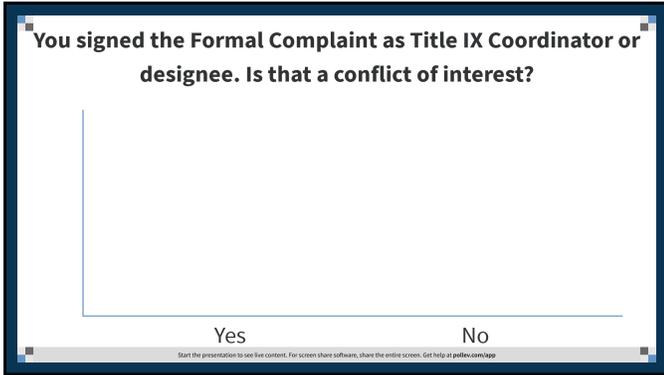
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Sex Stereotypes

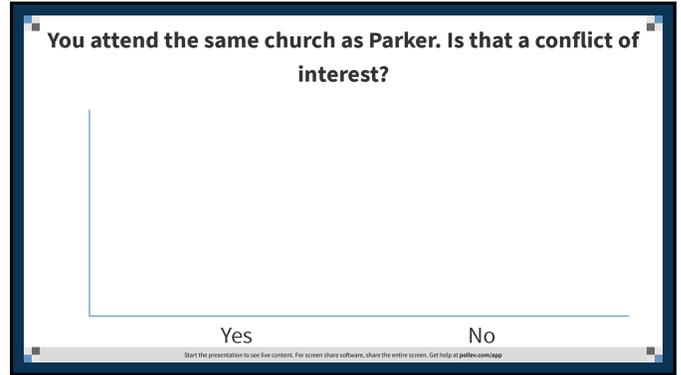
- Must not rely on sex stereotypes such as:
 - Women are "asking for it" based on actions or clothing
 - Men cannot be sexually assaulted
 - Women only decide they were assaulted after the fact due to regret or embarrassment
 - Men are more likely to be sexual aggressors
- Consider intersection of sex stereotypes with race, ability, sexuality, and gender identity

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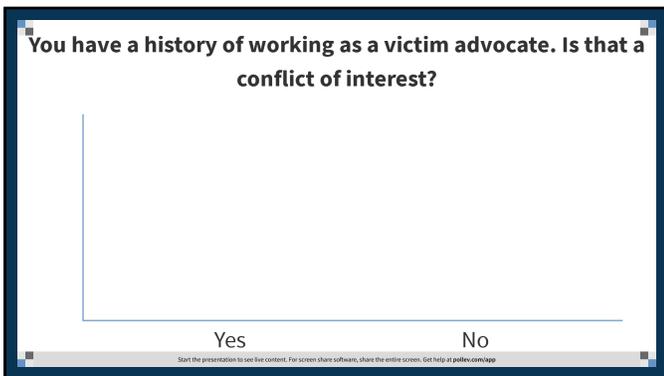
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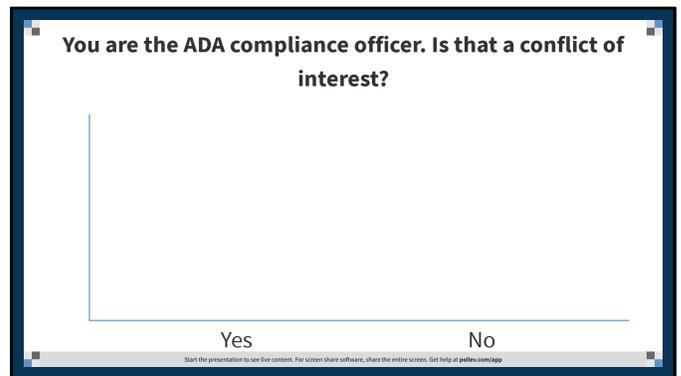
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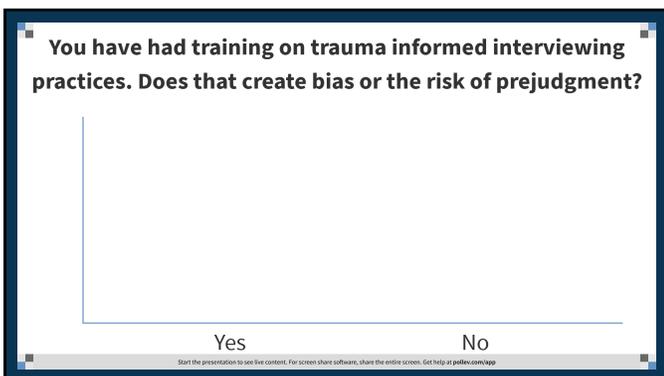
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24

Forms/Notices

Informal Resolution Process

- Offer of Title IX Informal Resolution Process (Franczek Notice 5(a))
- Notice of Closure of Title IX Informal Resolution Process (Franczek Notice 5(b))

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25

Notice of Impacts of Participation in IR Process

- Can withdraw and return to investigation process before resolution
- Neither party can ask for investigation to resume after resolution
- Records will be maintained for 7 years, can be shared
- Other impacts of participation

26

Other Impacts of IR Process

- Can IR Facilitator testify against the parties at a later hearing?
- Can facts be used against the parties at a later hearing?

27

The Mediation Process

- Introductions
- Information Collection
- Problem Identification
- Brainstorming Solutions
- Brokering the Deal
- Agreement

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Potential Trauma for CP and RP

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29

Emotions

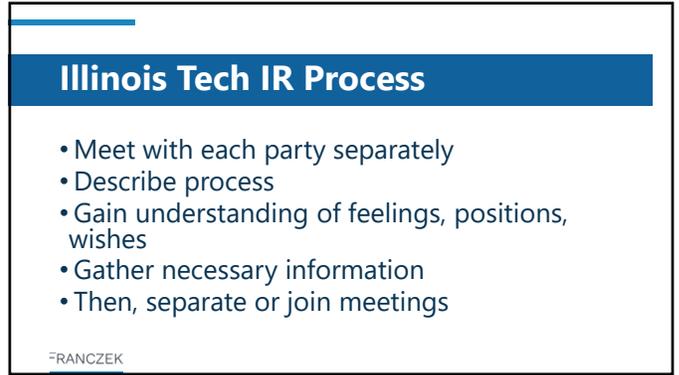
- Silence is ok
- Sympathy is ok (within reason/neutral) – “I can tell this is hard” “I’m sorry this is difficult”
- Allow breaks
- Remember equality not equity is goal for processes

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30



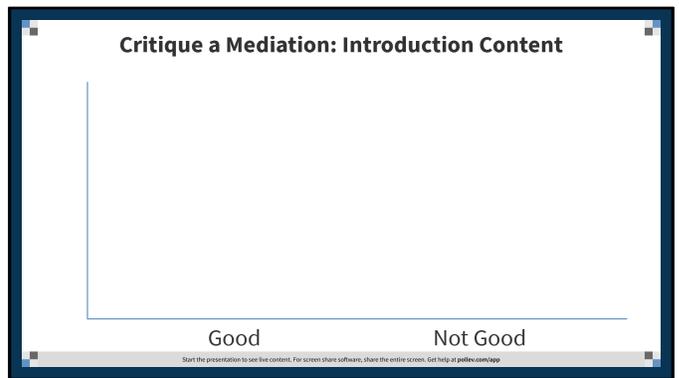
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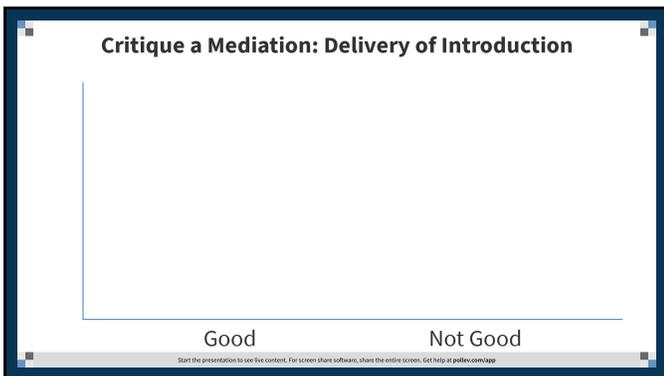
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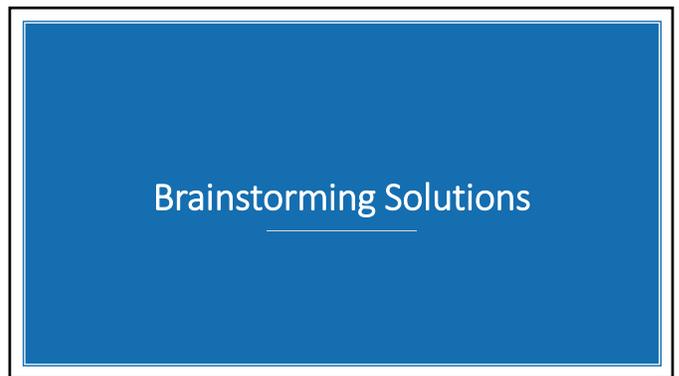
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34



35



36

Brainstorming Ideas

- Don't shut down ideas
- Write down all ideas
- Suggest, but don't advocate
- Discuss pros/cons and possibility of solution working

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37

Brainstorming Ideas

- "What solution would allow you to feel comfortable settling the complaint?"
- "If the other party were to offer x, would you be willing to offer anything in return?"
- If a party refuses to make further offers, ask questions to understand why

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38

Illinois Tech Policy Examples

- Participation in educational programming;
- Changes in academic, work, and living arrangements;
- Assistance with requesting academic allowances and extensions;
- Writing an impact statement;
- Writing a statement acknowledging harm caused; and
- Restrictions of contact between the parties.

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39

What types of solutions might you brainstorm for Cameron and Parker?

Start the presentation to see live content. For screen share software, share the entire screen. Get help at pallav.com/help

40

Length of Informal Resolution

- Will vary depending on complexity
- Per Illinois Tech Policy:
 - 30 calendar days, but extensions will be warranted in many cases
 - Obtain written agreement to extensions from all parties
- Keep the Title IX Coordinator apprised of progress

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41



Outcome of IR

42

Cameron and Parker reach an agreement in informal resolution. Can the Title IX process ever recommence?

Yes, if Parker fails to comply with the terms

Yes, but only for allegations not resolved in informal resolution

No, because you can only recommence an investigation before a resolution is reached

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43

Role of Institution If Agreement Reached

- Agreement is between the parties; institution is not a party
- IR Facilitator can:
 - Act as intermediary
 - Make suggestions, evaluations
 - Help with drafting document

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44



45



46

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