### **Building Skills to Successfully Mediate Title IX Sexual Harassment Cases**

## Welcome & Faculty Introductions



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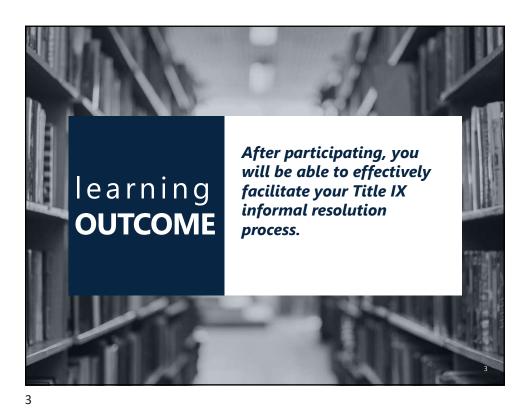
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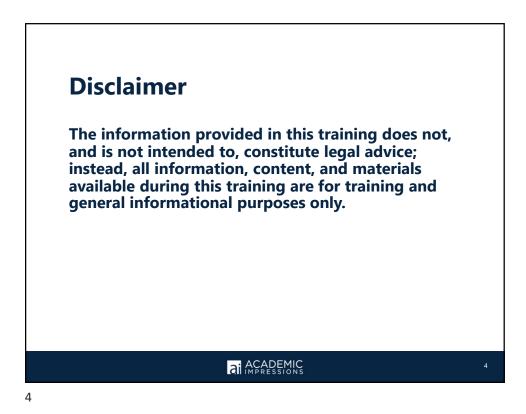
The Big Why!

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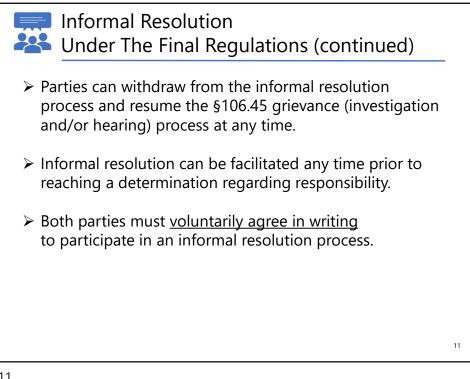


# Informal Resolution Under The Final Regulations

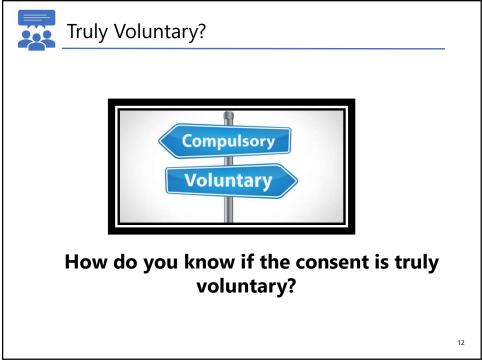
The Final Regulations allow for informal resolution in lieu of the investigatory and/or hearing process <u>after</u> a formal complaint is filed. §106.45(b)(9).

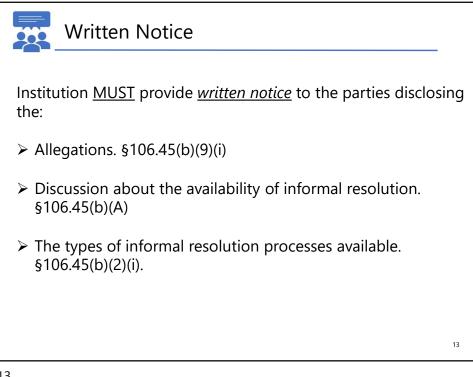
- Informal resolution is a *voluntary* option that allows parties to resolve disputes in a forum that is separate and distinct from the institution's live-hearing process.
- It's discretionary whether to offer informal resolution at all or only in certain cases.
- Informal resolution processes must have reasonably prompt timeframes.

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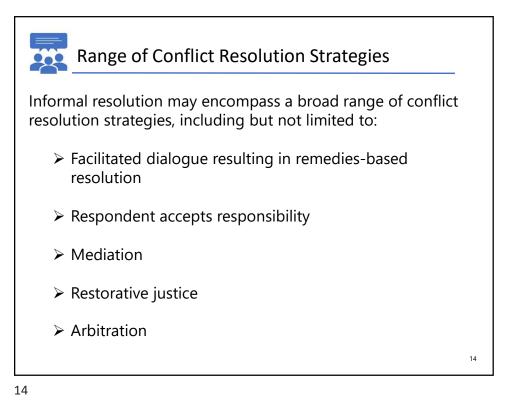


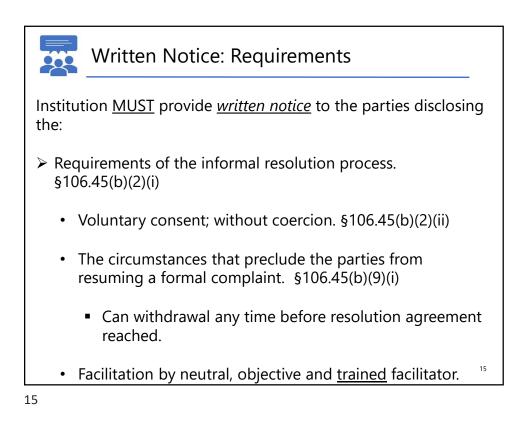


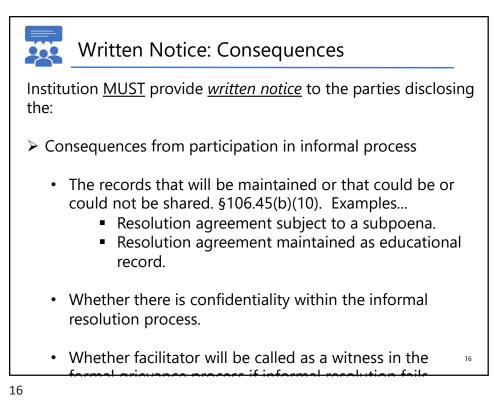
















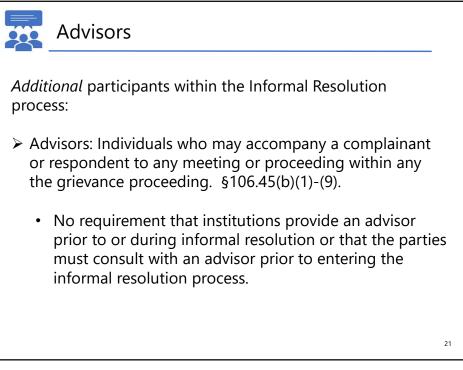


# Informal Resolution Participants

Participants within the Informal Resolution Process:

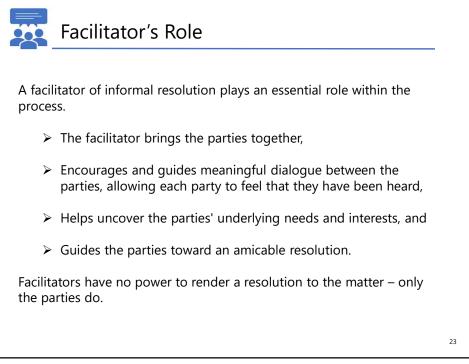
- The Complainant(s): A "complainant" refers to an individual who is alleged to be the victim of conduct that could constitute sexual harassment (or sex discrimination or retaliation). §106.30(a).
- The Respondent(s): A "respondent" refers to an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. §106.30(a).
- The Facilitator: An objective and neutral third party who facilitates the informal resolution process (e.g., mediator).

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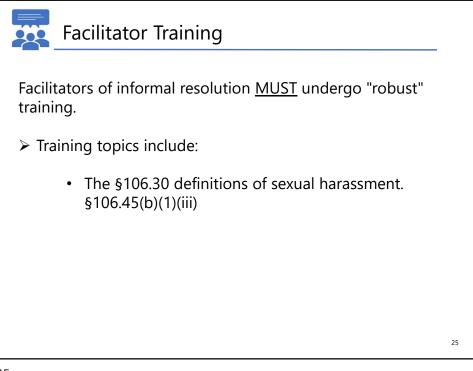


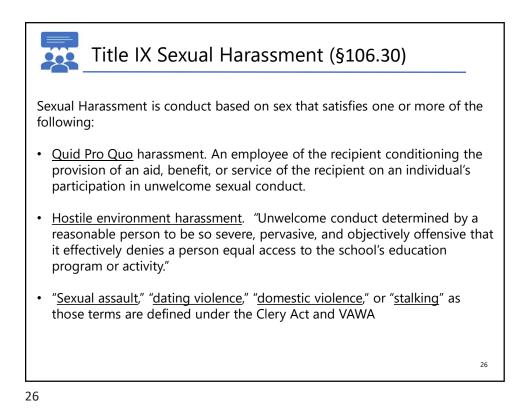


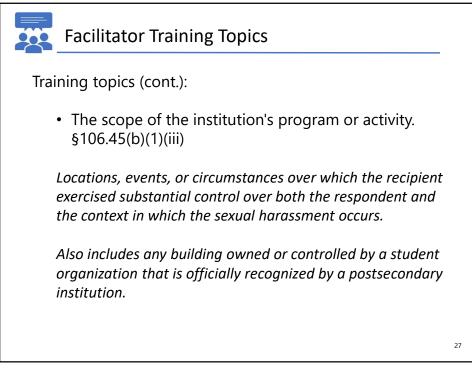
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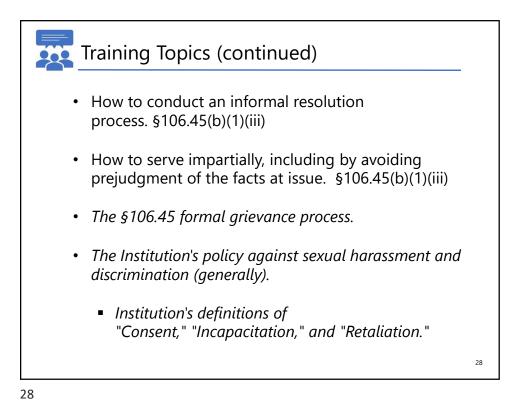




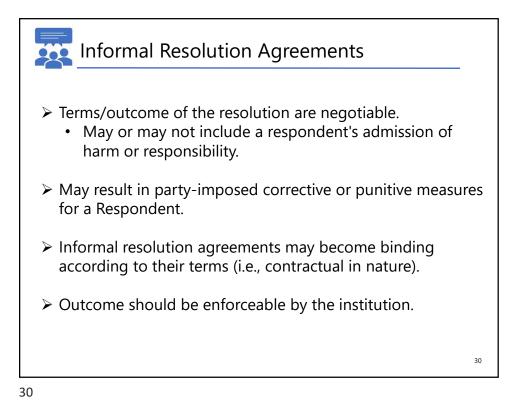












## Appeal

Informal resolution agreements may or may not be subject to appeal.

- On the one hand, § 106.45(b)(8) states that recipients must offer both parties an appeal <u>from determinations</u> <u>regarding responsibility</u>, or <u>from a recipient's dismissal of a</u> <u>formal complaint or any allegations contained in a formal</u> <u>complaint</u>.
- But, Preamble states, "Importantly, the final regulations require recipients to offer both parties an appeals process to help mitigate risks such as procedural irregularity and investigator, decision-maker, or informal resolution facilitator bias." Preamble, p.1374 (Federal Register version)

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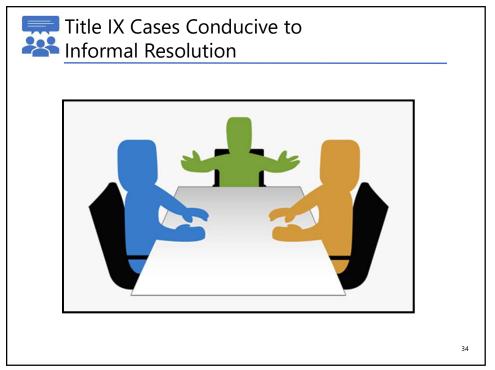


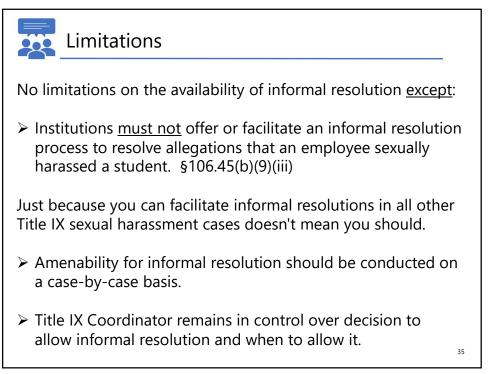
An institution must maintain records relating to informal resolutions and the result thereof for <u>at least seven (7) years</u>.

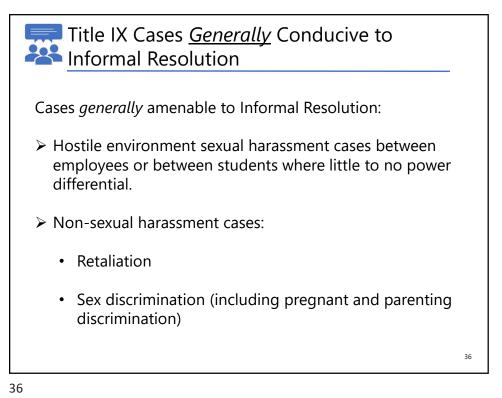
- > Notice of Allegations discussing informal resolution
- > Written agreement to enter informal resolution
- > Signed resolution agreement, including terms thereof

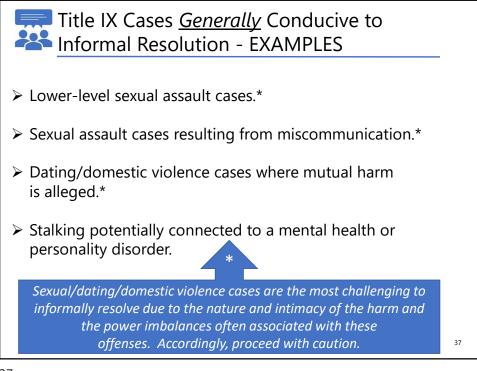
§106.45(b)(10)

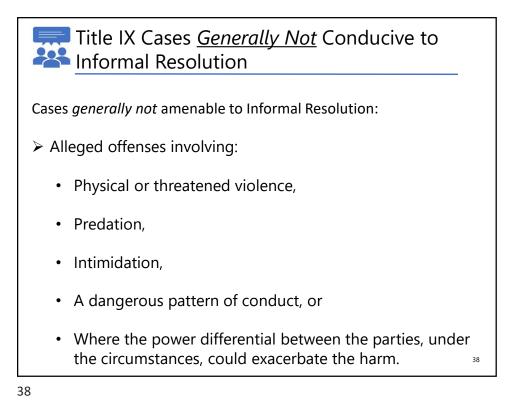
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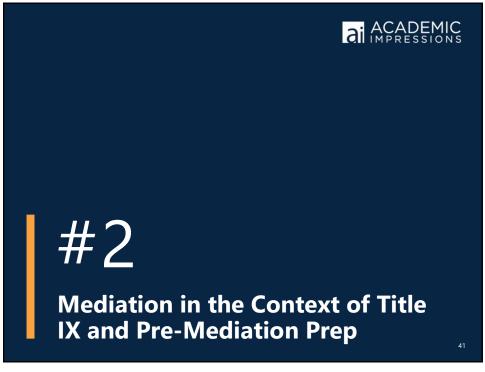






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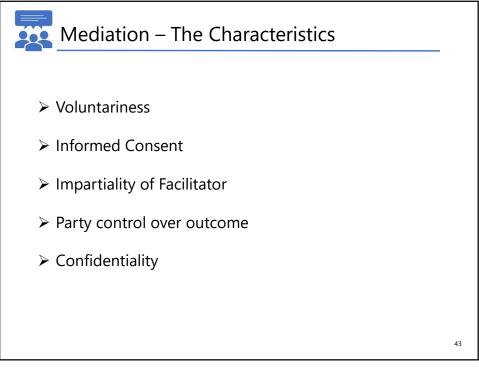
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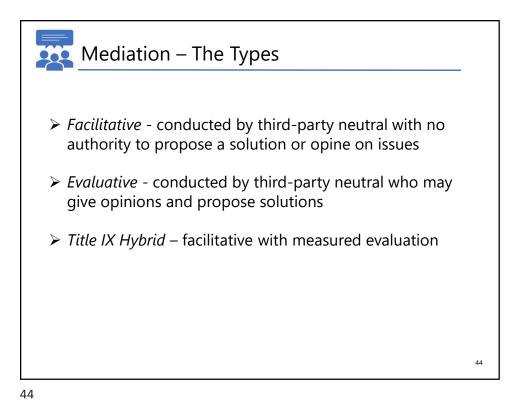


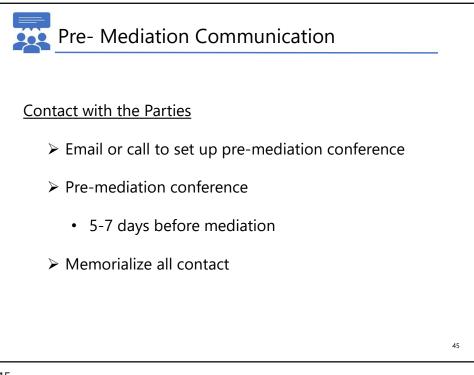
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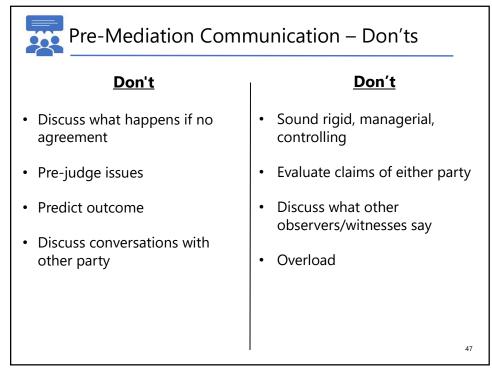


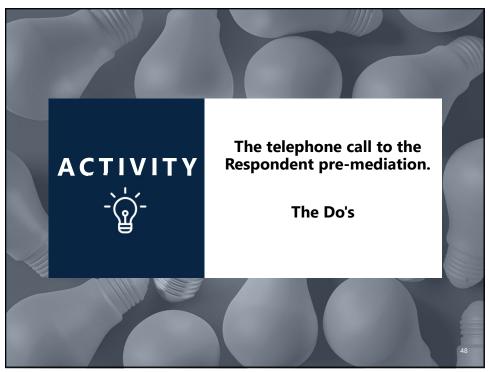




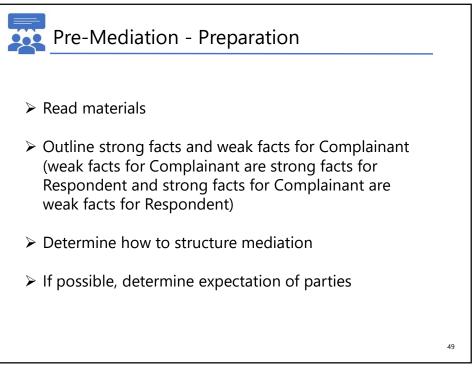
Pre-Mediation Conference – Do's	
Do	Do
Introduce yourself	Explain process
Get to know the party	• Explain goal
<ul> <li>Explore comfort/discomfort</li> <li>Explain role – neutral facilitator</li> </ul>	<ul> <li>Explain option and role of advisor</li> <li>Explain confidentiality</li> </ul>
<ul> <li>Explain compromise is often a part of the process</li> </ul>	<ul> <li>Explain that party has a voice in the outcome</li> </ul>
	46

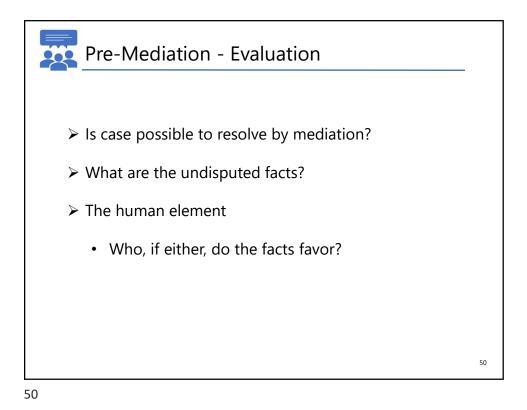
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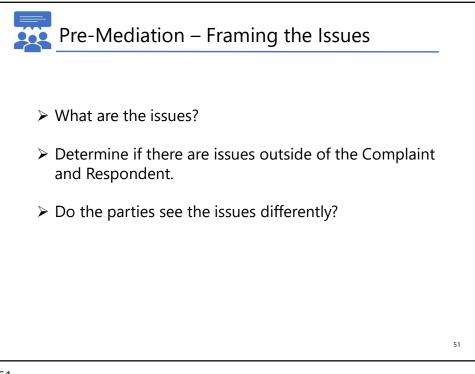


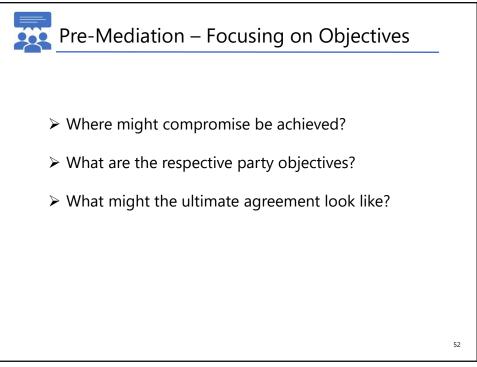


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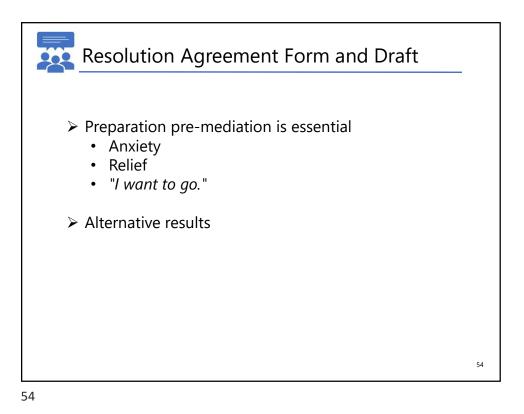








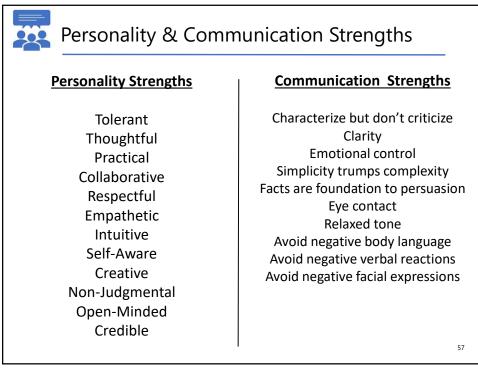


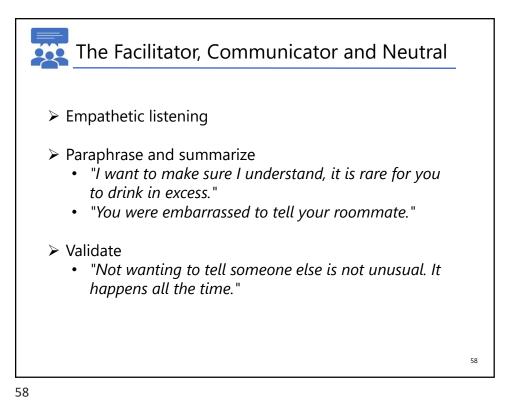


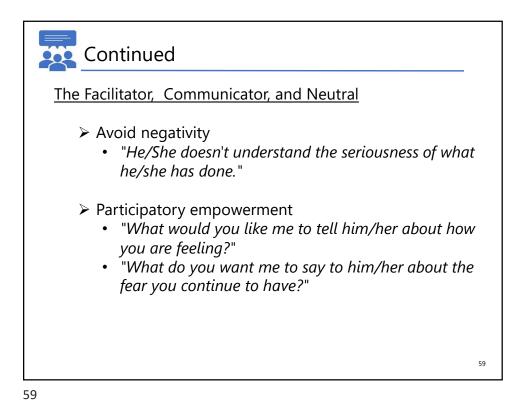


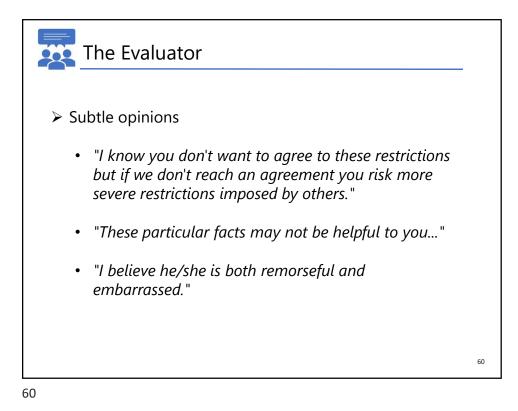


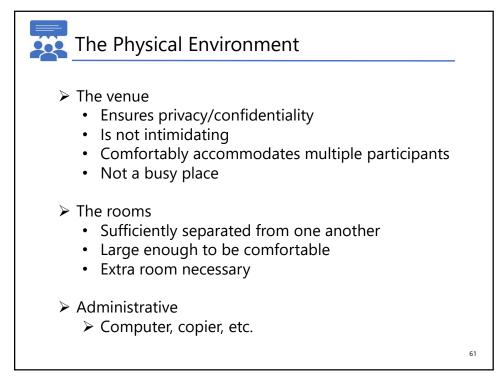
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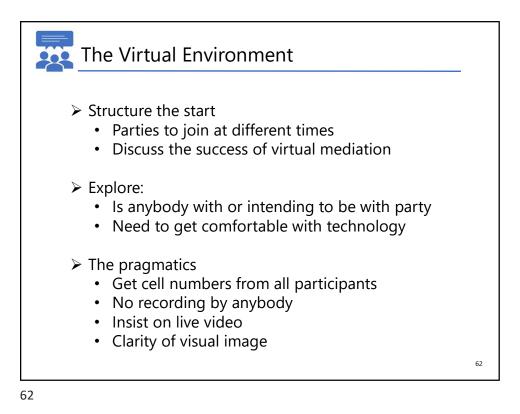
















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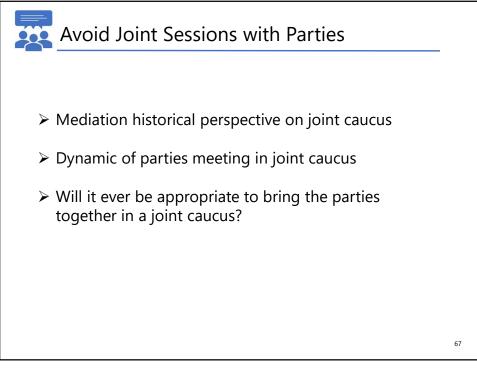
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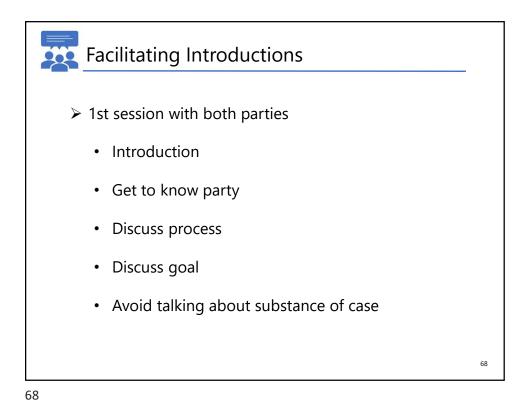


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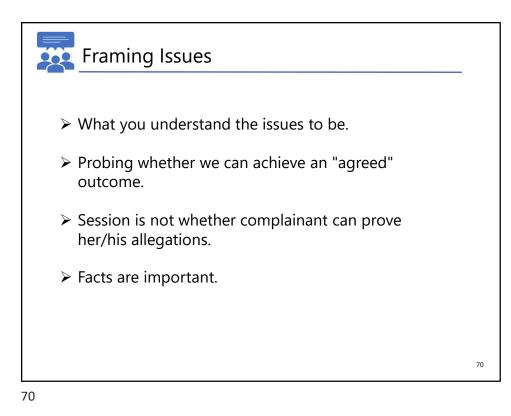


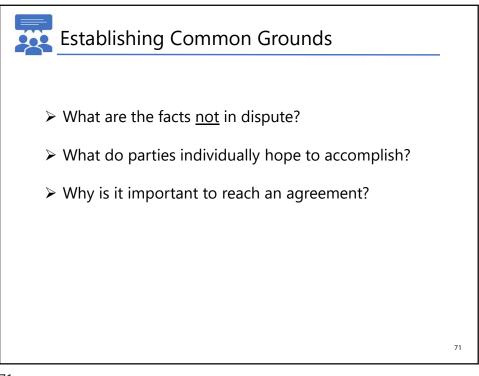
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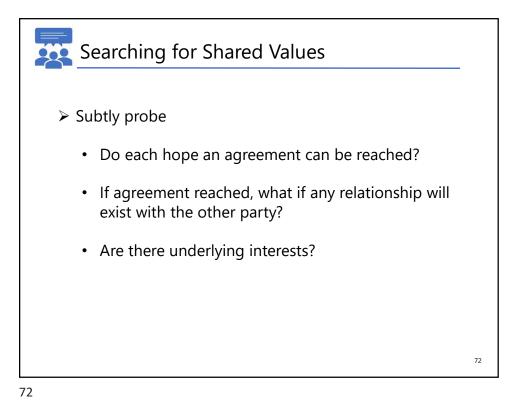


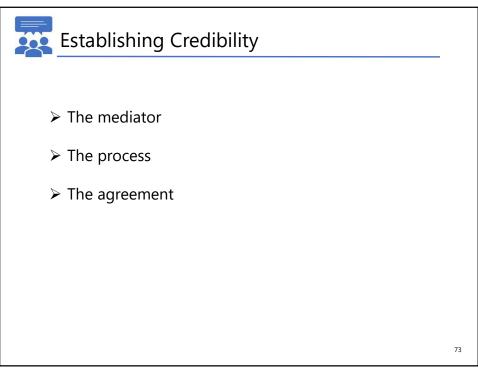


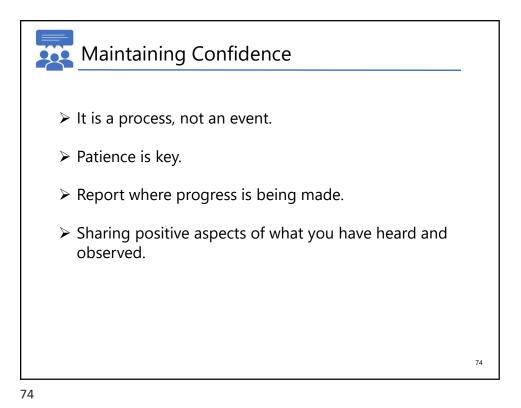


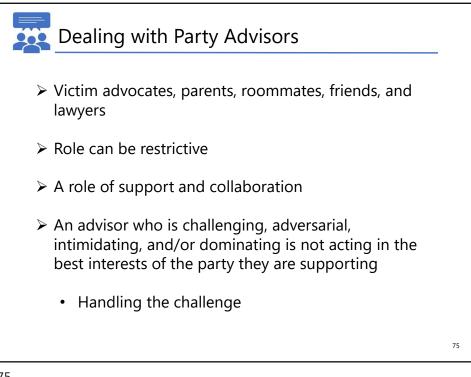








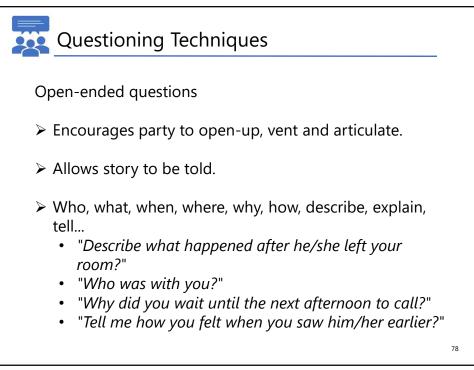


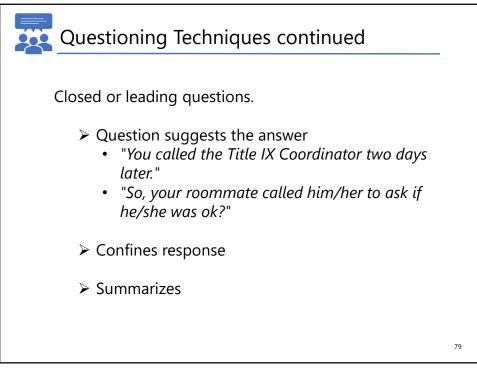


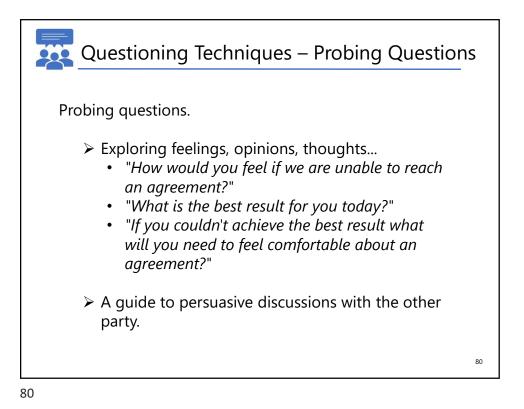


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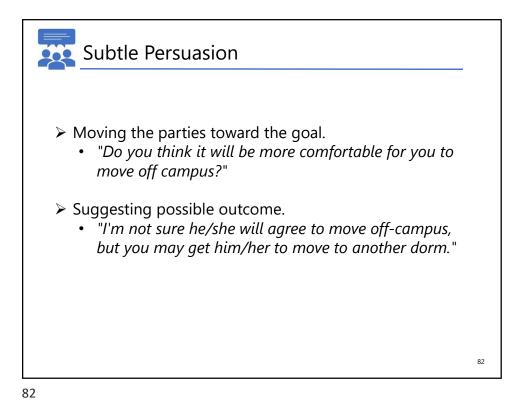


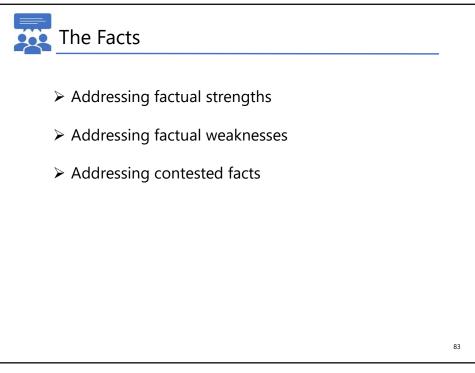






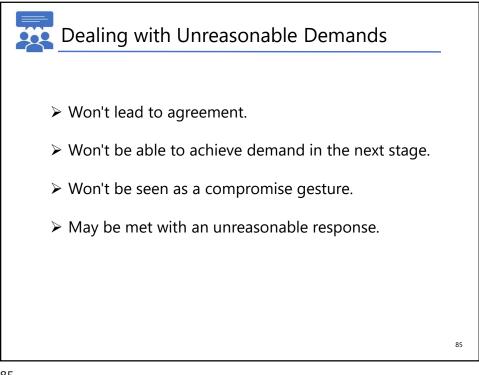








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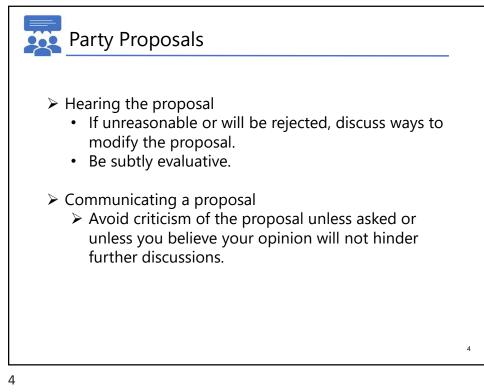
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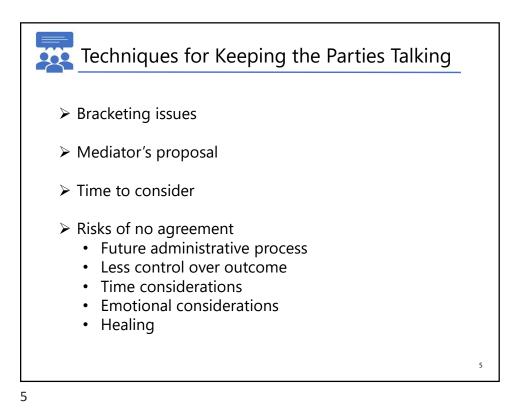


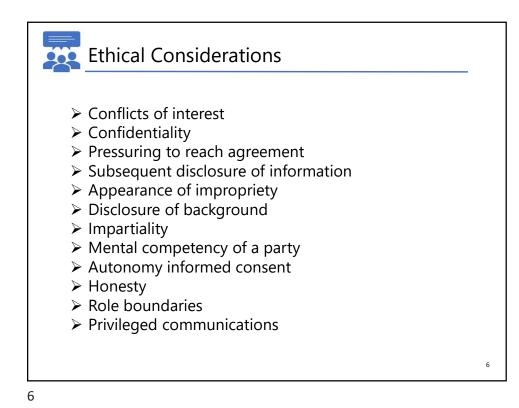


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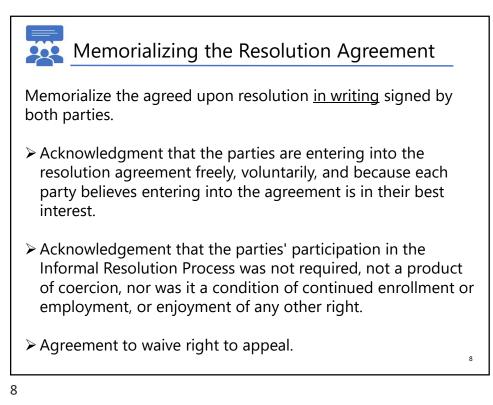


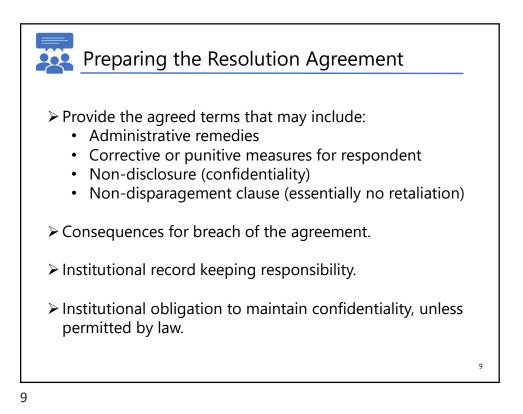


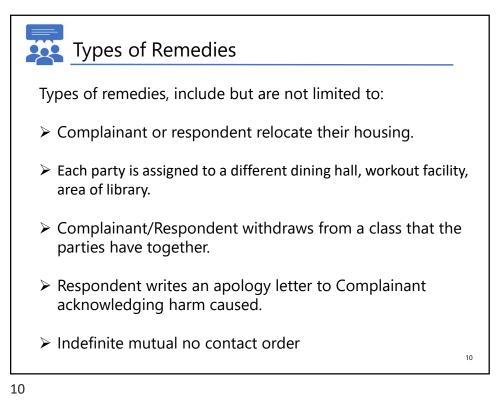


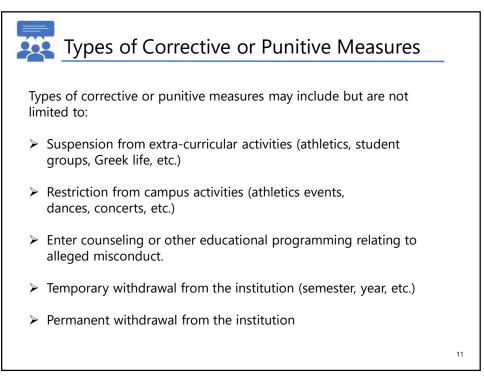














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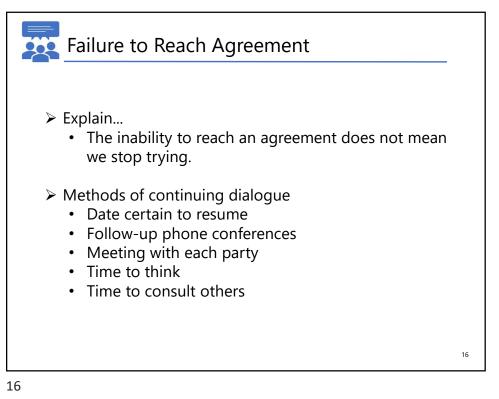
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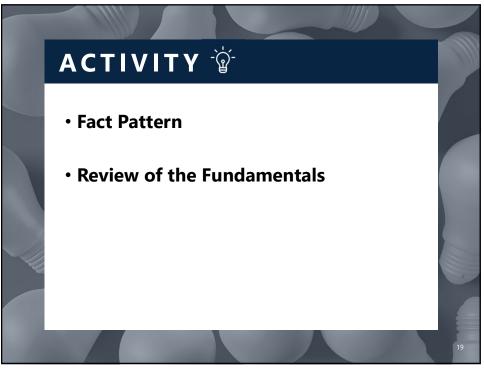








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## Personality & Communication Strengths Review

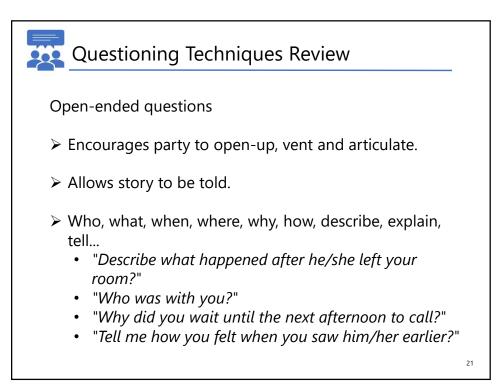
## Personality Strengths

Tolerant Thoughtful Practical Collaborative Respectful Empathetic Intuitive Self-Aware Creative Non-Judgmental Open-Minded Credible

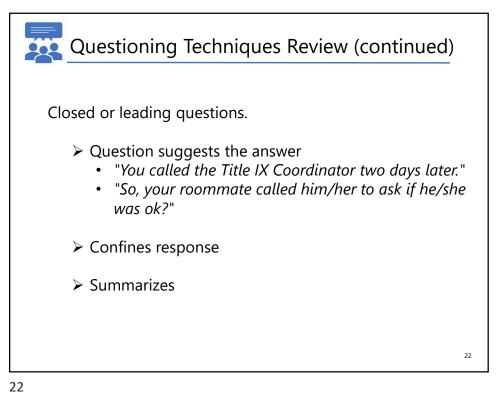
## **Communication Strengths**

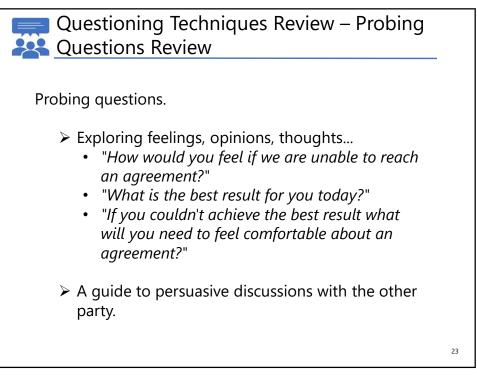
Characterize but don't criticize Clarity Emotional control Simplicity trumps complexity Facts are foundation to persuasion Eye contact Relaxed tone Avoid negative body language Avoid negative verbal reactions Avoid negative facial expressions

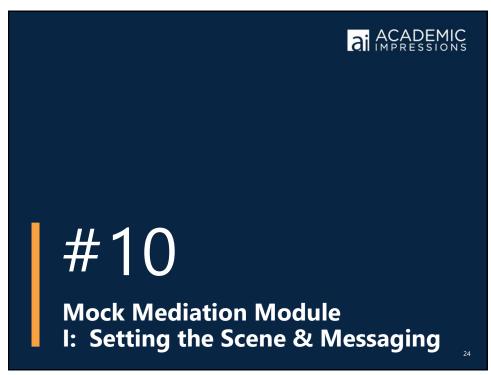
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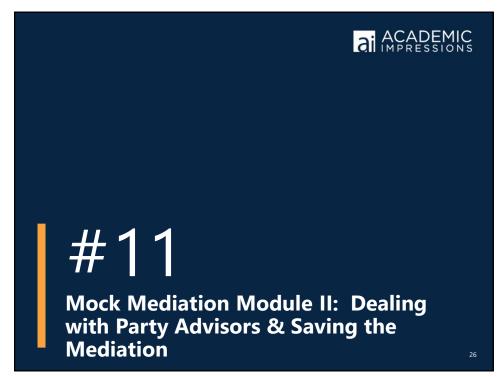






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