

Informal Resolution Training

Title IX



Office of Institutional Equity and Title IX

Trigger Warning

This presentation deals with sexually explicit matters of sexual harassment and sexual violence. The topics covered are disturbing and may evoke distressing memories for some.

If you need to take personal time to process, please do so.

CSN offers free counseling sessions through the EAP for its employees and CAPS for its students.

Course Objectives

At the end of this course the learner will:

- Understand the Title IX process
- Explain Title IX Sexual Harassment and jurisdiction
- Know the basic vocabulary of Title IX
- Identify threats of Facilitator Impartiality
- Apply a trauma informed approach to working with people
- Use a Mediation, Arbitration or Restorative Justice approach to Informal Resolution

An Overview of Title IX

A Quick Review of the Basic Elements

Title IX of the Education Amendments Act of 1972

As defined:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

20 U.S.C. Section 1681 & 3 C.F.R. Part 106 (1972)

Title IX addresses

Title IX addresses:

- Sexual Harassment and Sexual Violence in Education
- Equal opportunity in educational programs
- Discrimination based on pregnancy

It is the College's responsibility to take immediate steps to address any violations by investigating the allegations.

Sexual Harassment Defined

- Title IX utilizes a three-pronged approach, meaning for sexual harassment to occur, one or more of the following must apply:
 - (1) An employee of the recipient* conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 - (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
 - (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

*Recipient here and throughout means CSN

Meaning of Prong 1

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct

- Quid Pro Quo

- This for that...

One incident is sufficient to initiate a Title IX grievance process

Meaning of Prong 2

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.
 - Third Party - Sexual conduct which is welcomed and reciprocated but creates a hostile environment for others.
 - Sexual Favoritism - Sexual conduct that is welcomed and reciprocated, but results in unfair treatment of others.
 - Sex-Based - Any harassing conduct which is based on gender can constitute sexual harassment.
 - Hostile Environment - jokes, images, posters, slurs, derogatory comments, etc. that involve sexual content.
- This behavior is so frequent or serious that it effectively denies a person equal access to the educational program or activity.

Meaning of Prong 3

- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).
 - Title IX now considers acts of Sexual Violence to be under the umbrella of Sexual Harassment
 - One incident is sufficient to initiate a Title IX grievance process

Title IX Jurisdiction

- For the alleged* conduct to be considered within the authority of Title IX it must occur:
 - Within CSN's educational program or activity
 - The alleged act must occur within the scope of a CSN program or sponsored event.
 - For example, the alleged incident occurred during CSN soccer game and it involved two CSN student-athletes. This example would be considered a Title IX incident.
 - For example, the alleged incident took place at a non-CSN affiliated residence between two fellow CSN Students that happen to be roommates. This example would be considered a Non-Title IX incident because it did not occur within the scope an educational program, activity, or facility.
 - Within the United States of America
 - If the alleged incident took place outside of the United States, it will be considered a Non-Title IX incident.

* The word "alleged" is used because responsibility is not assigned until the end of the Formal process if and when a Decision-maker has assigned responsibility. To remain impartial, remember to use the word "alleged."

Title IX Grievance Process Authorization

- For a Title IX grievance process to be authorized the following must occur:
 - The alleged conduct satisfies one or more of the three pronged requirements listed within Title IX's definition of Sexual Harassment
 - The alleged conduct occurred within the United States
 - The alleged conduct occurred within CSN educational program or activity
- If the alleged incident does not meet the above, then the Title IX Grievance Process is Not Authorized.
 - However, this does NOT mean CSN will take no action
 - If the Title IX Grievance Process is not authorized, at the discretion of OIE, then the incident may be investigated utilizing the Non-Title IX grievance procedure list in Title 4, Chapter 8, Section 13 of the NSHE Board of Regents Handbook

Title IX Grievance Process - Overview

- Step 1: CSN Notified of Possible Title IX Incident.
- Step 2: Title IX Coordinator Meets with Possible Complainant.
- Step 3: Complaint Filed
- Step 4: Investigators send Notification of Investigation
- Step 5: Complainant interviewed by Investigator
- Step 6: If necessary, complaint dismissed
- Step 7: If necessary, dismissal appealed
- Step 8: Respondent interviewed by Investigator
- Step 9: Witnesses interviewed and Evidence Collected
- Step 10: Directly related evidence given to Complainant and Respondent and their respective advisors
- Step 11: Investigative Report Written
- Step 12: Investigative Report given to appropriate personnel.
- Step 13: Live-Hearing Conducted
- Step 14: Decision-Maker completes the written determination of responsibility
- Step 15: If necessary, determination of responsibility appealed
- Step 16: If necessary, sanctions and remedies applied.
- Step 17: If necessary, Title IX Coordinator follows-up with department to ensure sanctions and remedies applied.

Definitions

The Basic Language of Title IX

Definitions (Part 1)

Complainant - an individual who is alleged to be the victim of conduct that could constitute sexual harassment. If a minor under Nevada State Law, the complainant's parent or guardian may also be considered a complainant.

Respondent - an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. If a minor under Nevada State Law, the respondent's parent or guardian may also act on behalf of the respondent.

Party - either the complainant(s) or respondent(s). Parties includes the complainant(s) and respondent(s), collectively.

Advisor - a person chosen by a party to accompany the party to meetings, hearings, or interviews related to the grievance process or appointed by the University solely to conduct cross-examination for the party at any hearing

Recipient – A recipient institution that receives Department funds must operate its education program or activity in a nondiscriminatory manner free of discrimination based on sex, including sexual orientation and gender identity.

Definitions (Part 2)

Formal complaint - as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.

Supportive measures - individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Remedies - measures provided to a complainant when a respondent is found responsible, must be designed to maintain the complainant's equal access to education and may include the same individualized services described in the Final Rule as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

Definitions (Part 3)

Sexual harassment - includes any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:

Any instance of quid pro quo harassment by a school's employee;

Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

Any instance of sexual assault (as defined in the Cleary Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Definitions (Part 4)

Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v) – (1) An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. (2) Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. These includes the following acts:

Rape - The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.

Sodomy - Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.

Definitions (Part 5)

Sexual assault with an object - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.

Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape - Sexual intercourse with a person who is under the statutory age of consent.

Definitions (Part 6)

Dating violence as defined in 34 U.S.C. 12291(a)(10) is violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Domestic violence as defined in 34 U.S.C. 12291(a)(8) is violence committed by a current or former spouse or intimate partner of the complainant; by a person with whom the complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant.

Definitions (Part 7)

Informal resolution – a voluntary (non-coerced) resolution agreed to by both parties in response to a formal complaint and takes place prior to and in place of a formal Title IX Determination Process. Typically, it makes use of mediation, arbitration, or restorative justice model, however, only mediation is found in the regulation. Both parties commit to this attempt to find a resolution with written consent.

It is discretionary whether to offer informal resolution at all or only in certain cases.

It can not be offered if the recipient was in the role of college employee §106.45(b)(9) .

The outcome can be varied and includes supportive measures, acknowledgement of the events, and an apology. All outcomes are recorded in final agreement.

Facilitator Impartialty

Commitment and Conduct

Impartiality is Part of the Goal

- The goal is not to achieve a specific resolution:
 - not to deliver justice,
 - punish, nor
 - to coerce a confession.
- The goal is guide both parties to resolution so they can:
 - Close this chapter softly, and
 - be able move forward in their lives.
- To do this the Facilitator must remain neutral and committed to the process.

Conflicts of Interest

There can be no conflicts of interest or else the Facilitator is perceived as unreliable and ineffective because of the clash between personal interests and professional responsibilities

- The Facilitator cannot be friends to one party
- The Facilitator cannot be an advocate for one of the parties
- The Facilitator cannot benefit from any one outcome

Facilitators can not be for or against complainants or respondents generally nor an individual complainant or respondent in any way, shape or form

Avoid any appearance of a conflict of interest

Treat all parties the same regardless of their status as a complainant, or respondent

- If a complainant is given an opportunity, then the respondent must be given the same opportunity and vice versa

Prejudgment of the Facts

Prejudgment - an opinion about a situation or a person that is formed before knowing or considering all the facts

<https://dictionary.cambridge.org/us/dictionary/english/prejudgment>

Guard against any assumption on:

- **Sexual assault**
- **Sexual conducts**
- **Drug and alcohol use**
- **Gender stereotypes, and same-sex or non-binary persons**
- **Personal appearance and presentation**
- **Accents**
- **Generational differences**

Prejudgment of the Facts

Continued

- “Be curious, not judgmental” - Walt Whitman
- Recognize your role is not to judge
- Avoid speculation
- Hear all the facts
- Build connections
- Understand the perspective of the other

Remain neutral as ...



Biases' & Stereotypes

Bias:

Is defined as a feeling or preference that interferes with impartial judgment for or against; usually considered to be unfair. This is more commonly known as prejudice. Most bias behavior is geared toward members of a protected class.

Stereotypes:

A widely held, but fixed and oversimplified image or idea of a particular group of people, lacking any individuality. It is the grouping individuals together and making a judgment about them without knowing them.

More on Biases

- A preference/mental short cut
- A tendency to like or dislike
- Developed through personal experiences or learned from reference groups over time
- Not always a conscious thought
- Mostly unintentional, but can be intentional
- Can be implicit or explicit
- Generalizations that can cause an error in judgement

Some Common Biases

- Gender bias - favoring one gender over another (sexism)
- Ageism - usually preference to see younger people as more capable than other people
- Name bias - preference for certain names over others, usually for Anglo-sounding names
- Beauty bias - Ascribing positive characteristics to attractive people (lookism)
- Halo effect - An overall positive impression of someone because of one of their qualities or traits. The opposite is the Horns Effect
- Confirmation bias - The tendency to seek out and use information that confirms one's views or expectations

Some Common Biases

Continued

- Conformity bias - We preferer to go along with the opinion or behaviors of a larger group, even if it does not match up to ours.
- Affinity bias - A tendency to favor people who share similar interests, backgrounds, and experiences.
- Contrast effect - Making comparisons and altering our judgements based upon the standard upon which we make an comparison.
- Status quo bias - A preference for the way thigs are or for things to remain the same.

Examples of Biases

- Age
- Gender
- Gender identity/Expression
- Race
- Religion
- Ethnicity
- Health status
- Marital status
- Mental health

Types of Biases

Conscious or Explicit:

- In the case of explicit or conscious bias, the person is very clear about his or her feelings and attitudes, and related behaviors are conducted with intent
- This type of bias is processed neurologically at a conscious level as declarative, semantic memory, and in words
- Conscious bias in its extreme is characterized by overt negative behavior that can be expressed through physical and verbal harassment or through more subtle means such as exclusion
- Corresponding behaviors are acted upon with intent

Unconscious or Implicit:

- Implicit or unconscious bias operates outside of the person's awareness
- It can be in direct contradiction to a person's beliefs and values
- Implicit bias is dangerous in that it automatically seeps into a person's affect or behavior and is outside of the full awareness of that individual
- Implicit bias can interfere with decision-making, and professional relationships such that the goals that are established are compromised
- These biases are associated with stereotyping

Overcoming Biases

We all have biases. To overcome biases, we must think about how we think and be honest with ourselves to:

- ✓ First recognize that we have them.

Be honest with yourself and admit to having the biases.

- ✓ Then understand why we have them.

Was it taught by your environment or did a negative experience cause the bias?

- ✓ Then make a conscious effort not to let them control our decisions.

Take control of the bias! Understand the cause and work out the solution to let it go!

More on Stereotypes

In social psychology, a stereotype is a fixed, over generalized belief about a particular group or class of people. By stereotyping we infer that a person has a whole range of characteristics and abilities that we assume all members of that group have. For example, a “hells angel” biker dresses in leather.

- One advantage of a stereotype is that it enables us to respond rapidly to situations because we may have had a similar experience before.
- One disadvantage is that it makes us ignore differences between individuals; therefore we think things about people that might not be true (i.e. make generalizations).

Examples of Stereotypes

- All Blacks are good athletes.
- White men can't jump.
- Men are physically and emotionally strong.
- Women are emotional.
- Women are not as smart as men.
- Guys are messy and unclean.
- Black people have rhythm.
- All jocks are dumb.
- All blondes are dumb.
- All Mexicans are lazy and came into America illegally.
- All people from the middle east and Muslims are terrorists.
- All Jews are rich/cheap/greedy.
- All Asians are good at math.
- All Irish men are alcoholics.
- All women drive badly
- British people are all snobs
- Italian men are short.

Stereotypes create a negative impact and cause the belief of untruths. They put up blinders which inhibits the ability of an individual to recognize the positive strengths and qualities of another.

Questions NOT to ask

- At NO time will questions be asked regarding information that is protected under a legally recognized privilege. This applies to all interviews in the Title IX Grievance Procedure.
 - Doctor-Patient confidentiality
 - Attorney-Client privilege
 - FERPA or HIPPA
 - Etc.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are NOT relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Honoring Individual Needs

Providing Understanding

ADA Compliance

- The Investigator is responsible for ensuring any meeting of the parties is ADA compliant
- If any individual participating in the process needs an accommodation, then the accommodation will be provided, within reason

Trauma

Trauma is the response to a deeply distressing or disturbing event that overwhelms an individual's ability to cope, causes feelings of helplessness, diminishes their sense of self and their ability to feel a full range of emotions and experiences.

<https://integratedlistening.com/what-is-trauma/>

Trauma negatively impacts

- Memory
- Attention
- Planning
- Problem solving
- Emotional set

Working with Trauma

Avoiding re-traumatization can be difficult because triggers can be unpredictable and cause feelings of re-traumatization.

1. Safety - Ensure physical safety, respecting privacy, and being welcoming.
2. Choice - Give the individual choices and the ability to exert control
3. Collaboration - Provide an opportunity to have a role in planning and appraisal
4. Trustworthiness - Clarify tasks, consistency, and respect boundaries
5. Empowerment - Let the person feel validated

Make Everyone Welcomed

Whatever process is used for the informal resolution, the facilitator should assume the parties have not experience with the process.

- The parties may be uncomfortable. Facilitators try to make them comfortable
- The parties may be accusatory and defensive, facilitators remind them that this behavior is counterproductive to the process being effective
- Facilitators listen to make the parties feel understood
- The parties' choices are about them and not the facilitator
- The facilitator is neutral and all about the process to give the parties a safe space to communicate

Processes

informal resolution: A High Level How To

Informal Resolution Models

An informal resolution is when an independent third person helps two parties resolve a dispute outside a formal hearing process

Common Models

- Mediation
- Arbitration
- Restorative Justice

Informal Resolution Advantages

- Parties determine the outcome
- Faster than the Title IX formal process
- Less overwhelming than the formal Title IX process
- Avoids trauma of an investigation and hearing cross-examination
- Resolutions can be creative
- Can be confidential
- Cost effective for the College

Starting the Process (Part 1)

Conduct an intake with each party

- Make sure they understand
 - The allegations
 - The process
 - Ground rules
 - Their right to withdraw at any time
 - Consequences of not achieving resolution
- Let them share their perspective on what happened and how it feels to discuss it
- Have them discuss their position, feelings and needs

Starting the Process (Part 2)

- Let them share their motivation for pursuing an Informal Resolution path.
- Have them share what resolution model most likely meets their goals.
- Obtain confirmation of willingness to participate and complete relevant documents of confirmation and confidentiality.
- Obtain their written consent to the process.
- Have the parties identify their support/advisor person. If it is a lawyer, then notify CSN Legal.

Starting the Process (Part 3)

Be aware:

- Not all parties will get to a place where they are ready to engage the process.
- How culture impacts one's perspective on matters and in the way they understand the formal role of the facilitator (an authoritative figure).
- How each person uniquely uses language.
- To establish a relationship with both parties based upon trust up front in the process.

Starting the Process (Part 4)

Keep in mind:

- Remain compassionate and neutral
- Help the parties discuss resolution terms
- Organization is critical
- The parties need to feel heard and understood
- The facilitator has the full range of supportive and disciplinary measures

Mediation (Part 1)

The goal is to reach an agreement between parties by consent. It is less formal than a trial or arbitration. It includes several steps.

- **Stage 1: Mediator's opening statement.** After the disputants are seated at a table, the mediator introduces everyone, explains the goals and rules of the mediation, and encourages each side to work cooperatively toward a settlement.
- **Stage 2: Disputants' opening statements.** Each party is invited to describe the dispute and its consequences, financial and otherwise. The mediator might entertain general ideas about resolution, as well. While one person is speaking, the other is not allowed to interrupt.
- **Stage 3: Joint discussion.** The mediator might encourage the parties to respond directly to the opening statements, depending on the participants' receptivity, in an attempt to further define the issues.

Mediation (Part 2)

- **Stage 4: Private caucuses.** The private caucus is a chance for each party to meet privately with the mediator. Each side will be placed in a separate room. The mediator will go between the two rooms to discuss the strengths and weaknesses of each position and to exchange offers. The mediator continues the exchange as needed during the time allowed. These private meetings comprise the guts of mediation.
- **Stage 5: Joint negotiation.** After caucuses, the mediator might bring the parties back together to negotiate directly, but this is unusual. The mediator usually doesn't bring the parties back together until a settlement is reached or the time allotted for the mediation ends.
- **Stage 6: Closure.** If the parties reach an agreement, the mediator will likely put its main provisions in writing and ask each side to sign the written summary of the agreement. If the parties didn't reach an agreement, the mediator will help the parties determine whether it would be fruitful to meet again later or continue negotiations by phone.

Mediation (Part 3)

When going back and forth between the rooms with the parties:

- Identify their needs and goals for the process
 - What do they want from the process?
 - What do they want from the other party?
 - What can the college do to make them feel safer?
 - What do they need vs want?
 - What are they willing to accept?
 - What are they unwilling to accept?
- Clarify with each party what you can and cannot share with the other party
- Identify areas of agreement
- This is multi-iterative process requiring
- If an agreement is struck, make sure both parties fully understand it and the terms associated with it

Arbitration

The goal is to resolve a disagreement with an arbitrator being the one to gather the facts and make a binding. The steps are modified from the American Arbitration Association.

- **Stage 1: Case initiation.** The Arbitrator reaches out to both parties notifying them that a request for Arbitration was made and giving the parties a date to respond to the demand for arbitration.
- **Stage 2: Preliminary hearing.** The preliminary hearing conference call with the parties and the arbitrator will be scheduled and held. A date for the hearing is determined.
- **Stage 3: Hearing.** The parties present their case to the arbitrator. This can take place in person, phone, online, or by the parties submitting written documents. Sometimes parties may be asked to submit a written argument after the hearing.
- **Stage 4: Decision.** No more evidence is accepted. A time is set for the final decision.

Restorative Justice

The goal is to repair the harm that was done and undoing that damage. The parties must own what they have done, even if it was unintentional, to be able to make things right.

- **Stage 1: Explain the process.** The process is to express our feelings positively and allow us to hear the other person's feelings.
- **Stage 2: Build empathy.** Activating empathy in participants is critical in getting each person away from proving their point or explaining why they did what they did.
- **Stage 3: Grounding.** Asking the parties what they want to accomplish from the process in terms of the bigger picture.
- **Stage 4: Conversation.** Starting with the Complainant, have the parties explain their feelings using "I" statements. Once each party is finished to ask the other, What is your intention to make XYZ feel this way?
- **Stage 5: Guided apology.** Start by saying, "(participant's name), since it was not your intention to make (other participant's name) feel (name feeling or feelings), but you did unintentionally make them feel bad, we need to make it right by apologizing."

Restorative Justice

Continued

- **Stage 6: The other party gets an opportunity to go.** Do if appropriate with the Complainant.
- **Stage 7: Conclude the conversation.** Once both participants have expressed their feelings and have apologized, ask if there is anything else either of them needs to express. Thank them both for being brave and courageous in expressing their feelings. Lay out some ground rules for moving forward.

<https://www.nassp.org/2020/10/27/restorative-practices-seven-steps-for-facilitators-and-mediators/>

Concluding the Informal Resolution Process

Brining it to a Conclusion

Outcomes

Things to remember

- May not secure a Respondent's admission of responsibility
- Have all parties review the agreement before final documentation
- Secure a non-disparagement and non-disclosure agreement by all parties
- Agreement that any outcomes cannot be appealed
- Outcomes are enforceable by the Title IX Coordinator
- Consequences of failure to comply
- Copy given to Title IX Coordinator

If No Agreement is Reached

- Give them a deadline to consider proposals
- Can continue the process if both parties believe they can reach a solution
- The parties may need to be reminded
 - That both of them need to agree to achieve completion
 - They have more control over the Informal Resolution Process
 - Without a resolution the complaint will revert to the Formal Process
- Anything learned from the Informal Resolution process can not be passed along and inform the Formal Process
- May want to discuss with each party why the process failed
- Make a full documentation of the process and where the process left off

If an Agreement is Reached

Include a confidentiality provision

- Terms of agreement should be available on a need-to-know basis
- No party shall publish the agreement on the Internet
- Clarify consequences for violations to confidentiality

Document the agreement

- Names of all individuals involved
- Terms of the agreement
- Signature of all parties and contact information
- Copy of the Forman Complaint
- Copy of signed consent to engage in the process
- Signed confidentiality agreements
- Copy of communications with parties
- Timeline of events

Considerations

Things to be Aware of

Considerations (Part 1)

- Parties cannot use the Informal Resolution process to run out the clock. There will be a date by which the resolution must be reached, or the formal TIX process will take over.
- The informal resolution process should be completed within 30 days from the start of the process.
- Parties can withdraw from the Informal Resolution process and resume the formal TIX grievance process at any time.
- The Informal Resolution process can be facilitated any time prior to the Hearing Decision-maker reaching a final decision.
- The Informal resolution process cannot be used when the respondent is a college employee.
- The Facilitator cannot be the case investigator, nor Decision-maker.

Considerations (Part 2)

Informal Resolution may not be appropriate if:

- There is a possibility of engagement in the Informal Resolution may endanger the physical or emotional safety of a party
- A minor was harmed by an adult
- A party is not sincere about making a good faith effort to make the process work
- There is a history of violence between the parties

Title IX Resources

Title IX Links

NSHE Policy - Title 4, Chapter 8, Section 13

<https://nshe.nevada.edu/wp-content/uploads/file/BoardOfRegents/Handbook/title4//T4-CH08%20Student%20Recruitment%20and%20Retention%20Policy%20Equal%20Employment%20Opportunity%20Policy%20and%20Affirmative%20Action%20Program%20for%20NSHE.pdf>

Department of Education -Title IX Resources

<https://www2.ed.gov/policy/rights/guid/ocr/sex.html>

CSN Title IX Website

<https://www.csn.edu/title-ix>

Questions

Please contact the Office of Institutional
Equity regarding your questions.
702-651-5587
TitleXcoordinator@csn.edu



Training Developed & Facilitated by:

CSN's Office of
Institutional
Equity & Title IX

