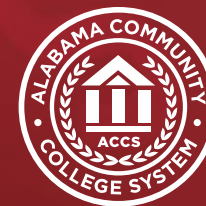


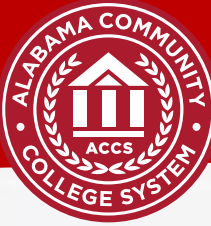
Title IX: Informal Resolution

March 2025

REAL. *Life.* **EDUCATION.**

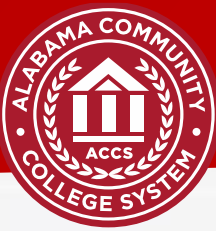


AGENDA



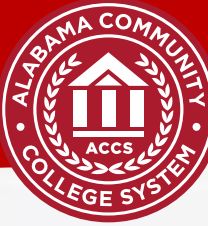
- Title IX Law & Application
- Title IX Sexual Harassment Definition
- Title IX Scope & Jurisdiction
- Title IX Regulations on Informal Resolution
- Developing an Informal Resolution Process
- Facilitating an Informal Resolution Process
- Informal Resolution Forms and Templates

HOUSEKEEPING



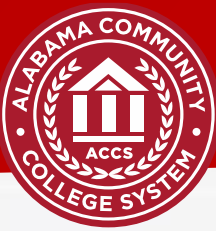
- This presentation refers to general topics of high sensitivity, however no detailed examples of sexual misconduct will be used in the presentation.
- There is an obligation to conduct compliance matters free from bias and unlawful discrimination. That includes this presentation.

TITLE IX



- Title IX is a federal civil rights law (20 USC 1681) that states “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.”
 - Covers not only equity in athletic programming, but all forms of discrimination based on sex.
 - Protects students and employees.
 - Applies to all institutions that receive federal financial assistance, either directly or indirectly.
 - Enforced by the U.S. Department of Education’s Office of Civil Rights.

TITLE IX APPLICATION

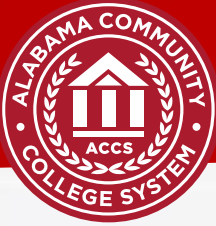


- ▶ Recruitment & Marketing
 - ▶ Admissions
 - ▶ Employment
 - ▶ Athletics
- ▶ Equitable Opportunities:
 - ▶ Education
 - ▶ Employment
 - ▶ Internships
 - ▶ Support Services
- ▶ Resources & Funding
 - ▶ Athletics
 - ▶ Departments
- ▶ Vocational/Trade Schooling
- ▶ Employment Hiring Practices
- ▶ **Pregnancy & Parenting**
- ▶ **Discrimination/Harassment**
 - ▶ **Interpersonal Violence**
 - ▶ **Sexual Misconduct**

The background of the slide features a large, faint, circular seal of the Alabama Community College System. The seal contains a central emblem with a building and a torch, surrounded by the text "ALABAMA COMMUNITY COLLEGE SYSTEM" and a laurel wreath.

Title IX - Sexual Harassment

TITLE IX CURRENT REGULATIONS

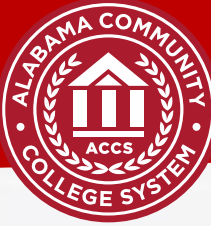


Current Title IX regulations were published on May 6, 2020, and took effect August 14, 2020 (34 CFR Part 106)

Requires schools:

- Respond promptly and supportively to persons alleged to be victimized by sexual harassment.
- Resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment.
- Effectively implement remedies for victims.

TITLE IX SEXUAL HARASSMENT DEFINITION

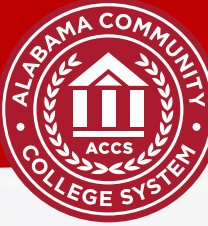


An employee of the recipient (the College) conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

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 school's education program or activity.

Sexual assault, dating violence, domestic violence, or stalking as defined in the Clery Act.

TITLE IX JURISDICTION



- Locations, events, or circumstances (operations) over which the institution exercises substantial control over both the Respondent AND the context in which the sexual harassment occurs
- Pertains to actions of Prohibited Conduct committed by or against students and employees when:
 - **On campus or property** owned or controlled by the institution, including buildings owned or controlled by a student organization that is officially recognized by the institution
 - **In the context of** an institution's employment or educational program or activity, including, but not limited to, research, online, or internship programs

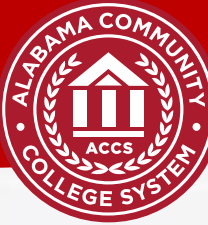
What is or May Be Title IX vs. What is NOT Title IX

What is or May be Title IX	What is NOT Title IX
<ul style="list-style-type: none">• Discrimination based on gender• Sexual Harassment• Bullying/Cyber-Bullying or Hazing when it involves sexual misconduct• Sexual Assault• Dating Violence• Stalking• Domestic Violence• Pregnancy Discrimination	<ul style="list-style-type: none">• Disability Discrimination (ADA)• Employment or Student Discrimination based on race, religion, or national origin (Title VII and Title VI)

The background of the slide features a large, faint, circular seal of the Alabama Community College System. The seal contains a central emblem with a building and a torch, surrounded by a laurel wreath. The words "ALABAMA COMMUNITY" are arched across the top, and "COLLEGE SYSTEM" is arched across the bottom. The word "PROGRESS" is visible in the center of the seal.

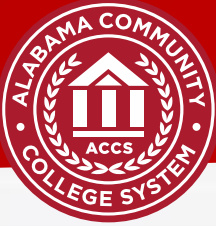
Informal Resolution

ALTERNATIVE DISPUTE RESOLUTION



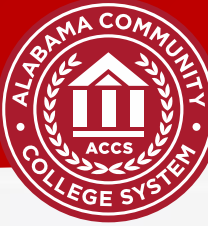
- **“Alternative” Dispute Resolution:** Alternative Dispute Resolution (ADR) refers to a range of methods used to resolve conflicts or disputes outside of the traditional legal or legal-like systems. These methods often offer parties involved in a dispute a more efficient, cost-effective, and often less adversarial means of resolving their issues. ADR techniques include negotiation, mediation, arbitration, conciliation, and other collaborative processes. The goal of ADR is typically to reach a mutually satisfactory agreement that addresses the interests of all parties involved, without the need for formal court proceedings.

INFORMAL RESOLUTION



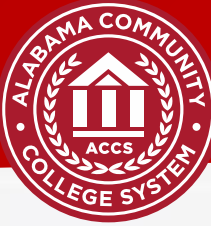
- Informal resolution in higher education refers to the process by which conflicts, disputes, or grievances between individuals within a college or university community are addressed without resorting to formal procedures such as hearings or legal actions. This process typically involves dialogue, mediation, negotiation, and other informal methods to resolve issues in a less adversarial and more cooperative manner.

INFORMAL RESOLUTION



- **Negotiation:** The process of discussing and bargaining between parties to reach a settlement or agreement without the involvement of a third party. Negotiation can occur informally between parties or with the assistance of legal representatives.
- **Mediation** - Legally defined on a state-by-state definition but generally speaking it involves a voluntary and “confidential” process where a neutral third party, known as a mediator, facilitates communication and negotiation between disputing parties to help them reach a mutually acceptable resolution.
- **Arbitration:** A process in which disputing parties present their case to one or more impartial individuals, known as arbitrators, who then render a decision that is binding or non-binding, depending on the agreement of the parties.
- **Med-Arb (Mediation-Arbitration):** A hybrid process combining elements of both mediation and arbitration. Parties attempt to resolve their dispute through mediation, but if they fail to reach an agreement, the mediator transitions into an arbitrator and renders a binding decision based on the unresolved issues.
- **Facilitated dialogue:** Structured conversations guided by a trained facilitator aimed at promoting understanding and finding common ground.
- ***Conflict coaching:** Supporting and guiding individuals to help them navigate conflicts effectively.

POTENTIAL BENEFITS OF INFORMAL RESOLUTION

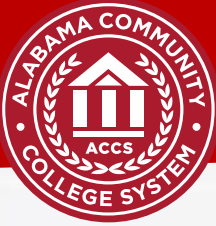


- Shortened time frame
- Greater party control and sense of personal autonomy over outcomes which may improve parties' sense of justice
- Increase compliance with outcomes
- Yielding remedies more customized and flexible to the needs of unique situations

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Title IX Regulations on Informal Resolution

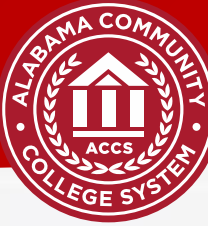
TITLE IX REGULATIONS



Informal Resolution

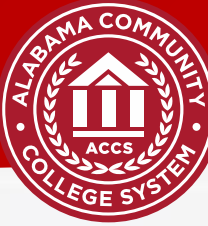
- An institution may not require the parties to participate in an informal resolution process.
- An institution cannot condition enrollment, employment, or enjoyment of any other right, on participation in informal resolution.
- A formal complaint must be filed before the informal resolution process can begin.
- Informal resolution cannot be used in cases involving a student Complainant and an employee Respondent.
- No formal investigation and hearing adjudication
- A party may have an advisor present. The institution is not required to provide an advisor for the informal resolution process.

TITLE IX REGULATIONS



- The institution must provide the parties written notice disclosing: the allegations, the requirements of the IR process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the IR process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the IR process, including the records that will be maintained or could be shared (privacy).
- Obtain the parties' voluntary, written consent to the IR process
- The institution must agree to the IR process and resolution agreement.
- Individuals facilitating IR must be free from conflicts of interest, bias and trained to serve impartially.

TITLE IX REGULATIONS

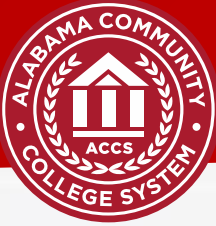


- Informal resolution agreements should be treated as contracts in that the parties remain free to negotiate the terms of the agreement and, once entered into, it may become binding according to its terms.
- This ensures that IR processes are conducted in good faith and that these processes may reach reasonable outcomes satisfactory to both parties.

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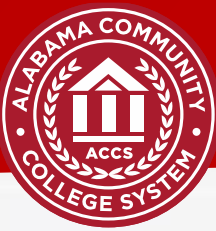
Developing an Informal Resolution Process

WHO SHOULD FACILITATE?



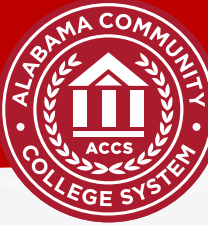
- Individuals facilitating IR must be free from conflicts of interest, bias and trained to serve impartially.
- A Title IX Coordinator, Deputy Coordinator, or other Title IX team member may be trained to be an IR facilitator. Please keep in mind that if either party chooses to withdraw from the IR process and move forward with the formal grievance process, the IR facilitator cannot serve as the investigator in the formal grievance process.

CONFLICT OF INTEREST



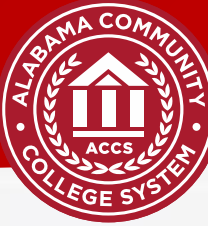
- All Title IX Team members shall not have a conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. All Title IX matters should be handled impartially.
- Conflict of interest - occurs when an individual's personal interests - family, friendships, financial, or social factors - could compromise their judgment, decisions, or actions in the workplace.
- Any Decisionmaker who believes they may have a potential conflict of interest should notify the Title IX Coordinator as soon as possible.

BIAS



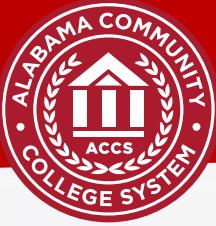
- All Title IX Team members shall not have a bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. All Title IX matters should be handled impartially.
- Bias - prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair
- Any Decisionmaker who believes they may have a potential bias should notify the Title IX Coordinator as soon as possible.

BIAS



- **Explicit Bias** – refers to the attitudes and beliefs we have about a person or group on a conscious level
 - Expressed directly
 - Aware of bias
 - Operates consciously
- **Implicit Bias** – refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner
 - Expressed indirectly
 - Unaware of bias
 - Operates subconsciously

WHAT SHOULD YOUR IR PROCESS INCLUDE?

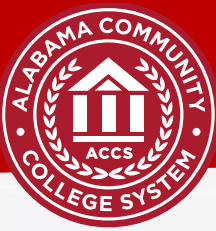


- The regulations give institution great flexibility and discretion in creating an informal resolution process that works best and meets the needs of their campus community, if they choose to implement an informal resolution process.
- Nothing in the regulations requires an IR process to involve the parties interacting with or confronting each other or even being present in the same room.

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Facilitating an Informal Resolution Process

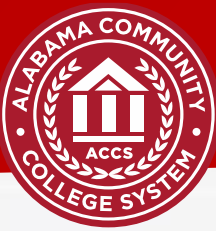
ACCS INFORMAL RESOLUTION STEPS



Before the initiation of an informal resolution process, the Title IX Coordinator will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

ACCS INFORMAL RESOLUTION STEPS



Factors the College will consider when determining whether a report of Prohibited Conduct is suitable for informal resolution include, but are not limited to, the following:

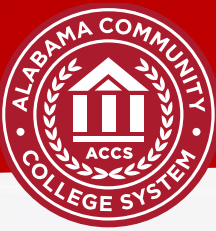
- The nature of the alleged offense;
- The dynamics of power or control commonly associated with the alleged offense and/or with the parties involved;
- The Respondent's prior known conduct;
- Whether there would be a continuing safety threat to the campus community after resolution of the specific report of Prohibited Conduct;
- Whether multiple parties are involved;
- Whether the resolution proposed is designed to eliminate, prevent, and address the reported Prohibited Conduct; and
- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall campus safety or safety of the parties involved.

ACCS INFORMAL RESOLUTION STEPS



- Participation in informal resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation at any time, including if informal resolution is unsuccessful at resolving the report. Similarly, a Complainant may request to end an investigation and pursue informal resolution at any time if the Respondent also consents to informal resolution. In addition, either party may request supportive measures regardless of whether any particular course of action is sought.
- The College may also decide to proceed with a formal investigation and withdraw its approval for the informal resolution at any time during the process. If additional potential policy violations are revealed during the informal resolution process, the College may withdraw its approval for the process and proceed with a formal investigation or the College, with the consent of the parties, may continue the informal resolution process and resolve the additional potential policy violations.
- Information disclosed by any party during the informal resolution process will not be considered during a subsequent investigation or adjudication hearing.
- Because the outcome of informal resolution process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted.

INFORMAL RESOLUTION STEPS



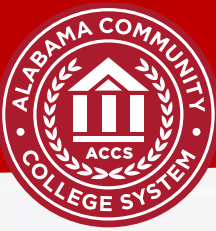
Introduction: The IR facilitator introduces themselves and explains their role in the IR process. They also outline the ground rules and procedures that will govern the IR session.

Opening Statements: Each party has an opportunity to make an opening statement, during which they can outline their perspective on the issues, express their goals for the IR process, and identify any key concerns.

Private Caucuses: The IR facilitator may conduct private caucuses with each party separately to delve deeper into their interests, concerns, and potential solutions. These caucuses provide an opportunity for parties to speak candidly with the IR facilitator and explore agreement options without the pressure of the other party's presence.

Negotiation: Based on the information gathered from the joint discussion and/or private caucuses, the IR facilitator assists the parties in negotiating a mutually acceptable resolution. This may involve brainstorming creative solutions, evaluating various options, and facilitating compromises.

INFORMAL RESOLUTION STEPS



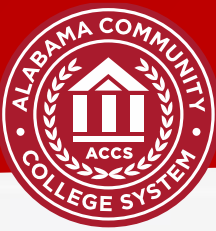
Agreement: If the parties are able to reach a settlement, the IR facilitator helps them draft a written agreement that outlines the terms and conditions of their resolution. The agreement may address issues such as future actions or changes in behavior.

Closure: Once an agreement is reached and signed by all parties, the IR facilitator ensures that everyone understands their obligations and responsibilities under the agreement. They may also provide information on how to enforce the agreement if necessary.

Follow-up: Depending on the nature of the dispute and the terms of the agreement, the Title IX Coordinator may follow up with the parties at a later date to ensure that the settlement is being implemented and to address any remaining concerns.

* Throughout the IR process, the IR facilitator remains neutral and impartial, helping the parties communicate effectively, explore options, and work towards a resolution that meets their needs and interests.

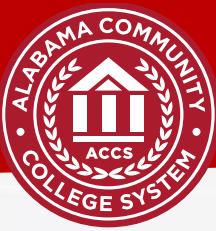
SUPPORTIVE MEASURES



Supportive measures may include, but are not limited to, the following:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus safety escort services
- Mutual restrictions on contact between the parties
- Changes in working or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus.
- Medical Treatment

INFORMAL RESOLUTION FINAL AGREEMENTS

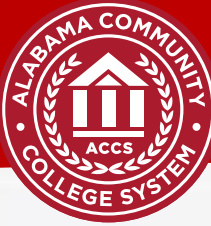


- Informal resolutions may reach agreements between the parties, facilitated by the institution, that include similar measures to supportive measures, but that may also include disciplinary or punitive measures, while providing finality for both parties in terms of resolving allegations raised in a formal complaint of sexual harassment.
- The IR final agreement, once signed by both parties, should be given to the Title IX Coordinator for ensuring compliance and recordkeeping. Any reports of non-compliance should be reported to the Title IX Coordinator.

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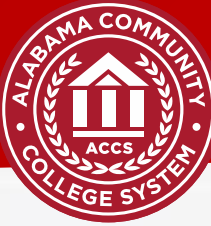
Informal Resolution Forms & Notices

IR FORMS & NOTICES



- Notice of Allegations
- Informal Resolution Consent Form
- Informal Resolution Final Agreement

IR RECORDKEEPING



- An institution must maintain any informal resolution and results and all materials used to train any person who facilitates an informal resolution process for a period of seven years.
- Institutions must make training materials publicly available on its website, or if an institution does not maintain a website, available upon request for inspection by members of the public.