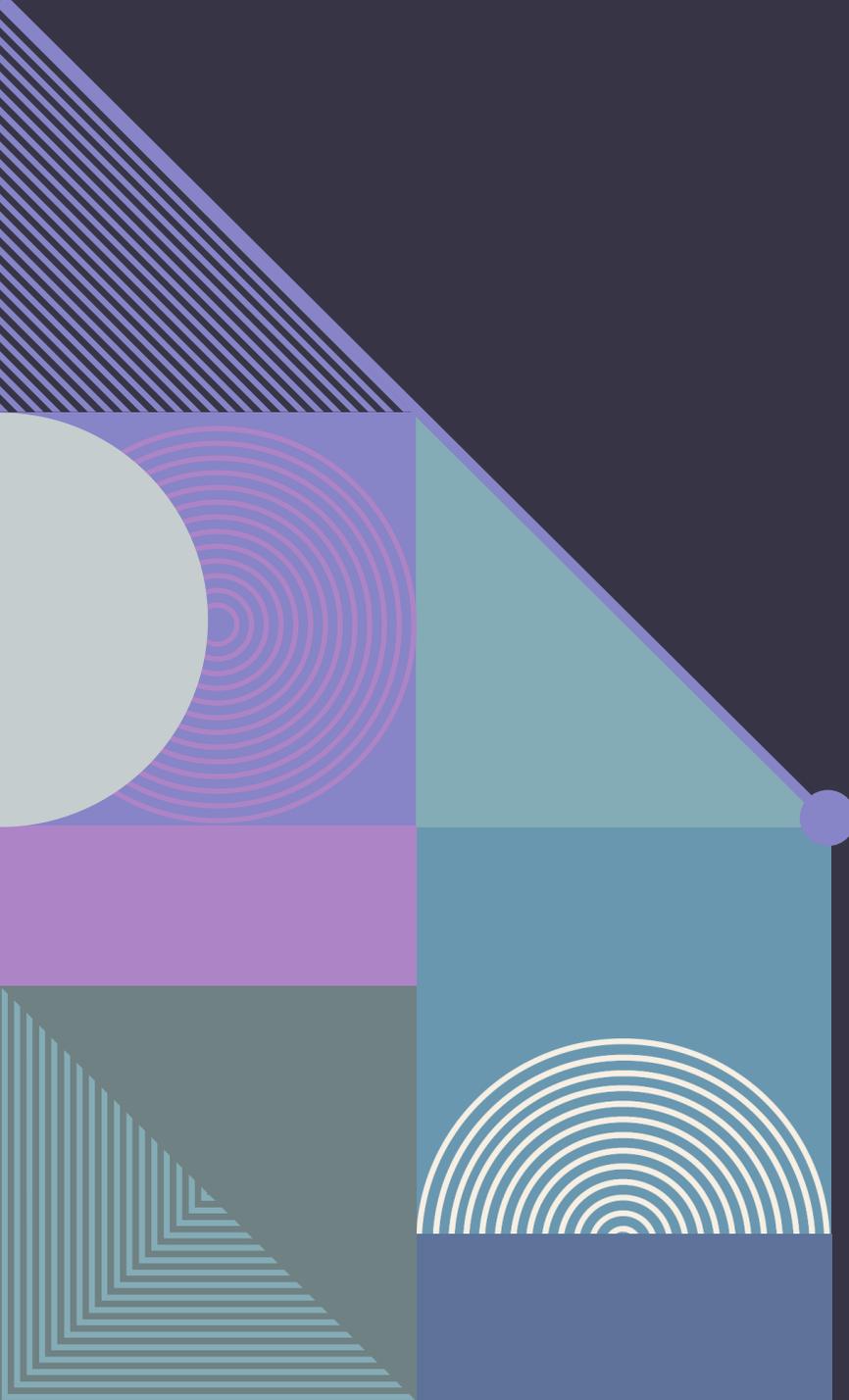




TITLE IX INFORMAL RESOLUTION FACILITATOR TRAINING

FALL 2024



AGENDA

Review Role and Responsibilities

2020 Title IX Final Rule: Informal Resolution Process

2024 Title IX Final Rule: Informal Resolution Process

Review Documents

Discuss Common Pitfalls

Q&A



**2020 TITLE IX FINAL
RULE: INFORMAL
RESOLUTION
PROCESS**

INITIATION OF INFORMAL RESOLUTION PROCESS

- Title IX permits the **voluntary** use of an Informal Resolution Process after a formal complaint is filed at any time prior to a final determination being reached in the case.
- **Both** the Complainant and Respondent must provide their voluntary consent in writing to participate in the Informal Resolution Process.
 - They do this by signing the *Voluntary Consent to Informal Resolution* form.
- Informal Resolution is **prohibited** in any case where an employee is accused of engaging in prohibited conduct against a student.
- Collin College **will not** require the parties to waive their rights to a formal process and agree to Informal Resolution as a condition of enrollment or employment.

INITIATION OF INFORMAL RESOLUTION PROCESS (CONT.)

- Prior to initiating the Informal Resolution Process, the appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee will provide the parties with the required written notice of the allegation(s) and a description of the parameters of the Informal Resolution Process.
- Either party is permitted to **withdraw** from the Informal Resolution Process and resume the Formal Resolution Process at any time prior to a final determination being reached in the case.
 - They do this by signing the *Withdrawal from Informal Resolution Process* form.
- The matter will be closed once a final determination is reached, and the Formal Resolution Process will not be re-initiated once both parties agree to the final determination in writing and sign the *Informal Resolution Agreement* form.

INFORMAL RESOLUTION FACILITATOR'S ROLE

- Title IX Coordinators, Deputy Title IX Coordinators, Investigators, Removal Challenge Officers, Live Hearing Advisors, Live Hearing Officers, and Appeal Decision Makers cannot serve as Informal Resolution Facilitators.
- Collin College maintains a pool of trained Informal Resolution Facilitators.
- When an Informal Resolution Facilitator is needed to serve on a case, a call will be sent by the appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee to the entire pool through Collin College email.
- The appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee will assign an Informal Resolution Facilitator from the individuals who respond stating they are available.
- Please respond to **all** call to serve emails **as soon as possible**.

INFORMAL RESOLUTION FACILITATOR'S ROLE (CONT.)

- The Informal Resolution Facilitator must conduct a **prompt, fair, impartial, unbiased, and equitable** process from the beginning of the Informal Resolution process to the submission of the final *Informal Resolution Agreement*.
- The Informal Resolution Facilitator will meet **separately** with both parties and their respective advisors (if the parties elect to provide their own advisors during the Informal Resolution Process).
- The Informal Resolution Facilitator will explain the *Title IX* complaint and Informal Resolution Process.
- The Informal Resolution Facilitator will inform the parties that Informal Resolution is permissible if both parties choose to participate and willingly consent to this type of resolution in writing.
- The Informal Resolution Facilitator will notify both parties that either party is permitted to withdraw from the Informal Resolution Process and resume the Formal Resolution Process at any time prior to a final determination being reached in the case.

MEETING WITH THE PARTIES

- The Informal Resolution Facilitator **should**:
 1. Make sure both parties understand the parameters of the Informal Resolution Process and that it will not be punitive or result in a disciplinary sanction.
 2. Listen to the needs and requests of both parties.
 3. Offer suggestions for resolution terms that may be beneficial and agreeable to both parties.
 4. Begin thinking about the terms of the *Informal Resolution Agreement*.
 5. Refer the parties to appropriate on- and off-campus resources (e.g., Counseling Services, Employee Assistance Program, TimelyCare), if needed.
- The Informal Resolution Facilitator **should not**:
 1. Come into the meeting with the terms of the *Informal Resolution Agreement* already set.
 2. Force either party to agree to terms with which they are uncomfortable or disagree.
 3. Guarantee resolution terms that may not be feasible.

POTENTIAL INFORMAL RESOLUTION AGREEMENT TERMS

Potential terms the Informal Resolution Facilitator can offer to a **student** include, but are not limited to:

1. Campus Change
2. Class Schedule Change
3. Drop a Course Without an Academic Penalty
4. Increased Security and Staff Monitoring of Certain Areas of the Campus
5. Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection, Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court
6. Late Withdrawal from a Course
7. No-Contact Directive Issued by Collin College
8. Referral to Appropriate Medical Facility
9. Referral to Appropriate Off-Campus Resources
10. Referral to Collin College Police Department and/or Local Law Enforcement Agency
11. Referral to Counseling Services
12. Specific Educational Programming for an Individual or Group
13. Student Employment Assignment Change
14. Student Housing Change (If Residing in Collin College Student Housing)

Potential terms the Informal Resolution Facilitator can offer to an **employee** include, but are not limited to:

1. Drop a Course Without an Academic Penalty
2. Increased Security and Staff Monitoring of Certain Areas of the Campus
3. Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection, Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court
4. No-Contact Directive Issued by Collin College
5. Referral to Appropriate Medical Facility
6. Referral to Appropriate Off-Campus Resources
7. Referral to Collin College Police Department and/or Local Law Enforcement Agency
8. Referral to Employee Assistance Program (EAP)
9. Specific Educational Programming for an Individual or Group
10. Work Schedule Reassignment

INFORMAL RESOLUTION AGREEMENT

- After meeting with both parties and their respective advisors (if the parties elect to provide their own advisors during the Informal Resolution Process), the Informal Resolution Facilitator will draft the *Informal Resolution Agreement*.
- The Informal Resolution Facilitator will present the *Informal Resolution Agreement* form to both parties and clearly explain the Informal Resolution terms.
- The Informal Resolution Facilitator will notify both parties and their respective advisors (if the parties elect to provide their own advisors during the Informal Resolution Process) **simultaneously** in writing of the completed *Informal Resolution Agreement* form.
- The parties will be allowed **10 College District business days** to review and respond to the document prior to finalizing it.

CALCULATING “COLLEGE DISTRICT BUSINESS DAYS”

- College District business days exclude:
 1. Weekends (i.e., Saturdays and Sundays)
 2. National holidays recognized by Collin College
 3. College District closures
- **Do not** count the day you send the documents.
- Examples:
 1. If you send the documents on **Monday, October 7, 2024**, the parties will have until **4:30 p.m. on Monday, October 21, 2024**, to sign the final *Informal Resolution Agreement*.
 2. If you send the documents on **Wednesday, December 18, 2024**, the parties will have until **4:30 p.m. on Monday, January 13, 2025**, to submit an appeal due to the Winter Break.

INFORMAL RESOLUTION AGREEMENT (CONT.)

- Any edits made to the *Informal Resolution Agreement* form by either party and/or the Informal Resolution Facilitator will be **simultaneously** sent in writing to both parties and their respective advisors (if the parties elect to provide their own advisors during the Informal Resolution Process).
- If, after 10 College District business days, both parties agree to the Informal Resolution terms, including any edits made by either party and/or the Informal Resolution Facilitator during the review period, they will sign the final *Informal Resolution Agreement* form.
 - The Informal Resolution Facilitator will provide both parties and their respective advisors (if the parties elect to provide their own advisors during the Informal Resolution Process) with an electronic or hard copy of the signed *Informal Resolution Agreement* form.
 - Once the final *Informal Resolution Agreement* form is signed by both parties, the matter will be closed, the Informal Resolution will be non-appealable, and the Formal Resolution Process will not be re-initiated.

INFORMAL RESOLUTION AGREEMENT (CONT.)

- If, after 10 College District business days, either party does not sign the final *Informal Resolution Agreement* form, the Formal Resolution Process will resume at the point where it was stopped when both parties agreed to pursue the Informal Resolution Process and signed the *Voluntary Consent to Informal Resolution* form.
 - The Informal Resolution Facilitator will notify both parties and their respective advisors (if the parties elect to provide their own advisors during the Informal Resolution Process) **simultaneously** in writing that the *Informal Resolution Agreement* form was not signed.
 - The appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee will contact both parties to re-initiate the Formal Resolution Process.
- The Informal Resolution Facilitator's obligation ends once the final *Informal Resolution Agreement* form is signed or the Formal Resolution Process is re-initiated.



2024 TITLE IX FINAL RULE: INFORMAL RESOLUTION PROCESS

ANTICIPATED TIMEFRAMES FOR MAJOR STAGES OF THE INFORMAL RESOLUTION PROCESS

- **Stage 1: Evaluation and Initiation of the Informal Resolution Process**
 - Determination of Whether Informal Resolution is Appropriate and Written Notification to the Parties:
 - Within three (3) College District business days of knowledge of the alleged misconduct.
 - Initial Supportive Measures Meeting with Each Party:
 - Within 14 College District business days of knowledge of the alleged misconduct
- **Stage 2: Meeting with the Informal Resolution Facilitator**
 - Within 30 College District business days
- **Stage 3: Informal Resolution Agreement**
 - The parties will be allowed 10 College District business days to review and respond to the document before it is finalized

INFORMAL RESOLUTION FACILITATOR(S)

- Collin College will maintain a pool of informal resolution facilitators.
- The informal resolution facilitator(s) will not be the Title IX coordinators, deputy Title IX coordinators, investigators, challenge officers, decision-makers, Level I appellate officers, Level II appellate officers, or Level III appellate officers.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee will assign an individual(s) from the pool of informal resolution facilitators to coordinate the Informal Resolution Process.
- All informal resolution facilitators will receive appropriate training on at least an annual basis to function in this role.
- The informal resolution facilitator(s) will be free from conflicts of interest or bias for or against complainants or respondents generally or the individual complainant or respondent.
- The informal resolution facilitator(s) will conduct a prompt and equitable process from the initiation of the Informal Resolution Process to the completion of the *Informal Resolution Agreement*.

INFORMAL RESOLUTION FACILITATOR(S) (CONT.)

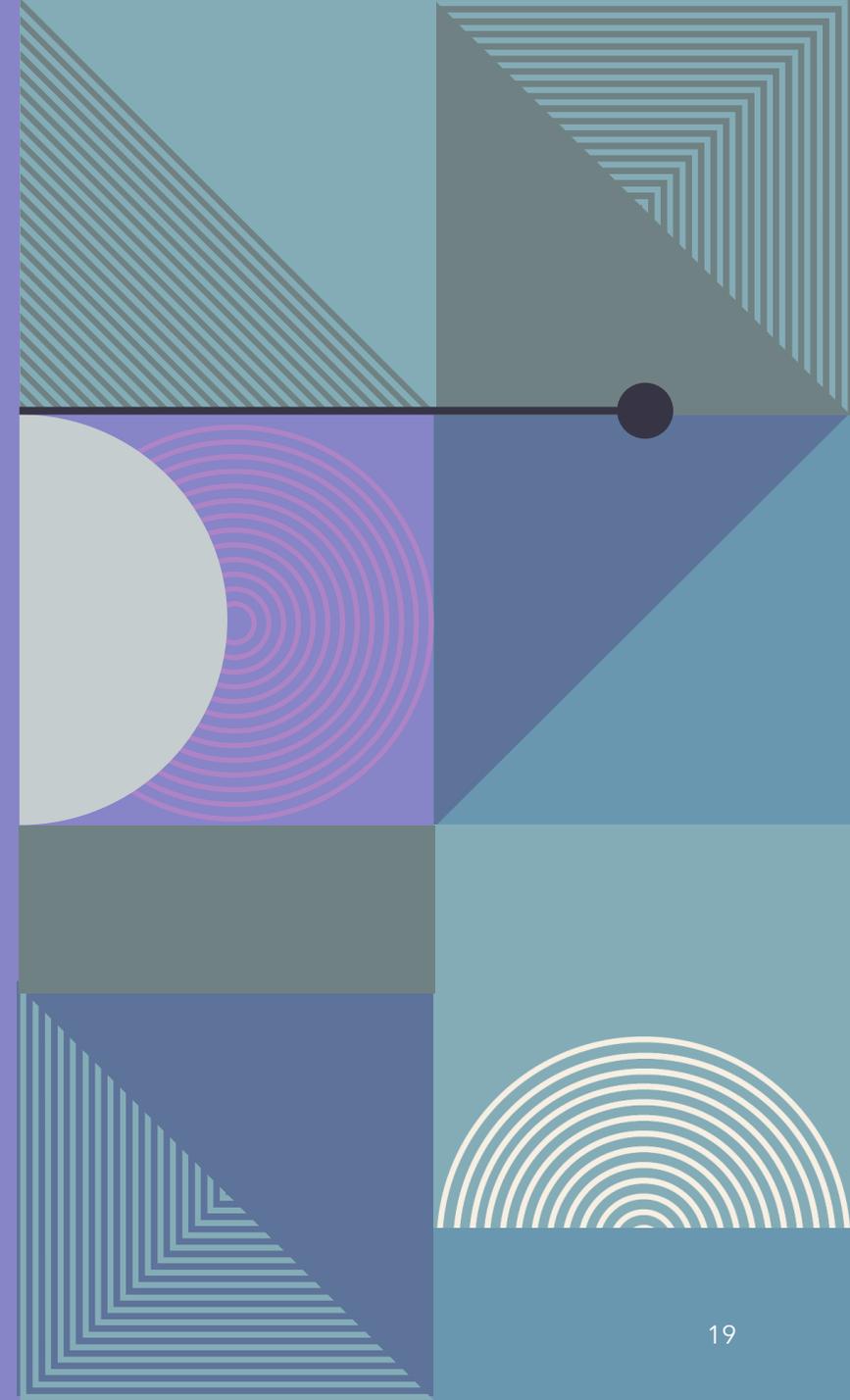
- Through mediation, the informal resolution facilitator(s) will work separately with both parties to formulate terms for the *Informal Resolution Agreement* that are amenable to both parties.
- The informal resolution facilitator(s) will not conduct an investigation, gather evidence, or meet with witnesses.
- Potential terms that may be included in the *Informal Resolution Agreement* include, but are not limited to:
 1. Restrictions on contact (i.e., no-contact directive); and
 2. Restrictions on the respondent's participation in one (1) or more of Collin College's programs or activities or attendance at specific events, including restrictions Collin College could have imposed as remedies or disciplinary sanctions had Collin College determined at the end of its grievance procedures that sex discrimination and/or sex-based harassment occurred.

ADVISORS' ROLES DURING THE INFORMAL RESOLUTION PROCESS

- Both parties have equal rights to be accompanied by an advisor of their choice (e.g., family member, friend, legal counsel) to meetings with the informal resolution facilitator(s).
- However, only the party may speak on their behalf.
- Collin College will not provide an advisor for either party during the Informal Resolution Process.
- Collin College retains the right to limit the role of both parties' advisors in meetings with the informal resolution facilitator(s).
- Should a party's advisor continuously speak on the party's behalf, become combative, or otherwise disrupt the proceedings, the informal resolution facilitator(s) reserves the right to ask them to leave or to end the proceedings and reschedule for a later date.

INITIATION OF INFORMAL RESOLUTION PROCESS

- The Informal Resolution Process can be initiated at any time prior to a determination whether sex discrimination and/or sex-based harassment occurred.
- The Informal Resolution Process can be initiated even if a complaint has not been submitted.
- **Both** the Complainant and Respondent must provide their voluntary consent in writing to participate in the Informal Resolution Process.
- Collin College **will not** require or pressure the parties to participate in the Informal Resolution Process.



INITIATION OF INFORMAL RESOLUTION PROCESS (CONT.)

- Collin College has discretion to determine whether it is appropriate to offer an Informal Resolution Process to the parties and may decline to do so despite one (1) or more of the parties' wishes.
 - The appropriate Title IX Coordinator, Deputy Title IX Coordinator, or Designee will determine whether informal resolution is appropriate.
- Informal Resolution is not available:
 1. In cases involving allegations that a Collin College employee engaged in sex-based harassment of an elementary or secondary school student.
 2. When such a process would conflict with federal, state, or local law.
 3. When Collin College Determines that the alleged conduct would present a future risk of harm to others.

INITIAL MEETING WITH TITLE IX COORDINATOR, DEPUTY TITLE IX COORDINATOR, OR DESIGNEE

- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee meets separately with both parties.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee explains Collin College's Title IX grievance procedures and Informal Resolution Process.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee informs the parties that an informal resolution is permissible if both parties choose to participate in and willingly consent to this type of resolution in writing.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee notifies both parties that either party is permitted to withdraw from the Informal Resolution Process and initiate or resume Collin College's Title IX grievance procedures at any time prior to a final determination being reached in the case.
- If both parties choose to participate in and willingly consent to pursue the Informal Resolution Process, they will read and sign the *Voluntary Consent to Informal Resolution* form.

MEETING(S) WITH INFORMAL RESOLUTION FACILITATOR(S)

- The informal resolution facilitator(s) will contact the parties to request they schedule meetings through one (1) or more of the following methods:
 1. A written communication sent to the individual's Collin College email account;
 2. A written communication sent to the individual's personal email account, if the individual is not a Collin College student or employee and/or the individual requests that communication be sent through this method;
 3. A letter mailed to the individual's address as listed with the Student and Enrollment Services Office or Human Resources Department (HR);
 4. A letter hand-delivered to the individual on campus by the informal resolution facilitator(s). The informal resolution facilitator(s) will document the date, time, and place of hand-delivery; and/or
 5. A phone call to the individual's number as listed with the Student and Enrollment Services Office, Human Resources Department (HR), or provided to the informal resolution facilitator(s).

MEETING(S) WITH INFORMAL RESOLUTION FACILITATOR(S) (CONT.)

- If a party does not respond to the informal resolution facilitator(s)'s communication within 10 College District business days, the informal resolution facilitator(s) will attempt to contact the individual one (1) more time through at least one (1) of the methods listed on the previous slide.
- If a party does not respond to this second communication within 10 College District business days, the informal resolution facilitator(s) will notify the appropriate Title IX coordinator, deputy Title IX coordinator, or designee that the party is not responding.
- The appropriate Title IX coordinator, deputy Title IX coordinator, or designee will then re-evaluate the matter and determine whether to initiate the appropriate Title IX grievance procedures or refer the matter to another Collin College process for appropriate resolution.

MEETING(S) WITH INFORMAL RESOLUTION FACILITATOR(S) (CONT.)

- The informal resolution facilitator(s) meets separately with both parties in person or via Zoom or other web conferencing software approved by Collin College as necessary to ascertain the parameters for the *Informal Resolution Agreement*.
- The informal resolution facilitator(s) ensures that the parties understand Collin College's Title IX grievance procedures and Informal Resolution Process.
- The informal resolution facilitator(s) reminds the parties that:
 1. An informal resolution is permissible if both parties choose to participate in and willingly consent to this type of resolution in writing, and
 2. Either party is permitted to withdraw from the Informal Resolution Process and initiate or resume Collin College's Title IX grievance procedures at any time prior to a final determination being reached in the case.
- If either party chooses to withdraw from the Informal Resolution Process, they will be required to read and sign the *Withdrawal from Informal Resolution Process* form prior to a final determination being reached and both parties signing the *Informal Resolution Agreement* form.

MEETING REMINDERS

- The informal resolution facilitator(s) **should**:
 1. Make sure both parties understand the parameters of the Informal Resolution Process and that it will not be punitive or result in a disciplinary sanction.
 2. Listen to the needs and requests of both parties.
 3. Offer suggestions for resolution terms that may be beneficial and agreeable to both parties.
 4. Begin thinking about the terms of the *Informal Resolution Agreement*.
 5. Refer the parties to appropriate on- and off-campus resources (e.g., Counseling Services, Employee Assistance Program, TimelyCare), if needed.
- The informal resolution facilitator(s) **should not**:
 1. Come into the meeting with the terms of the *Informal Resolution Agreement* already set.
 2. Force either party to agree to terms with which they are uncomfortable or disagree.
 3. Guarantee resolution terms that may not be feasible.

POTENTIAL INFORMAL RESOLUTION AGREEMENT TERMS

Potential terms the informal resolution facilitator(s) can offer to a **student** include, but are not limited to:

1. Campus Change
2. Class Schedule Change
3. Drop a Course Without an Academic Penalty
4. Increased Security and Staff Monitoring of Certain Areas of the Campus
5. Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection, Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court
6. Late Withdrawal from a Course
7. No-Contact Directive Issued by Collin College
8. Referral to Appropriate Medical Facility
9. Referral to Appropriate Off-Campus Resources
10. Referral to Collin College Police Department and/or Local Law Enforcement Agency
11. Referral to Counseling Services
12. Specific Educational Programming for an Individual or Group
13. Student Employment Assignment Change
14. Student Housing Change (If Residing in Collin College Student Housing)

Potential terms the informal resolution facilitator(s) can offer to an **employee** include, but are not limited to:

1. Drop a Course Without an Academic Penalty
2. Increased Security and Staff Monitoring of Certain Areas of the Campus
3. Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection, Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court
4. No-Contact Directive Issued by Collin College
5. Referral to Appropriate Medical Facility
6. Referral to Appropriate Off-Campus Resources
7. Referral to Collin College Police Department and/or Local Law Enforcement Agency
8. Referral to Employee Assistance Program (EAP)
9. Specific Educational Programming for an Individual or Group
10. Work Schedule Reassignment

INFORMAL RESOLUTION AGREEMENT

- The informal resolution facilitator(s) completes the *Informal Resolution Agreement* form and meets separately with both parties in person or via Zoom or other web conferencing software approved by Collin College to clearly explain the informal resolution terms.
- The informal resolution facilitator(s) sends the parties the completed *Informal Resolution Agreement* form and gives them 10 College District business days to review and respond to the document prior to finalizing it.
- The informal resolution facilitator(s) will copy the appropriate Title IX coordinator, deputy Title IX coordinator, or designee when the completed *Informal Resolution Agreement* form is sent in electronic format.
- Any edits made to the *Informal Resolution Agreement* form by either party and/or the informal resolution facilitator(s) will be simultaneously sent in writing to both parties and their respective advisors (if the parties elect to provide their own advisors during the Informal Resolution Process).

INFORMAL RESOLUTION AGREEMENT (CONT.)

- If, after 10 College District business days, both parties agree to the informal resolution terms, including any edits made by either party and/or the informal resolution facilitator(s) during the review period, they will sign the final *Informal Resolution Agreement* form.
- The informal resolution facilitator(s) will simultaneously send the parties and their respective advisors (if the parties elect to provide their own advisors during the grievance procedures) a copy of the final *Informal Resolution Agreement* form in electronic format or hard copy.
- The informal resolution facilitator(s) will copy the appropriate Title IX coordinator, deputy Title IX coordinator, or designee when the final *Informal Resolution Agreement* is sent in electronic format.

INFORMAL RESOLUTION AGREEMENT (CONT.)

- Once the final *Informal Resolution Agreement* form is signed:
 1. The matter will be closed,
 2. The informal resolution will be non-appealable, and
 3. The parties' agreement to the informal resolution will preclude them from initiating or resuming grievance procedures arising from the same allegation(s).
- If, after 10 College District business days, either party does not sign the final *Informal Resolution Agreement* form, the appropriate Title IX grievance procedures will be initiated or resumed at the point where they were stopped when both parties agreed to pursue the Informal Resolution Process and signed the *Voluntary Consent to Informal Resolution* form.

CALCULATING “COLLEGE DISTRICT BUSINESS DAYS”

- College District business days exclude:
 1. Weekends (i.e., Saturdays and Sundays)
 2. National holidays recognized by Collin College
 3. College District closures
- **Do not** count the day you send the documents.
- Examples:
 1. If you send the documents on **Monday, October 7, 2024**, the parties will have until **4:30 p.m. on Monday, October 21, 2024**, to sign the final *Informal Resolution Agreement*.
 2. If you send the documents on **Wednesday, December 18, 2023**, the parties will have until **4:30 p.m. on Monday, January 13, 2024**, to sign the final *Informal Resolution Agreement* due to the Winter Break.

QUESTION & ANSWER SESSION

