

# Beyond the Formal Process: Title IX Informal Resolution in Higher Education

By Matthew Meyers

GICA COMPLIANCE COLLABORATIVE PROGRAM



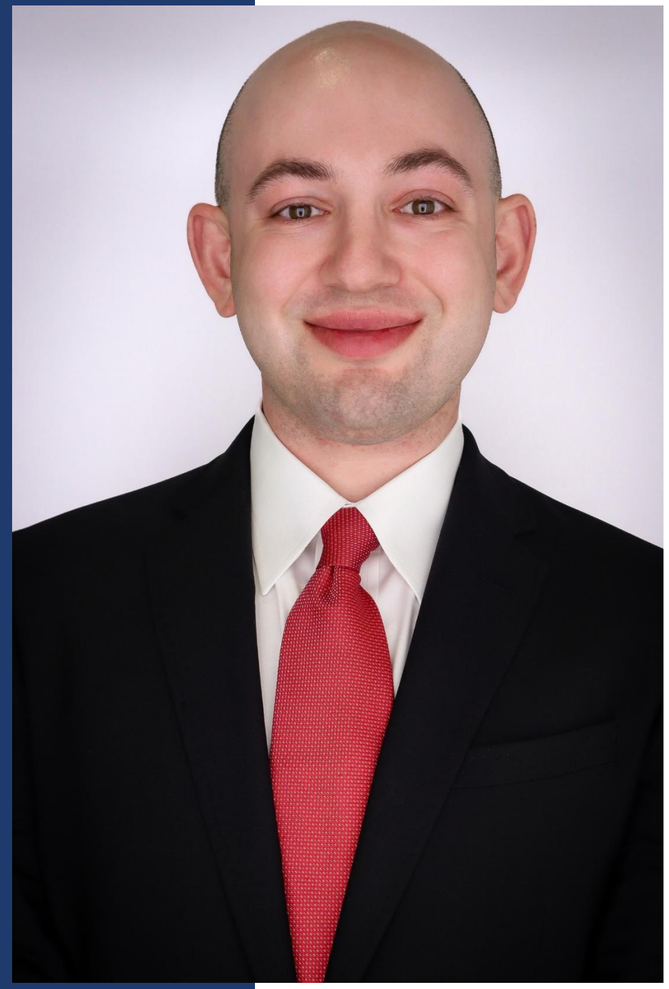


# Judith W. Spain J.D., CCEP

Compliance Collaborative Program Consultant,
Georgia Independent College Association

# Welcome

GICA COMPLIANCE COLLABORATIVE PROGRAM



# Matthew Meyers J.D.

Informal Resolution and Supportive Measures Manager, Vanderbilt University

# Welcome

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# Agenda

- Title IX & Informal Resolution Overview
- Bias & Conflicts of Interest
- Informal Resolution: Benefits, Challenges & Approaches
- Key Themes & Considerations
- The Informal Resolution Process
    - Availability
    - Advisers
    - Pre-Conference
    - Informal Resolution Conference
    - Agreements & Confidentiality
- The Informal Resolution Facilitator’s Role in Conflict Management

# What is Title IX?

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.

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# What is Title IX?

**“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.”**

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# Title IX Regulations – Informal Resolution

- "At any time prior to determining whether sex discrimination occurred…a recipient ***may*** offer to a complainant and respondent an informal resolution process…"

- "A recipient that provides the parties an informal resolution process must, to the extent necessary, also require its Title IX Coordinator ***to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur*** within the recipient's education program or activity…"

- "A recipient has ***discretion to determine whether it is appropriate to offer an informal resolution process*** when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or this part or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes…"
  - "Circumstances when a recipient may decline to allow informal resolution include but are not limited to when the recipient determines that ***the alleged conduct would present a future risk of harm to others***…"
  - "***Does not*** ***offer or facilitate*** an informal resolution process to resolve ***allegations that an employee sexually harassed a student***…"

- "A recipient ***must not*** ***require or pressure the parties to participate in an informal resolution process***. The recipient must obtain the parties' voluntary consent to the informal resolution process and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right…"

# Title IX Regulations – Informal Resolution

Before initiation of an informal resolution process, the recipient must provide to the parties notice that explains:

- (i) The ***allegations***;
- (ii) The **requirements** of the informal resolution process;
- (iii) That, prior to agreeing to a resolution, any party ***has the right to withdraw*** from the informal resolution process and ***to initiate or resume the recipient's grievance procedures***;
- (iv) That the parties' agreement to a resolution at the conclusion of the informal resolution process ***would preclude the parties from initiating or resuming grievance procedures*** arising from the same allegations;
- (v) 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
- (vi) What information the recipient will maintain and whether and how the recipient could disclose such information for use in grievance procedures…

# Title IX Regulations – Avoid Conflict of Interest & Bias

- "The ***facilitator*** for the informal resolution process ***must not*** ***be the same person as the investigator or the decision-maker*** in the recipient's grievance procedures…"

- "Any person designated by a recipient to facilitate an informal resolution process must not ***have a conflict of interest or bias for or against complainants or respondents*** generally or an individual complainant or respondent…"

- "Any person facilitating informal resolution must ***receive training***…"

# Vanderbilt University - Title IX Office Functions

## Sexual Misconduct

- Incident Reports
- Informational Outreach
- Informal Resolution
- Investigation & Evidence
- Hearings & Determination

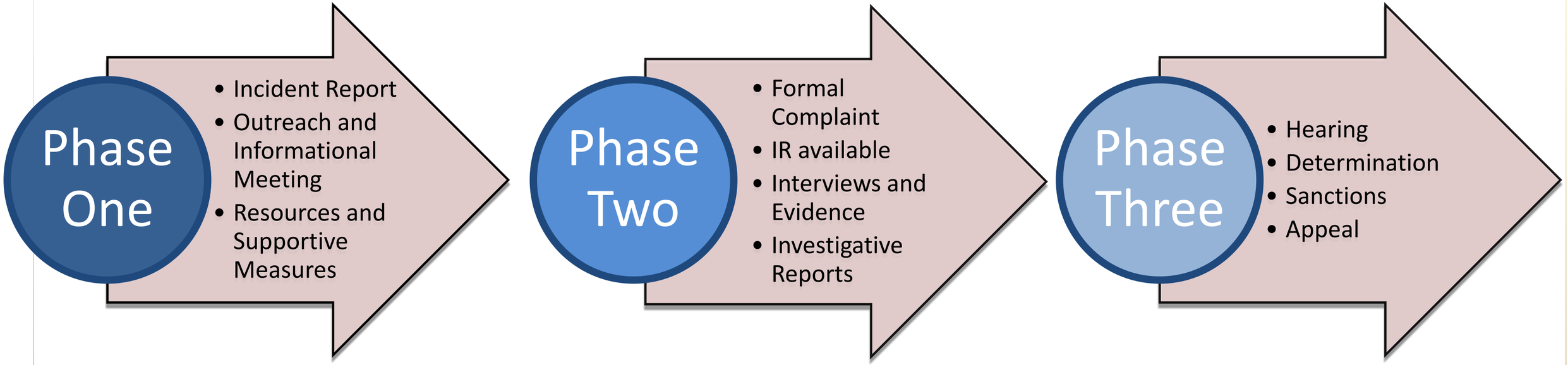
## Supportive Measures

- Support, resources, and assistance
- Available to all parties involved or affected

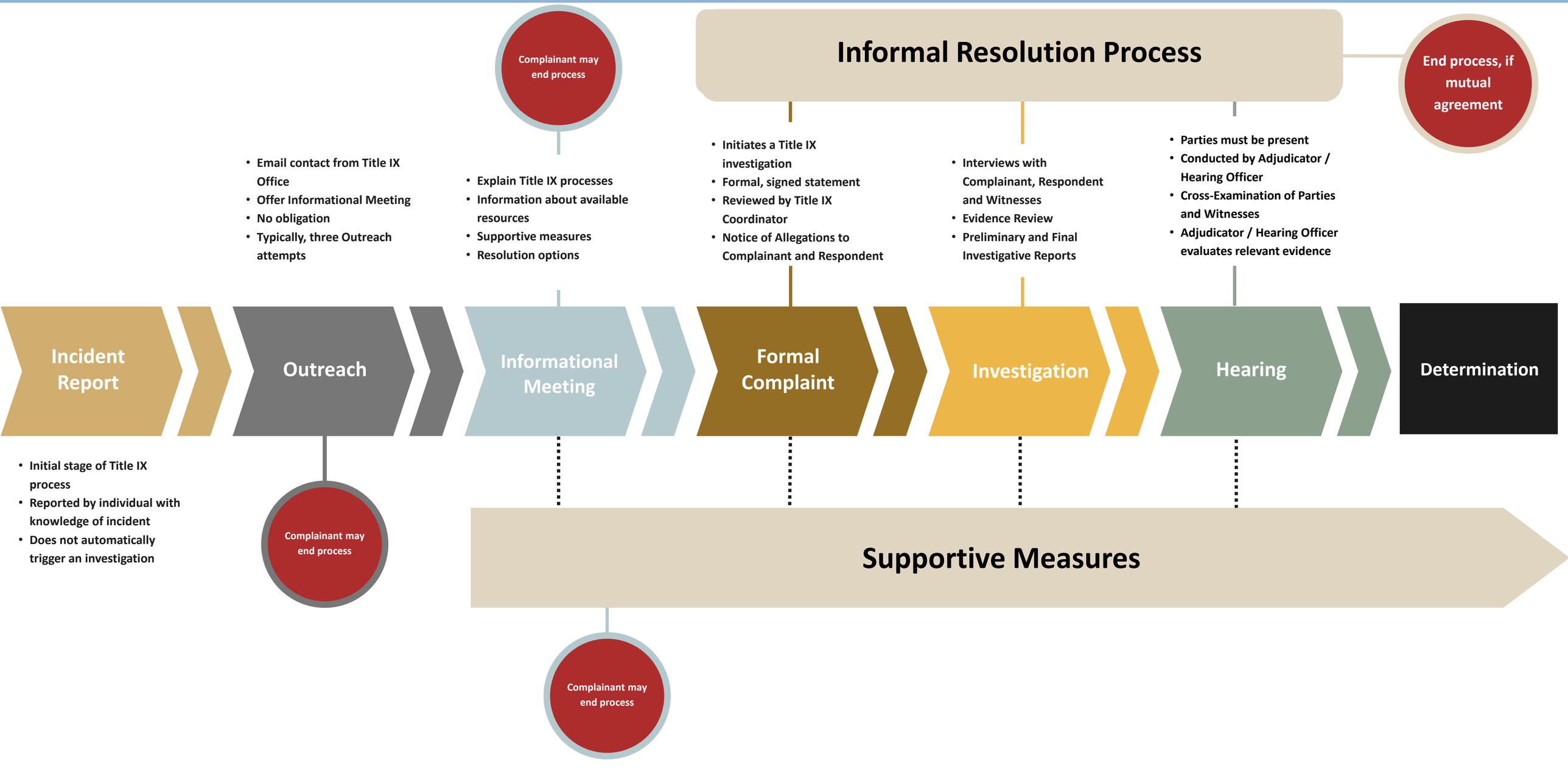
## Pregnancy and Parenting

- Support for staff, faculty, and students
- Pregnancy and Related Conditions, and Parenting Modifications

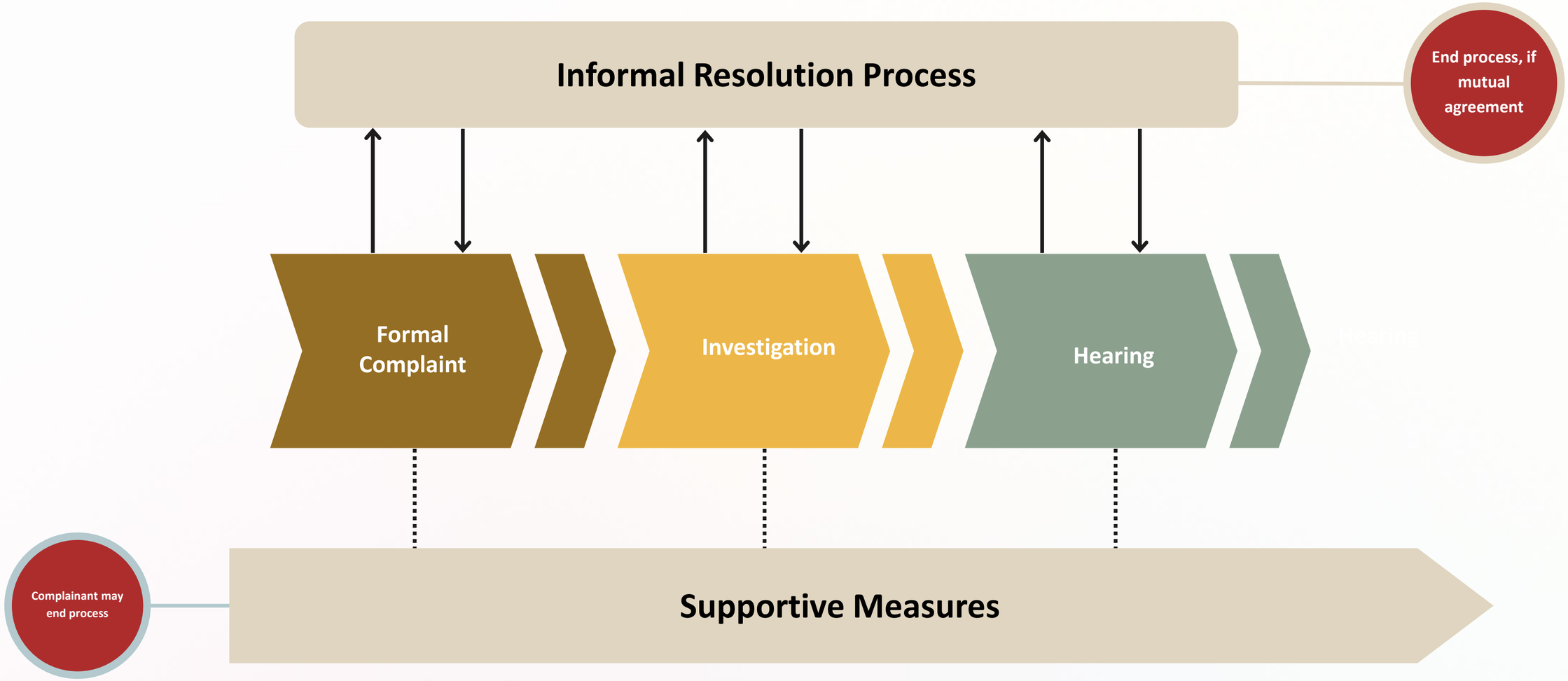
# Vanderbilt University - Title IX Office Process



# Title IX Process



# Informal Resolution





# Pros & Cons of Informal Resolution

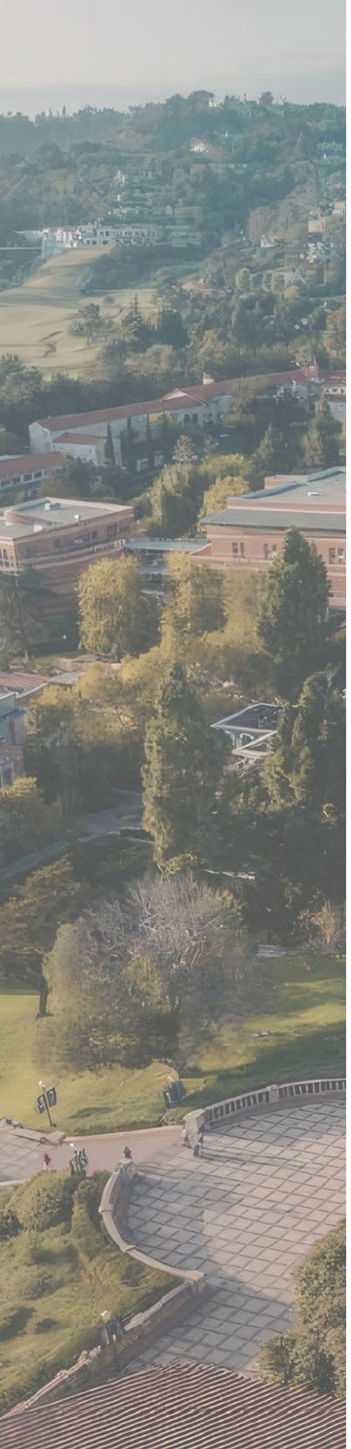
## Pros

- Faster Closure
- Control & Empowerment
- No Formal Disciplinary Record
- Restorative Focus
- Reduced Stress

## Cons

- No Investigatory Outcome
- No Formal Hearing
- Some Required Communication or Interaction
- Waived Formal Rights (Temporarily or Permanently)





# Things to Consider

- If you have policies that are Title-IX adjacent, or if your office handles Title IX matters and additional civil rights matters (protected-class discrimination, harassment, retaliation) or student conduct matters:
    - How does your Title IX Informal Resolution Process compare?
    - Are available ***Informal Resolution Processes across different policies*** and matters being facilitated adequately and equitably?
    - In an Informal Resolution Process, will your team be facilitating a resolution that could have ***impacts outside of Title IX*** (Title VI, Title VII, Student Code of Conduct, Employment Agreement, Faculty Tenure Processes, etc.)?
        - If so, which campus partners will you need to communicate and collaborate with?
- In what contexts, ***and how many times, would you feel comfortable allowing the parties to go back and forth*** between an investigation and an informal resolution process?



# Types of Informal Resolution

**Administrative Resolutions**

- Supportive Measures
- Individualized education or coaching conversations
- Broader training opportunities
- Impact statements

**Facilitated Conversations**

- An interactive conversation between the Parties, guided by a trained facilitator

**Restorative Justice**

- Group process that shifts the focus from policy violations to a collective discussion about harm, needs, and obligations, asking what harm occurred, who was affected, and how the harm can be repaired.

**Facilitated Mediation**

- An alternative and flexible dispute resolution process in which a mediator guides the Parties toward their own resolution



# Themes of Informal Resolution

- Voluntary
- Fully-Customizable
- Remedies-Based
- Party Driven



# Informal Resolution Availability

| IR Available | Complainant | Respondent |
|---|---|---|
| Yes | Student | Student |
| Yes | Staff/Faculty | Staff/Faculty |
| No | Student | Staff/Faculty |
| No* | Staff/Faculty | Student |

# Advisers in Informal Resolution

## Availability

**Parties may have an Adviser of their choice throughout the formal and informal resolution processes**

- **Outside Adviser: Parties may select any person to serve as their Adviser, including friends, family members, or attorneys.**
- **University-Provided Adviser: Parties may choose to select their Adviser from a list of persons your Institution has identified and trained to serve as Advisers.**

## Role

**An Adviser's role is to provide their Party "Advisee" with support and process advice in preparation for and during meetings with the Title IX Office**

**Advisers may attend meetings the Parties have with the Title IX Office and may advise Parties on navigating the Title IX process**

**Advisers may not speak for their advisee except as provided in the Policies (namely, during Hearing proceedings)**

# How Do I Opt in to Informal Resolution?

## A Formal Complaint must have been filed with the Title IX Office

- Party can request informal resolution at the time they file their Formal Complaint with the Title IX Office
- Party can request informal resolution (after a Formal Complaint has been filed), anytime during the Title IX Investigatory process

## Voluntary

- Party can request informal resolution at the time they file their Formal Complaint with the Title IX Office
- Party can request informal resolution (after a Formal Complaint has been filed), anytime during the Title IX Investigatory process

## Informal Resolution Participation Agreements

- Before proceeding with an Informal Resolution Process, both parties must:
  - Understand and agree to the necessary elements of the process provided in the Participation Agreement; and
  - Each voluntarily sign a Participation Agreement prior to the start of the Informal Resolution Conference

# Informal Resolution – Participation Agreement

VANDERBILT
Title IX Office

**INFORMAL RESOLUTION PARTICIPATION AGREEMENT**

Vanderbilt University (the "University") is providing you with the information below in response to your request to engage in the Informal Resolution Process, as set forth in Section II.10 of the Formal Grievance Protocol (the "Policy").

Informal resolution is generally designed to facilitate a mutually agreeable outcome to alleged violations of the Policy that centers on repairing any harm (to the extent possible) experienced by the Complainant and the campus community. Informal resolution is designed to eliminate any prohibited conduct, prevent its recurrence, and remedy its effects in a manner that is agreeable to the parties while maintaining the safety of the campus community.

Informal resolution will only be used at the agreement of both the Complainant and Respondent, in writing, and as deemed appropriate by the Title IX Coordinator, in the Title IX Coordinator's sole discretion. Before proceeding with an Informal Resolution Process, both parties must understand, agree to the necessary elements of the process provided below, and sign this agreement.

Case Number: [Insert Case Number]

Complainant: [Complainant's Full Name]

Respondent: [Respondent's Full Name]

Informal Resolution Facilitator(s): [Insert Facilitator's Full Name(s)]

Notice of Allegations:

[insert NOA here]

Requirements of Informal Resolution Process

The Informal Resolution Process will only be employed if: (1) both parties – Complainant and Respondent – agree in writing; and (2) informal resolution is deemed appropriate by the Title IX Coordinator, in the Title IX Coordinator's sole discretion.

Participation in the Informal Resolution Process is voluntary. Either party can withdraw from the Informal Resolution Process at any time prior to reaching a final resolution and resume the formal grievance process.

The parties are entitled to have an adviser present at all times during the Informal Resolution Process.

The Title IX Director will appoint a facilitator for the Informal Resolution Process. The parties must successfully complete preparatory meetings with the Informal Resolution Facilitator prior to the



informal resolution. The Informal Resolution facilitator, identified above, will require both parties to be present in separate rooms (either physical or virtual), either at the same session or at separate sessions, as appropriate, to facilitate a resolution of the allegations of the Formal Complaint.

The Informal Resolution Process in this case will be conducted in the form of a [insert type of informal resolution here].

The Informal Resolution Process deems the Formal Complaint withdrawn and the Formal Grievance Protocol will be terminated under Section II.10 of the Policy.

The Title IX Coordinator must approve any agreement reached through the Informal Resolution Process.

Any Informal Resolution Agreement reached by the parties must be in writing and signed by both parties, the Informal Resolution Facilitator, and the Title IX Coordinator. The Informal Resolution Agreement is effective once it is fully executed.

Confidentiality – By entering the Informal Resolution Process:

- The parties agree, to the extent permitted by law, that they will not use information obtained and used during informal resolution in any other University Process (including investigative resolution under the Policy if the Informal Resolution Process does not result in an Informal Resolution Agreement) or legal proceeding, though information documented and/or shared during informal resolution could be subpoenaed by law enforcement if a criminal investigation or civil suit is initiated; and
- Information shared during informal resolution will not result in separate or subsequent disciplinary investigation or actions by the University, unless there is a significant threat of harm or safety to self or others, or the information is obtained outside of the Informal Resolution Process (such as information that is publicly available or provided by a witness who did not derive it from the Informal Resolution Process).

The Title IX Office will not maintain a record of the content of the discussions held as part of the Informal Resolution Process but will maintain records related to the parties' agreement to participate in the Informal Resolution Process and the outcome of the Informal Resolution Process.

Potential Outcomes of the Informal Resolution Process

By signing an Informal Resolution Agreement, the parties are affirming that its terms (along with any other supportive or interim measures in place) fully resolves the Formal Complaint.

After the parties sign an Informal Resolution Agreement, and the Title IX Coordinator approves it, the parties are bound by its terms and cannot return to investigative resolution. There is no appeal of an Informal Resolution Agreement.



If the parties enter into an Informal Resolution Agreement, the parties waive the right for an investigative resolution, and the parties agree to comply with the terms of the Informal Resolution Agreement. The parties understand that failure to comply with an Informal Resolution Agreement, once signed and approved, may result in the agreed-upon consequences in the Informal Resolution Agreement, including, but not limited to the restart of the Formal Grievance Protocol.

If the parties do not reach an Informal Resolution Agreement, the matter will be referred to the Title IX Coordinator for possible further action.

*By signing this Agreement, I indicate my voluntary agreement to participate in the Informal Resolution Process. I acknowledge and understand the terms of the Informal Resolution Process as described above and agree to comply with all requirements of the Informal Resolution Process.*

_____ (Signature) Date: _____

_____PRINTED FULL NAME (Party)

***Disability Services and Accommodations***

If you are a student and you need reasonable accommodation(s) due to a disability to fully and meaningfully participate in this process, please request an accommodation through Student Access before any meeting or interview for which reasonable accommodation(s) may be needed

If you require a short-term accommodation to participate in the process due to injury or illness, please contact the Title IX Supportive Measures Manager (615-343-9004 or titleix@vanderbilt.edu ) at your earliest convenience so that we may assist you.

***Disability Services and Accommodations***

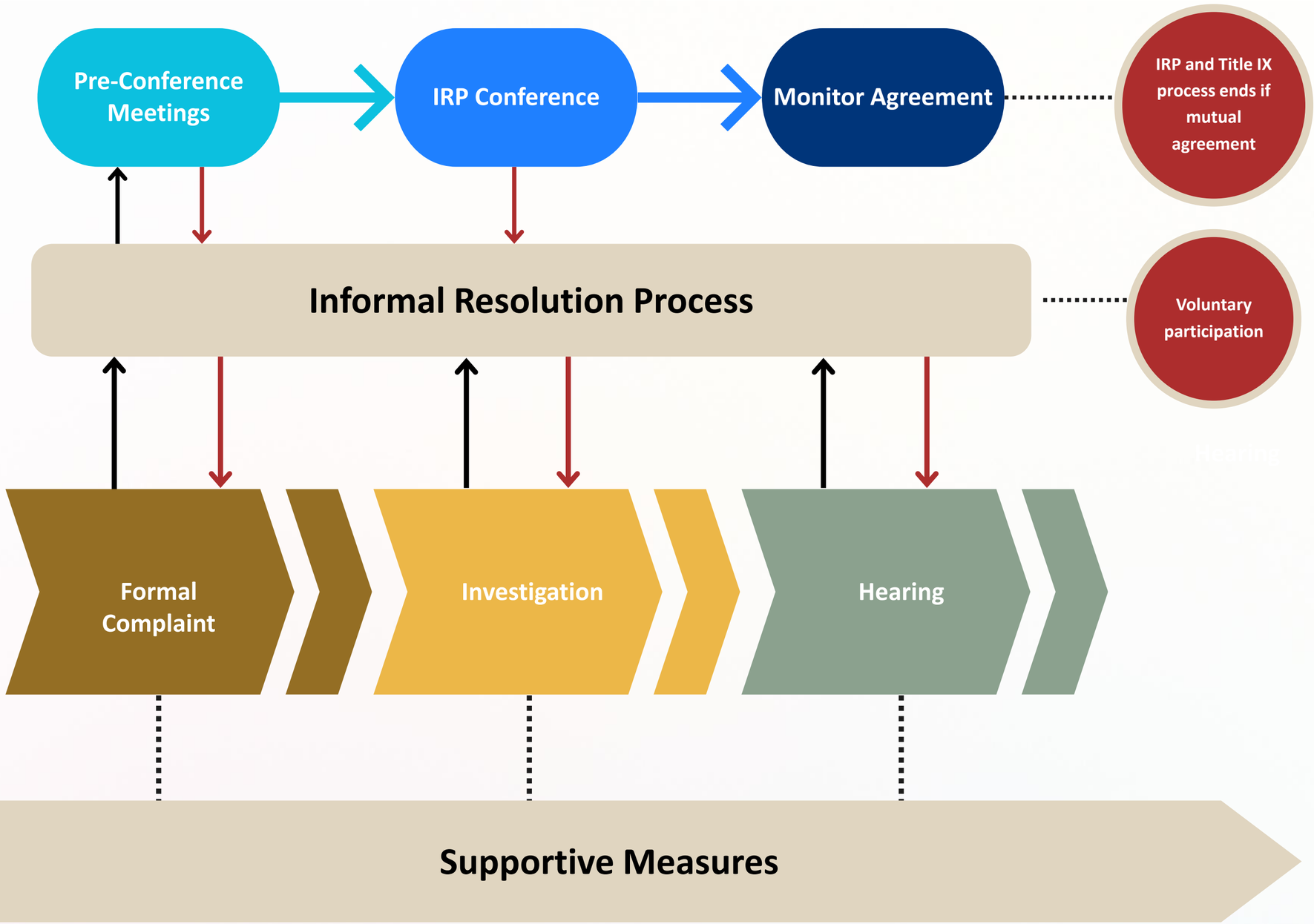
If you are a staff or faculty member and you need reasonable accommodation(s) due to a disability to fully and meaningfully participate in this process, please request an accommodation through Equal Opportunity and Access before any meeting or interview for which reasonable accommodation(s) may be needed.

If you require a short-term accommodation to participate in the process due to injury or illness, please contact the Title IX Supportive Measures Manager (615-343-9004 or titleix@vanderbilt.edu ) at your earliest convenience so that we may assist you.

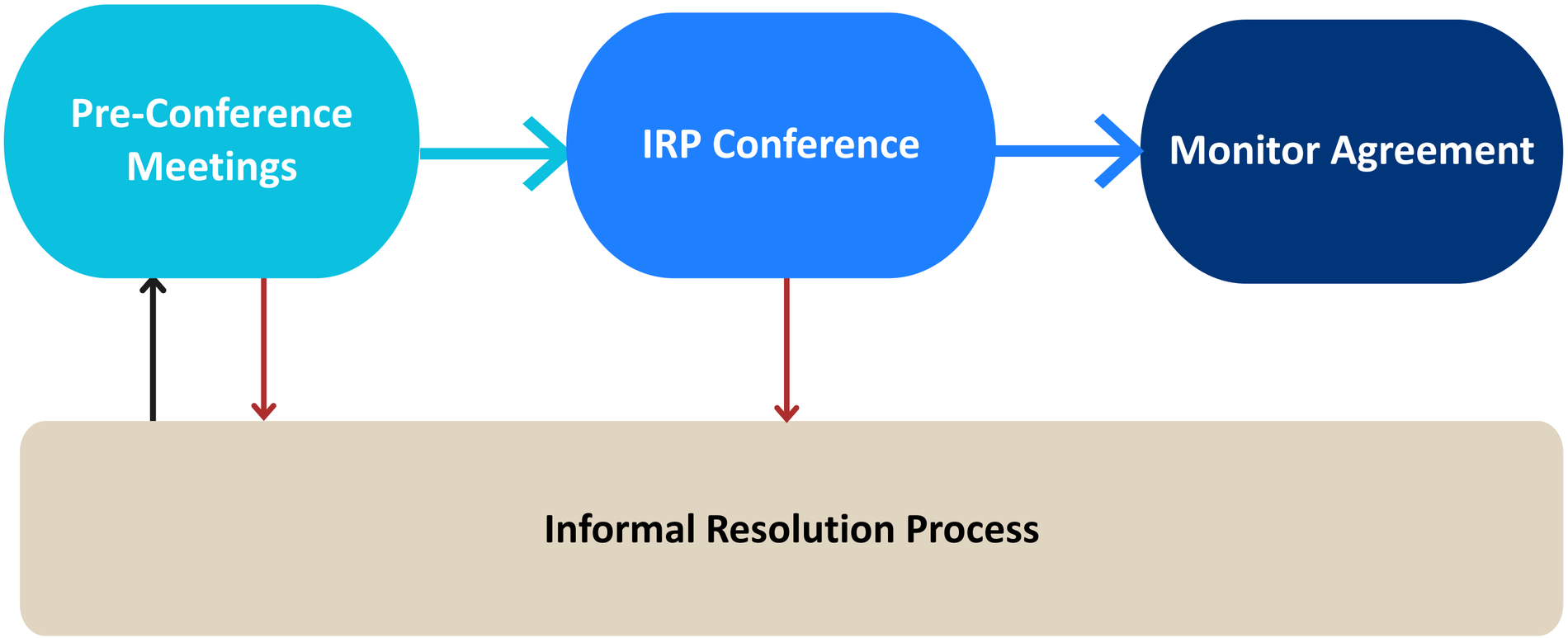


Confidential Confidential Confidential

# Informal Resolution Process



# Informal Resolution Process



# Before Each Pre-Conference Meeting

## Prior to the pre-conference meetings with each party (and their respective adviser), the facilitator should:

1. Review the incident report(s), evidence, and Notice of Allegations

2. Review information about each party
   - Preferred name and pronouns
   - Relationship to the University
   - Students:
     - Their level of education they are currently studying (undergraduate, graduate, professional);
     - Their area of study and/or research;
     - Whether they live on or off campus;
     - Whether they have any campus involvement (clubs, organizations, etc.);
     - Anticipated date of graduation;
   - Employees:
     - What type of employee are they (contracted, part-time, full-time, remote, hybrid, faculty, tenured, non-tenured, staff, etc.)
     - Their department structure (review organizational chart, determine direct reports and supervisors, etc.)
     - Their job responsibilities (including areas of research, teaching, etc.) and location.

3. Develop a Pre-conference meeting checklist and informational script to it to make sure all appropriate information is shared equally with both parties prior to the Conference.

4. Make a list of any outstanding questions you have for each party

# Pre-Conference




## Typically scheduled one week to a few days prior to IR Conference

- Separate meetings with each Party and their Adviser

## Provides Overview of IR Conference Day

- Review Conference Day format and process
- Answer questions
- Confirm availability
- Discuss available IR Terms

## Address Expectations

- Party's goals for Informal Resolution
- Rules of decorum and engagement
- Available Remedies, Supportive Measures, Sanctions

# Remedies

## Remedies agreed to by the parties can include, but are not limited to:

### For Students, Faculty, and Staff

- Mutual No-Contact Directives
- Required therapy consultation through a university counseling center or employee assistance program
- Required counseling or therapy through a non-university-affiliated therapist or counselor
- Education or volunteer opportunities
- Mutual social media guidelines
- Financial restitution if property was damaged
- Resignation or suspension without pay (option for staff and faculty)

# Supportive Measures

## Supportive Measure options agreed to by the Parties can include, but are not limited to:

### For Students, Faculty, and Staff

- Providing alternative course completion options
- Changing class schedules, including the ability to transfer course sections or withdraw from a course
- Changing work schedules, job assignments, or job locations
- Changing on-campus residence hall assignments
- Restricting floor access in a residence hall
- Leaves of absence
- Non-students or alumni options:
  - Prohibiting access to campus
  - Prohibiting attendance at alumni or other university events
  - Prohibiting returning to campus for future programs for a specific period

# Sanctions

## Sanctions agreed to by the Parties can include, but are not limited to:

### For Students

- Expulsion
- Suspension
- Disciplinary Probation
- Deferred Disciplinary Probation
- Educational Conference
- Additional components may include, but are not limited to, restrictions, which may include:
  - Limiting or barring access to certain facilities or activities
  - Removal or reassignment from housing

### For Faculty and Staff

- Termination of employment
- Reduction in salary and/or rank
- Suspension
- Probation
- Mutual No-Contact Directives
- Campus Restrictions
- Revocation of University privileges
- Educational Programs
- Removal from (or reassignment to a different role) on a project
- Written reprimand

# Informal Resolution Conference




## Format

- 9:00 am – 5:00 pm allowed to complete IR Conference
- Parties and Advisers in separate Zoom breakout rooms
- Cannot be recorded

## Facilitated Mediation

- Each party can present terms of agreement to other party
- Accept proposed terms presented by opposing party
- Present alternative or modified terms to opposing party
- Decline proposed terms presented by opposing party
- Confidential; facilitator will maintain confidences unless given permission to share with other party

## Agreement

- If agreement reached, Resolution Agreement signed by all parties before Conference ends

# Informal Resolution Agreement




## Signed Agreement

- Each Party receives a signed copy of the IRP Agreement
- Agreed-upon resolution is considered binding

## Monitoring

- IR facilitator, in conjunction with Title IX Office, will be responsible for:
  - Maintaining any informal resolution agreement
  - Tracking progress
  - Ensuring the terms of the agreement are fulfilled
  - Maintaining compliance of any agreement reached

## Closure

- Parties cannot return to an investigative resolution at this time
- No appeal of an Informal Resolution Agreement

# What Should Be Included In the Informal Resolution Agreement?

## Introductory Information

- How the case made it to Informal Resolution

## Case Information

- Case Number
- Party Names
- Informal Resolution Facilitator Name
- Incident Date(s)
- Allegations
- Informal Resolution Type
- Informal Resolution Agreement Date

## Agreed-upon Informal Resolution Terms

## Agreed-upon Consequences of Non-Compliance

## Additional Information and Understandings About:

- Voluntary Participation
- Confidentiality
- Disability Services and Accommodations
- Record Retention
- Who makes good-faith determinations about compliance and non-compliance
- A signed agreement deems the matter resolved and makes it non-appealable

## Signature Blocks

- For each party, the Informal Resolution Facilitator, and the Title IX Coordinator

# How Can We Help Set The Parties Up For Success After an Informal Resolution Agreement is Reached?

## Be Cognizant of Academic and Holiday Calendars and Campus Events

## Confirming Campus Partner Availability Prior to Informal Resolution

## Building in Extra Time for Deadlines and Submissions

## Providing Clear Instructions to the Parties on How to Comply with Each Agreed-Upon Term

## Check-In and Reminder Emails to Parties

- Upcoming submission deadlines
- Upcoming Meetings
- At the start of a new school year or semester

## Coordinating Agreed-Upon Terms for Parties

- Providing parties with the point-of-contact's information for scheduling and coordination of trainings, educational conversations, etc.
- Making introductions for parties with campus partners so they can schedule agreed-upon trainings, educational conversations, etc.
- Connecting with campus partners to give them a heads-up

## Supportive Measures and Campus Resources

- Independent of Informal Resolution
- Remain available after the conclusion of Informal Resolution

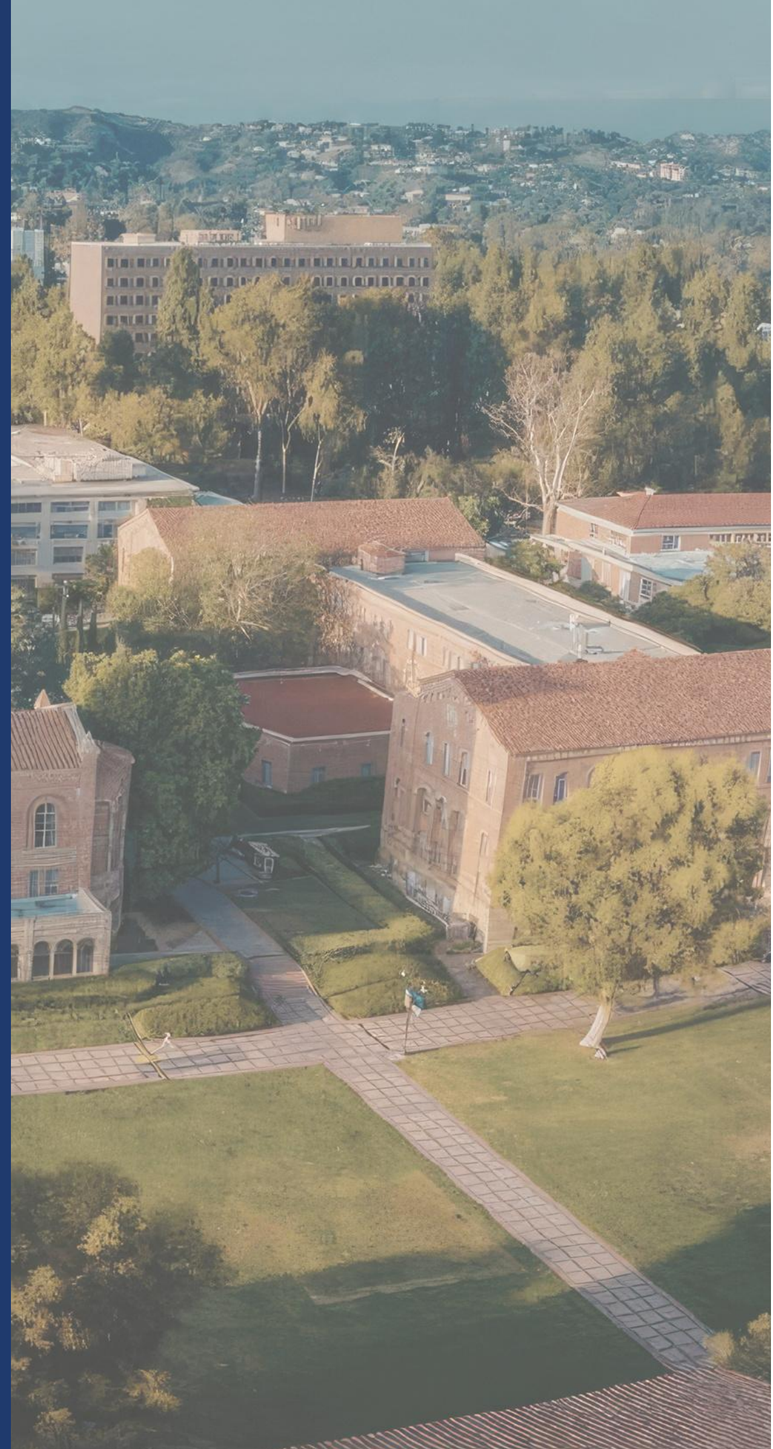
# Confidentiality

- **The facilitator will only share information during the Informal Resolution Conference that is approved by each party**
- **The Informal Resolution Process is not to be used as an investigation tool to gather information**
- **Information learned through the Informal Resolution Process will not be included in an investigatory report or used in a subsequent adjudication proceeding**
- **Title IX Office staff are Mandatory Reporters and must report any new allegations of sexual misconduct learned during Informal Resolution**

# Roles of the Informal Resolution Facilitator
# &
# How They Apply to Conflict Management

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# Roles of the Informal Resolution Facilitator



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# The Facilitator's Roles

## (1) Convening the Parties

- Get the parties to agree to participate in informal resolution and establish a mutual motivation for them to bargain in good faith.

## (2) Assessing Conflict

- Assess the conflict to identify the parties' interests and whether their interests can accommodate each other.

- Identify where the parties agree and disagree and point it out to the parties.

# The Facilitator's Roles

## (3) Facilitating Communication

- Be an ***engaged and active listener*** who can summarize, restate, frame, reframe, and prioritize issues and interests in perspectives that each side can accept.

- ***Create a safe environment*** for the parties to be open and candid yet still maintain a productive level of engagement.

- ***Break the surface*** to help the parties articulate their interests in broad generalizations so that a wide array of resolutions may become acceptable.

- ***Move the parties through the stages of informal resolution***.
  - Help keep the parties on track, circumventing issues that may disrupt their communication.

  - Use reframing and refocusing to keep communication flowing so the parties remain focused on the problem rather than their feelings about those problems

  - Balance the power between the parties so that negotiations can reach a fair result.

# The Facilitator's Roles

## (4) Testing Reality

- Provide the parties with an independent and outside perspective on the quality of their arguments.

## (5) Generating Alternatives

- A neutral perspective may allow the facilitator to develop alternatives beyond the parties' perception.

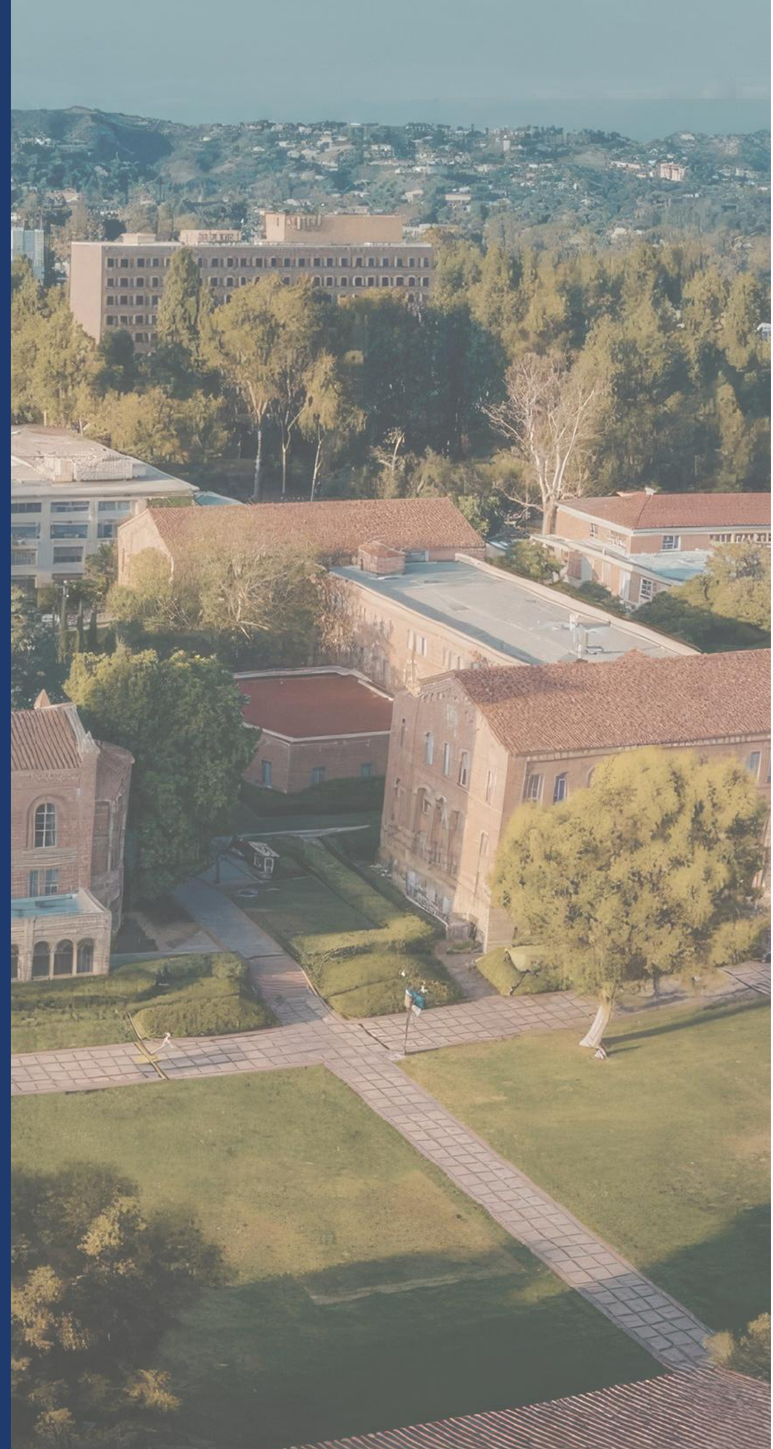
## (6) Serving as a Resource Expander

- Parties actively navigating conflict may not have considered all of the resources at their disposal.
- The facilitator can help the parties expand their horizons and consider utilizing different options.

## (7) Helping the Gain Closure

- Parties who are making arguments or proposals may not realize when an opposing party has presented an idea that can be developed into a solution.
- The facilitator can bring the parties back to reality once a potential solution is suggested and encourage them to take the risks necessary to leave the dispute behind.

# Managing Conflict in the Informal Resolution Process



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# Facilitator Tasks – Building Credibility & Establishing Rapport

## Building Credibility

- The facilitator must establish the credibility of themselves, the institution providing the informal resolution, and the informal resolution process itself.

**Personal Credibility**

**Institutional Credibility**

**Procedural Credibility**

# Facilitator Tasks – Building Credibility & Establishing Rapport

## Establishing Rapport with the Parties

- Build a level of trust with the parties
- Make the parties feel comfortable confiding in the facilitator
- Establish appropriate roles for the facilitator and the parties
- Information gathered about the parties prior to the informal resolution conference and during breaks in the informal resolution conference may be helpful in working toward a resolution

## Ways to Establish Rapport

- Active listening
- Acknowledging the parties' feelings and emotions
- Being empathetic and genuinely interested in helping each party
- Encouraging forward thinking

# Facilitator Tasks – Reframing

## Reframing

- Frame proposed goals and resolutions in a manner that creates potential for positive discussion between the parties.
- Help the parties focus on their interests and not their positions.
- Strategically summarize (Using simple, elegant, neutral terms).
- Use clear, accessible language and minimize legal jargon

| Party's Negative Statement | Facilitator's Reframed Response |
|---|---|
| He's telling lies. | You see the facts differently. |
| She verbally abused me. | You felt her language was inappropriate. |
| They completely ignored me and continued doing… | There was inadequate communication with you about next steps. |
| There's just no reasoning with them. | Let's figure out how we can have thoughtful dialogue with the other party during the informal resolution conference. |
| I'm tired of being taken advantage of. | You're looking for fairness and clear boundaries moving forward. |
| They have to admit they were wrong. | Acknowledgment of the impact this situation has had on you is important. |

Facilitator Tasks – Prioritizing Goals, Resolutions, and Outcomes

# Prioritizing Goals, Resolutions, and Outcomes

- Once each party's goals, resolutions, and outcomes are identified, they can be prioritized.
- The facilitator can assist parties in determining the order for addressing each of their goals, resolutions, and outcomes that are most likely to succeed.
- Prioritizing will also help determine if there are issues that should be linked or which should be addressed individually.

Facilitator Tasks – When a Party is Not Forthcoming

# When a Party is Not Forthcoming

- Parties will sometimes be reluctant to acknowledge any weakness in their case or may not be interested in sharing a desired goal, resolution, or outcome that will promote reaching an agreement.

- It may be necessary to suggest a proposal to a party

  - This is difficult because suggesting anything other than a party's position may be perceived as biased.

  - Hypotheticals: One strategy is to use a hypothetical, e.g., "If the other party were interested in BLANK, do you think you would be open to doing BLANK?"

    - This allows the facilitator to suggest a direction the negotiation might take without obligating either side to the suggestion.

# Facilitator Tasks – Questions to Ask

## Example questions to ask to help facilitate dialogue and discussion:

- **What do you want out of the process?**
- What do you want from the other party?
- What would make you feel safe?
- **What do you want your days at [insert your institution] to look like after this resolution?**
- What could the school do to make you feel safer?
- What could the other party do to make you feel safer?
- What do you need versus what do you want? Are they different?
- **What could you live with? What are you unwilling to accept?**
- What do you think would be the most effective thing we could do right now? (or do next?)
- What do you see as your choices or options?
- What do you see as the consequences of that (those) option(s)?
- **Help me understand so I can help you. How do you see that statement moving us closer to your goals?**
- What can we do at this point that would be most helpful to you?

# Facilitator Tasks – Moving the Parties to an Agreement

## Moving the Parties to an Agreement

- The facilitator may use several strategies to move parties beyond a potential impasse
    - Use the power of facts and logic to persuade the parties
    - Frame the matter as a joint problem to be solved
    - Help parties focus on the future
    - Explain the “costs” and potential time commitment of returning to the formal investigative process
    - Identify potential trade-offs
    - Be the agent of reality

# Facilitator Tasks – Reality Checks

## Reality Checks

- Remind the parties that they have some control over the outcome, but in the formal investigative process they do not.
  - Examples of neutral reality checks:
    - “If this goes back to the formal process, you will not have control over the outcome, and it is a possibility that a decision-maker could find (or not find) you (and/or the other party) in violation of policy.”
    - “If an agreement is not reached, the case will return to the formal process. If this matter returns to the formal process, the remaining steps include participation in investigative interviews, the issuance of a preliminary and final investigative reports, a pre-hearing conference, a live hearing (that includes cross-examination), the issuance of a written determination and an appeal period.”
    - A limitation of informal resolution is that it requires both parties to be in agreement to be completed.
- Try to use reality checks as a last resort.

# Questions?



# Resources

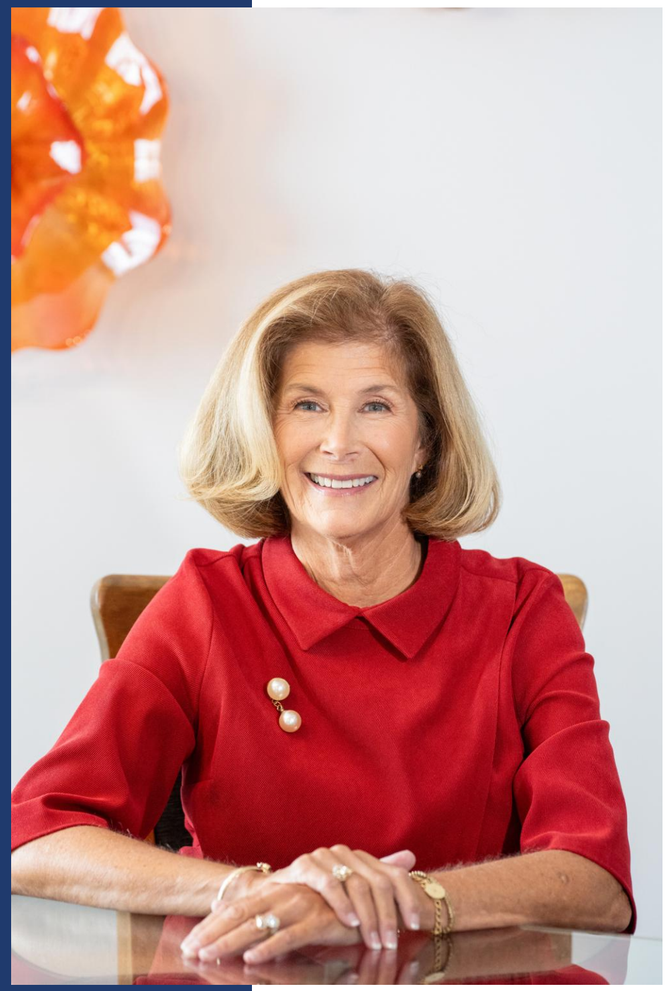
- **Presentation Slides:** Will be shared by GICA after today's webinar

- **Sample Informal Resolution Participation Agreement**: Will be shared by GICA after today's webinar

- **Contact Information**: I am always happy to serve as a resource and connect to answer any questions or to discuss Informal Resolution. Please don't hesitate to reach out!

matthew.meyers@vanderbilt.edu

(615) 343-9004



# Contact


## Judith W. Spain J.D., CCEP

Compliance Collaborative Program Consultant,
Georgia Independent College Association

jspain@higheredcomplianceconsulting.com

859-582-9451


GICA COMPLIANCE COLLABORATIVE PROGRAM