



**K-12 Title IX Training Series:  
Level 3 Informal Resolution Practicum**



# Disclaimers

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- We are not giving you legal advice
- Consult with your legal counsel regarding how best to address a specific situation
- Yes, we will send you a copy of the slides
- We will have a few breakout rooms for discussion
- Please put any other questions in the chat and we'll answer as time permits

# Posting These Training Materials?

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- Yes!
- The Title IX Coordinator (TIXC) is required by 106.45(b)(10)(i)(D) to post materials to train Title IX personnel on their district's website
- We know this and will make these slides available to your district to electronically post

Additional information  
available at:

**Title IX Resource Center**

[www.bricker.com/titleix](http://www.bricker.com/titleix)

Find us on **Twitter** at  
**@BrickerEdLaw**



# Today's Goal

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Understand that, although Informal Resolution is optional to include in district policies, it can be an **invaluable tool** for both parties (if consenting) to:

- Significantly **reduce duration and intensiveness** of the process
- Be allowed much **more agency** over the outcome
- Likely walk away **more satisfied** with the outcome

# Agenda

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- **Procedural Requirements**

- Signed Formal Complaint
- Notice of IR
- Written Consent
- Prepare Opening Script

- **Conducting the IR**

- Identify parties' WIFMs
- Best practices
- Identify ideas for agreement
- Draft written agreement

- **Checklist**

# Breakout Room #1

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- Has your district opted to allow for informal resolution of Title IX complaints?
- If so:
  - How have they gone so far?
  - What feedback can you offer about your experience with IR?





## Our Scenario



# **Poll #1 – Do we already have a problem?**

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A. Yes

B. No



**Back to Our Scenario**

## **Poll #2 – What do you think about what the Facilitator has said so far?**

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- A. She's doing great – parties should be encouraged as strongly as possible to participate in IR
- B. Pressuring a party to participate is not appropriate

## Breakout Room #2

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Discuss how you would set up and open the mediation, including:

- How you would decide what structure to use
- The script for the introductory remarks you would open with

# Access Needs and Wants

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- Meet with each party individually to find out:
  - What they **want**
  - What they **need**
- What are they willing to accept as a resolution?
- What are they *not* willing to accept?

# **Finding Out the Parties' WIFMs – “What’s In It For Me?”**

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- Ask each party what they want out of the process
- Ask each party what they want from the other party
- Make a list of each WIFM and try to identify the top three for each party
- Go through the list with the party
- Be clear with each party what you can share from the list with the other party



# Overlap and Support

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- Identify any **overlap** between what the parties:
  - Want
  - Need
  - Are willing to accept
- Identify **supportive measures** you could propose to the parties individually that also protect their individual access to educational activities



## **Back to Our Scenario (2)**

## **Poll #3 – Do you think the Facilitator's technique here is effective?**

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- A. Her technique is really helping Robert understand the stakes, which will help get things resolved
- B. Her technique could use some improvement

# Breakout Room #3

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Work with each other to identify each parties':

- Needs
- Wants
- WIFMs

# Breakout Room #4

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Brainstorm with each other:

- Possible supportive measures
- Any other ideas to settle this matter

# Importance of Documenting the Resolution in Writing

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- Important to have the terms of any agreed-upon resolution in writing, in case of later disagreements
- Documentation is important if the Department of Education reviews the informal resolution



## **Breakout Room #5**

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Discuss with each other how you'd wrap up this process:

- If agreement is reached, how would you document it?
- If agreement is not reached, what steps would you take?



**Confidential**

**Confidentiality Considerations**

# Title IX Informal Resolution Checklist: Top Ten Essential Steps

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- 1. Review your District Policy
- 2. Formal Complaint
- 3. Notice of Informal Resolution Process

## Informal Resolution Checklist

# Bricker's Title IX Toolkit

Available for download: [k12tixtoolkit.bricker.com](http://k12tixtoolkit.bricker.com)

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# Bricker's Title IX for K-12 Training Series

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## Level 1

- General training for all K-12 staff

## Level 2

- Title IX Coordinator/Administrator
- Investigator
- Report Writing for investigators and decision-makers
- Decision-Maker and Appeals Officer
- Informal Resolution Facilitator

Now Added: **Level 3** advanced training for your K-12 Title IX Team!

- Title IX Coordinator
- Investigator
- Report Writing
- Informal Resolution Facilitator

View dates and register at [www.bricker.com/titleix](http://www.bricker.com/titleix)





**Questions?**



**Thank you for attending!**

Remember, additional  
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# Title IX Informal Resolution Checklist: Top Ten Essential Steps

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- 1. Review your District Policy
- 2. Formal Complaint
- 3. Notice of Informal Resolution Process
- 4. Voluntary Written Consent
- 5. Prepare Script of Process
- 6. Prepare Set up of the Process
- 7. Prepare List of Possible Solutions  
and Supportive Measures
- 8. Identify Each Party's WIFMs
- 9. Make Sure Each Party Feels Heard
- 10. Document the Agreement