

Informal Resolution Facilitators Training

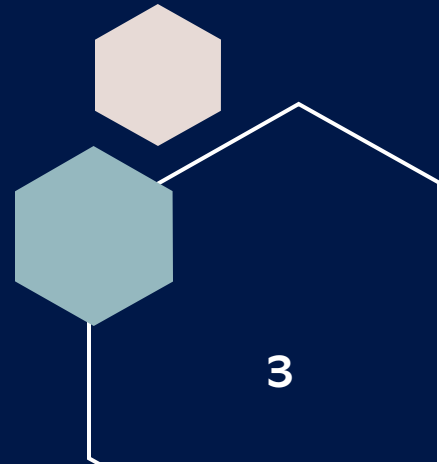
*Equipping Facilitators to Foster Resolution Through
Dialogue, Dignity, and Due Process*

Agenda

- Principles of Informal Resolution
- Case Log Review for 2025
- Step-by-Step Approach: Checklist
- Supporting Parties Well

Principles of Informal Resolution according to the Regulations

- Prevent / remedy Sexual Discrimination
- Provide Supportive Measures
- Provide equitable treatment of both parties
- Respond to Sexual Harassment in a way that is not “clearly unreasonable”
- An optional institutional alternative that is voluntary for both parties.
- Guidance paperwork – explaining the process and possible outcomes.



In the Courts

- Very few reported cases analyzing informal resolution practices.

Why?

- Federal courts have been reluctant to allow deliberate indifference claims based on an institution's use of an informal resolution process in general.
- Key Issues: Voluntariness, Timeliness, and Remedies/Enforcement
- Communication with parties about the status of the case
- If the institution follows the policies and procedures, courts appear to be reluctant to second guess the decisions/outcomes.

Guiding Scripture

- **Romans 12:18**
"If possible, so far as it depends on you, be at peace with all men."
- **Matthew 18:15**
"If your brother sins against you, go and tell him his fault, between you and him alone."
- **Galatians 6:1**
"Brothers, if anyone is caught in any transgression, you who are spiritual should restore him in a spirit of gentleness. Keep watch on yourself, lest you too be tempted."
- **Mathew 5:9:**
"Blessed are the peacemakers, for they will be called Children of God."

Conflict Resolution / Assisted Peace Making

"The mediator is specially trained to help the parties engage in communication that is *respectful* and *productive*, moving the conversation from "what happened?" to "where do we go from here?"

Christian mediation focuses on identifying the heart issues underlying the dispute and providing a forum for gracious restoration of offenses.

The mediator can help the parties identify mutually beneficial outcomes..., or negotiate a settlement to a legal dispute, that is satisfactory to *both* parties."

Conflict Resolution / Assisted Peace Making

“The process of Christian mediation endeavors to restore relationships in a manner that glorifies God and honors the other person. If the relationship can not be restored to its previous form, mediation can help the parties define what the new relationship will look like and how they can each move forward in genuine peace.”

Anderson Allen LLC

2025 Case Log Review

Year	Total Number of Title IX Reports	Number of Employees Who Mandatory Reported	Went Through a Title IX Process Investigation or (Informal Resolution)	Respondent Found Responsible
2022	51	26	4 (2)	2
2023	59	46	3 (2)	1
2024	46	32	3 (0)	2
(To Date) 2025	29	19	0	0

DBU Title IX Checklist

- Institutional Violation of the Sexual Misconduct Policy Procedural Checklist (2024)
- Procedural Checklist for Title IX Cases (2024)

Supporting Parties Well

How to provide a respectful, productive, and restorative process.

Report → Initial Decisions → Informal Resolution

- Initial Meeting
- Initial Decisions – Consider and Evaluate the option of IR
- Follow-Up Meeting (Complainant) offer IR, FAQ
- Notice of Case- Informal Resolution Option, FAQ
- Scheduling- after mtg with Advisor, consider parties' schedule, then reach out to Facilitators
- Pre-Process Meeting
- Support of Advisor

Dialogue

Dignity

Due
Process

Preparation for Facilitators

1. Reasonable Summary of Report and Status
2. Background Information on Parties and Advisors
3. Information for Assessment of Potential Conflicts
4. Summary of Concerns Raised (if any) in Pre-Process Meeting

Questions to Start Informal Resolution

- What are your expectations of informal resolution?
- What concerns do you have about this process?
- What are your goals for informal resolution?
- What apprehensions do you have about informal resolution?
- What is most important for me to understand about this situation?
- What is the most difficult part of this event for you to process or come to resolution about?
- What does justice look like to you in this situation?

Navigating Difficult Informal Resolution Sessions

1. What do you do if the Informal Resolution parties are at an impasse?
2. How long can an Informal Resolution go on?
3. What are some strategies that have worked well?
4. How have the advisors supported and/or not supported the process?
5. If requested, is disclosure required in transfer procedures if a student was involved in an Informal Resolution process?

Possible Outcomes & Sanctions

Personal

- Apologies (Letter, Verbal)
- Trainings, Mentoring, Coaching
- Voluntary Removal
- Counseling
- Mutual Friendship Realigned

Administrative Accommodations

- Adjusting Schedules, Class Sections, Hours of Use, etc.
- Housing Relocation, Removal
- Restricted Working Hours, Location

University Restrictions

- No Contact Order
- Verbal Cautions/Warnings
- Leave of Absence
- Dock Pay
- Demotion
- Transcript Note/Confirmation of Disciple

Memorializing Agreement

1. Once both parties reach an agreement, the Facilitator contacts the Title IX Coordinator. After the Coordinator reviews and approves the terms, a Settlement Agreement is drafted to formally memorialize the resolution.
2. The Title IX Coordinator visits with the Complainant and the Respondent separately to review the Settlement Agreement and discuss the process that is initiated if it is not upheld by either party.
3. Upon acknowledgement, the parties, Facilitator, and Title IX Coordinator sign the finalized Settlement Agreement, and the outcomes are implemented.

Failure to Uphold Agreement

1. Informal Resolution is concluded. We would not reconvene.
2. The Title IX Coordinator takes on the role of the Complainant and initiates a Student Code of Conduct process (which is overseen by the Dean of Students) or an Employee Resources Review (overseen by the Director of Employee Relations).

Final Thoughts?
Questions?
Suggestions?

Thank
you!

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