



ALTERNATIVE RESOLUTIONS IN TITLE IX

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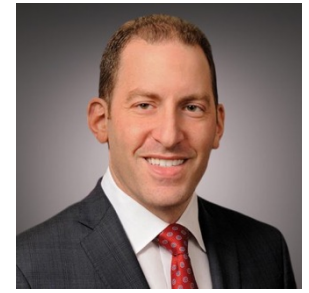
OUR SERVICES

- Title IX, Civil Rights, and Misconduct Investigations
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- Interim Title IX Coordinator Coverage
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DAN SCHORR

President
New York



Dan Schorr is a former criminal prosecutor and municipal inspector general with more than 20 years of legal and investigative experience. He manages a variety of complex assignments, including investigations into sexual misconduct, Civil Rights, and fraud allegations at educational institutions, corporations, and government entities. In addition to specializing in Title IX investigations, Dan assists higher education and K-12 schools by conducting policy and program reviews, training personnel on all aspects of Title IX and Civil Rights compliance, and serving in hearing officer and decision maker roles. Dan is a pre-approved Sexual Misconduct Investigator for the United Educators ProResponse Expert Services Benefit.

ALYSSA-RAE MCGINN

Vice President
Boston



Alyssa-Rae McGinn has extensive experience leading a variety of complex investigations, with particular expertise in conducting investigations at educational institutions and corporations into allegations of sexual misconduct and identity-based harassment involving students, faculty, staff, and corporate leadership. Alyssa-Rae has also served as a decision maker and hearing chair for matters brought under the 2020 Title IX regulations and as an interim Title IX Coordinator to support and supplement the Title IX function at schools.

DR. RACHEL KING

Restorative Justice Practitioner, RK Resolution



Rachel is an experienced restorative justice facilitator and trainer specializing in issues of harassment and sexual misconduct in higher education. With 20 years in conflict resolution, college student conduct and administration, Rachel brings experience investigating and resolving hundreds of sexual misconduct cases involving college students, middle and high schools students, faculty, and staff.

Rachel is passionate about helping individuals and institutions address difficult situations through processes that hold responsible parties accountable, while strengthening relationships and communities. She has held a number of roles in college administration, including Associate Dean of Students, Director of Community Standards and Conflict Resolution, and Title IX Coordinator.

She provides training to schools around the country on how to take a restorative approach to cases of sexual misconduct through the Department of Justice's Office on Violence Against Women campus grant program.

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ALTERNATIVE RESOLUTION

- Some allegations may be resolved without a formal investigation and hearing, except where an employee is the respondent
 - 2024 Regulations: Only prohibited where employee is respondent and elementary or secondary school student is complainant
- School has discretion to determine which matters are appropriate for alternative resolution
- Parties should never be pressured into alternative resolution
- Alternative resolutions can be pursued *after* the Formal Complaint and Notice
 - 2024 Regulations: No Formal Complaint required, and Notice must include specific information about the alternative resolution process

ALTERNATIVE RESOLUTION PROCESS...

- Must be guided by what parties need and want
- Can allow space for airing harms and apologies
- Can focus on attempting to repair individual *and* community harms
- Requires willing and voluntary agreement to alternative measures by all parties
- Should be led by a trained facilitator
 - 2024 Regulations: Trained facilitator cannot be the investigator or the decision-maker

TYPES OF ALTERNATIVE RESOLUTIONS

- Party Agreements/Shuttle Negotiations
 - Title IX Coordinator or other official separately listens to both parties' requests, presents reasonable requests to each party, and negotiates agreement between parties
- Facilitated Dialogue/Mediation
 - Conference between parties led by trained facilitator to assist in overcoming communication barriers and engaging in non-hostile and productive discussion about moving forward
 - May be especially useful in repairing ongoing relationships and less severe cases
 - Not appropriate for all types of allegations – be aware of your state law
- Restorative Justice/Restorative Practices
 - Practices designed to facilitate communication, accountability, education, and repair of individual and community harm
 - Restorative conference or circle led by trained practitioner in which participants may share and understand harms experienced and collaboratively discuss moving forward

WHAT IS RESTORATIVE JUSTICE?

“Restorative justice is a process to involve, to the extent possible, those who have a stake in an offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things right as possible.”

– Howard Zehr, PhD, *The Little Book of Restorative Justice*, 2002

RESTORATIVE JUSTICE IN TITLE IX

- When implementing restorative justice in response to gender-based violence, consider:
 - Campus or community reporting climate
 - Prevalence of victimization and perpetration
 - Student demand for alternative resolutions
 - Compliance with law and policy
 - Disparate impact
 - Intersectionality

THE TITLE IX AND CIVIL RIGHTS

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"Final Table is a compelling, timely, and fast-paced story of a sexual assault survivor's fight to regain control of her life in the face of fear, self-doubt, international intrigue, and looming retribution. Former sex crimes prosecutor Dan Schorr's nuanced and layered debut novel smashes stereotypes and cliches with a strikingly original and memorable narrative."

- **SUNNY HOSTIN**,
Emmy-Winning Co-Host of *The View* and best-selling author of *I Am These Truths* and *Summer on the Bluffs*



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