



# Title IX Sexual Harassment: Introduction to Informal Resolution Processes

February 6, 2026

**Oregon Department of Education**

Civil Rights Unit

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**This training is not intended as legal advice and should not be taken as such; we advise you to consult with your legal counsel before making policy or process changes.**

**This training is being provided on February 6, 2026. Subsequent changes to law and policy may impact the accuracy of information in this slide deck.**

**ODE is available to support with individual technical assistance following this training.**

# Who ODE Serves

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“My vision is to make sure every child in Oregon is successful and has a safe place to receive a high-quality public education. I’ve seen firsthand how a positive student-teacher relationship can set a child on a successful path for the rest of their life. When we collaborate and build partnerships with students, educators and families we can advance equity and lead all students toward success.”

- *Dr. Charlene Williams*

**552,380 Students\***

More than 340 languages spoken

**86,915 Educators**

**Staff of Color**

- 13.0% of Teachers
- 13.8% of Administrators
- 18.8% of Counselors
- 23.9% of Educational Assistants

**197 Districts**

1,270 Schools

131 Charter Schools

19 Education Service Districts

\*Numbers represent 2022-23

# Session Agenda & Materials

- Recap definition of sexual harassment
- Overview of informal resolution and requirements under Title IX
- Introduction to restorative justice
- Mediation and facilitation
- Tools and frameworks for informal resolution facilitators
- Final considerations and questions

*This session, **when combined with ODE's Title IX Sexual Harassment: Foundations training**, is intended to fulfill 34 CFR 106.45(b)(1)(iii) of the 2020 Title IX regulations, specifically requiring "...that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in § 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias."*

# Norms and Expectations

## Participants

- Ask relevant questions as they arise
- Remain engaged: complete polls, participate in breakout discussions
- Be open to learning
- Understand the limited scope and time for this training
- Break as needed

## Presenters

- Start and end on time
- Answer questions as they arise
- Keep to the content at a peppy-pace
- Provide a copy of the slides and additional resources - Google Folder
- Provide proof of attendance
- Schedule technical assistance for individualized questions

## **Content Note:**

**This training discusses protected class discrimination. Explicit and discriminatory language is occasionally used. All examples are solely for educational purposes and are designed to contain elements of situations you may respond to in your school/district.**



# Sexual Harassment Recap

# Title IX Sexual Harassment

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Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

34 CFR Part 106.30

# Examples of Sexual Harassment

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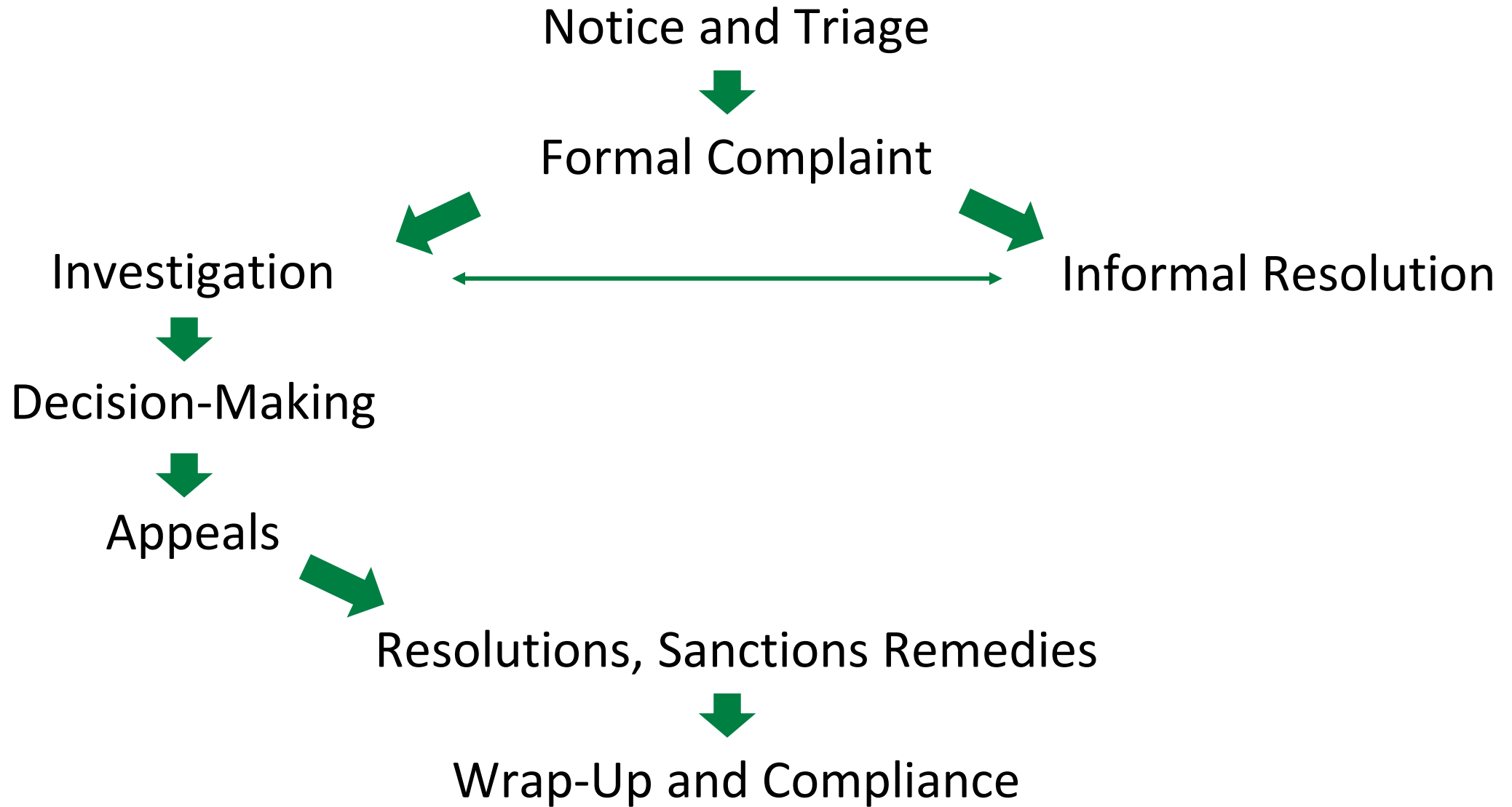
The drama club advisor often leads students in yoga and relaxation exercises, providing occasional adjustments such as shifting shoulders. Sam notices that the advisor touches them more often than other students, and touches them in more personal areas like their waist and thighs. After class one day, Sam mentions they don't like hands-on adjustments. The teacher apologizes and asks Sam not to tell their parents or anyone else about this, offering to give Sam a larger role in the next school play to "make up" for the "mistakes."

Maria and Ajay have had a rocky on-again-off-again relationship. One day during one of their off-again periods, they cross each other's paths during lunch and begin to argue. After exchanging harsh words, Maria turns around to walk away. Ajay grabs Maria's arm forcefully and pulls her backpack, sending her to the ground. He walks off with her backpack throwing it across the hallway.

# Title IX Sexual Harassment Response

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- Whenever ***any employee*** of a K-12 school knows about possible sexual harassment, the school is ***on notice*** and required to respond.
  - Minimum response requirements include contacting the complainant, offering supportive measures, and offering the option of filing a formal complaint.
- Title IX requires a very prescriptive response to a formal complaint of sexual harassment.
- Facilitators of both the formal and informal processes must receive specific training on their roles as required by the regulations.





# Informal Resolutions Overview

# Why offer informal resolution (IR) as an option?

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- Empowers parties to make their own decisions
- Greater chance of preserving/repairing relationships
- May more effectively meet the needs of those involved
- Informal resolution processes are voluntary

# When might informal resolution be appropriate?

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- When all parties are interested in it
- When each party can participate in good faith
  - Is there a willingness to listen? To speak honestly? To accept responsibility?
- When each party can participate effectively
  - What is the power dynamic? Can all parties provide informed consent? What are the developmental levels of the parties?
- IR not permitted for allegations of an employee sexually harassing a student ([34 CFR 106.45\(b\)\(9\)\(iii\) \(Jan. 1, 2024\)](#))

# IR requirements under Title IX

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Informal resolutions may be offered in Title IX sexual harassment cases ***once a formal complaint is filed.***

- Informal resolutions must be fully optional; they cannot be a condition of enrollment or employment, and cannot be required in any way.
- Informal resolutions are not allowed in cases where an employee is accused of sexually harassing a student.
- You have the discretion to determine if offering an informal resolution option is appropriate within each specific case or circumstance.

34 CFR 106.45(b)(9)

# IR requirements under Title IX, cont.

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...at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the recipient...

34 CFR 106.44(a)

- Must provide written notice disclosing information about the informal resolution process.
- Must obtain voluntary, written consent from all parties to participate in the informal resolution process.

# IR requirements under Title IX: Written Notice

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Written notice regarding an informal resolution must include:

- The allegations
- The specific requirements of the school's informal resolution process
- Any circumstances under which parties would be precluded from resuming a formal complaint process about the same allegations
  - These circumstances must provide for that “at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process”
- Any consequences that could result from participation in the informal process, including records that would be maintained or potentially disclosed

34 CFR 106.45(b)(9)(i)

# Role of the Informal Resolution Facilitator

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- IR facilitators must be trained on the definition of sexual harassment, scope of the education program, investigations and grievance process, and how to serve impartially ([34 CFR 106.45\(b\)\(1\)\(iii\) \(Jan. 1, 2024\)](#))
- Balancing facilitator role with other professional duties: think capacity, potential perceived or actual conflicts of interest
- The facilitator should have awareness of implicit biases, power dynamics and frameworks for effective communication

# Possible informal resolution processes

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- Informal resolution processes can take many different forms
- Different processes may be more or less appropriate in different circumstances
- Offering multiple processes is a valid option

## **Possible process include:**

- Restorative justice conference
- Mediation
- Facilitation



# Restorative Justice

# Overview of Restorative Justice

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- Origins in indigenous practices around the world, including Native American, South African, and Māori traditions that emphasize interconnectedness
- Focuses on repairing harm, taking accountability, and restoring relationships and community
- Restorative practices range from informal conversations to formal circle-based conferences
- Components can include a set of guidelines or group agreements, restorative questions, a talking piece, and a facilitator



# Punitive vs Restorative Justice

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## Punitive Justice asks:

- What rule was broken?
- Who broke it?
- What should the consequences be?

Primarily concerned with preserving hierarchy and authority

## Restorative Justice asks:

- Who has been harmed?
- What are their needs?
- Whose obligations are these?

Primarily concerned with nurturing community and fulfilling needs

(Zehr, 2015)

# Let's Practice

For each of these scenarios, what might a punitive response look like? What might a restorative response look like?

An anonymous Instagram account followed by many students at North River Middle School posts a digitally-altered photo of an 8th grade student, Anya, that shows her in a bikini at school. The description of the photo calls Anya a slut. After the post is made, Anya stays home from school for the rest of the week.

Francis and Liam are 11th grade students who have been dating for six months. On an overnight field trip, Liam initiates sex, despite Francis insisting she doesn't want to. Liam persists, saying, "You've always said you had a fantasy about being sneaky like this."

Bailey, a third grade student, has been following some of her classmates to the bathroom and demanding to see their private parts. She grabbed the shorts of another student, Sari, and tried to pull them down.

# Restorative Questions

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## When challenging behavior:

- What happened?
- What were you thinking of at the time?
- What have you thought about since?
- Who has been affected by what you have done?
- In what way have they been affected?
- What do you think you need to do to make things right?

## To help those affected:

- What did you think when you realized what had happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

[\(International Institute for Restorative Practices, 2012\)](#)

# Circles

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- Participants sit in a circle, facing each other, ideally with minimal furniture in between them
- Creates space for equal participation and de-centralization of power

## **Role of the facilitator:**

- Introduce the purpose of the circle and present the talking piece
- Gather consensus on guidelines
- Offer prompts and pass the talking piece around the circle such that everyone has a chance to speak

In a **restorative conference**, this process can result in an agreement that lists actionable steps the responsible party will take to repair harm

# The Talking Piece

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- A talking piece can be any object, may be of significance to the group, something easily held and passed around
- When holding the talking piece, you have an opportunity to speak. When not holding it, you have an opportunity to listen
- Using a talking piece is not obligatory; consider it a tool that is available if it is helpful

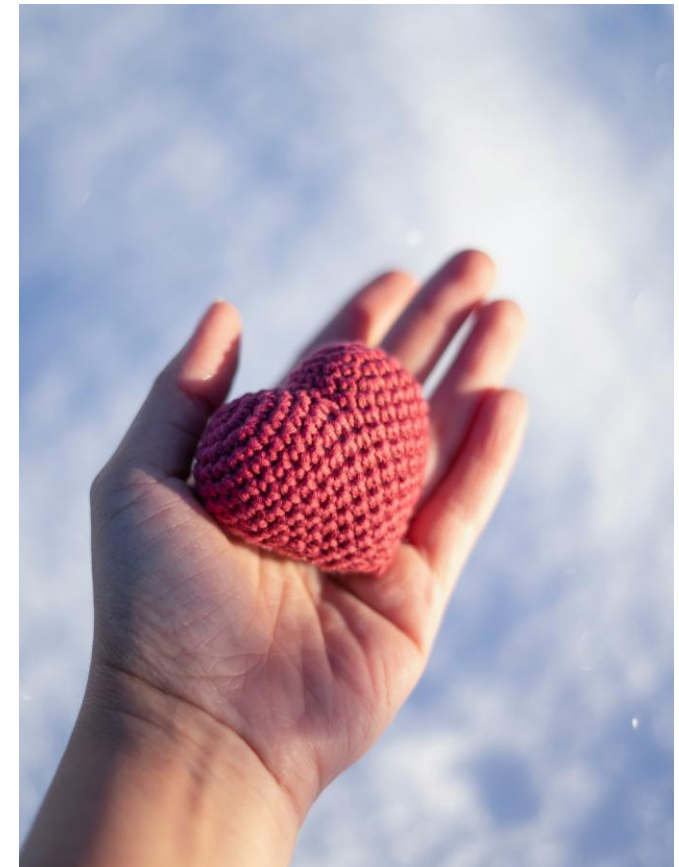


Photo by [Aziza Berdieva](#) on [Unsplash](#)

# Sample Guidelines

1. Respond to the prompt, not to something someone else said
2. Respect the talking piece
3. You are not required to speak; you may pass
4. Maintain the privacy of the space
5. Speak the truth as you know it; speak from the heart

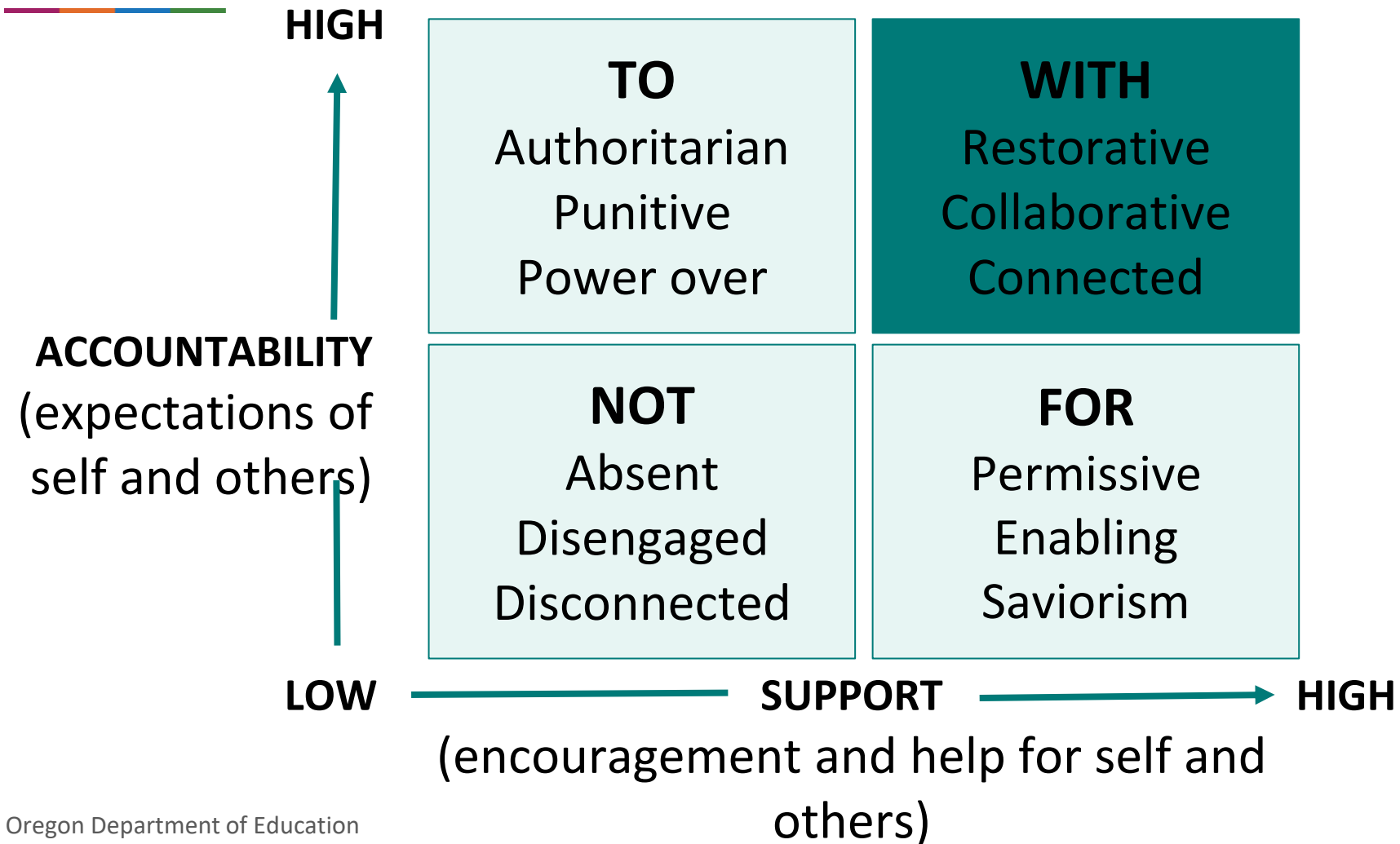
# Restorative Practices in the School Context

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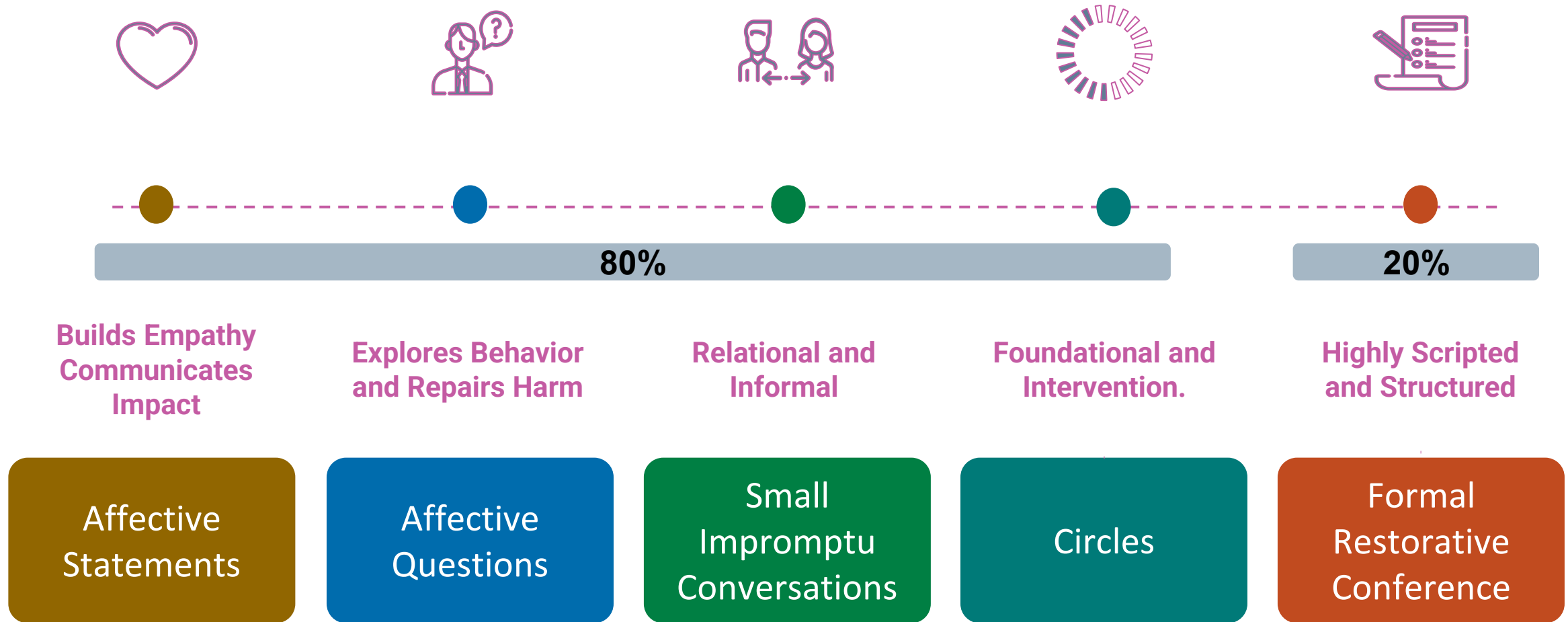
- Many applications: used to build community, as an instructional tool, to increase student voice, and to address harm
- Provides an alternative to exclusionary discipline
- When properly implemented, restorative practices has been shown to reduce suspension rates and shrink racial disparities in discipline ([Augustine et al., 2018](#))
- Student experience with restorative practices predicts improved school climate and connectedness, social skills, and reduced bullying ([Acosta et al., 2019](#))



# The Engagement Window



# Continuum of Restorative Practices



# Restorative Practices within Systems of Support



## Intervention to Strengthen & Restore Community

- Affective Language
- Restorative Dialogue
- Impromptu Conversations
- Responsive Circles
- Peer Mediation
- Staff Mediation



## Intensive Response

- Formal Restorative Conferencing (Restorative Justice)
- Re-Entry Conferencing
- Re-Entry Circles

## Universal/Prevention Community Building

- Affective Language
- Restorative Dialogue
- Impromptu Conversations
- Community Building Circles
- Responsive Classroom and School-wide Circles

# Implementing School-Wide Restorative Practices

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- Remember: it takes a paradigm shift to move from a punitive to a restorative mindset
- Full implementation takes 3 – 5 years
- Communication throughout with students, families, community, and staff is key
- Pre-requisites for successful implementation include:
  - Principal vision and Commitment
  - Staff Buy-In
  - Professional Development
  - Full Time Restorative Practices Coordinator

[\(Advancement Project et al., 2016\)](#)



# Mediation

# What is Mediation?

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Mediation is a **voluntary**, **confidential** conversation supported by a trained **neutral** mediator in which the parties are empowered to come to their **own decisions**

The mediator provides the vessel for the conversation, but the content (and the outcome) of the conversation comes from the parties. This is known as "**self-determination**"

Mediation can result in formal agreements documented by the mediator and, if appropriate, signed by the parties

# Confidentiality

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- Mediation communications are confidential under [ORS 36.220](#), with certain **exceptions**:
  - Mediators may be mandatory reporters
  - Mediation **agreements** are *not* confidential
  - Parties can agree that part or all of the process is not confidential
  - Other exceptions exist; as always, consult your legal counsel

# A Typical Arc of a Mediation

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- Opening statement from mediator
- Exploring the situation
  - Listening to each perspective: each party shares with minimal interruption
  - Exchange: open conversation with questions, filling in information gaps, checking understanding
- Reaching resolution
  - Forming a topic list
  - Sharing options for resolutions
  - Weighing options
  - Making decisions and reaching agreement
- Closing

(Beer & Packard, 2012)

# Practical Considerations for Mediation

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- Mediation may be done in person or virtually
- The parties do *not* need to be in the same room. The mediator can "shuttle" back and forth
  - There are pros and cons to being in the same space vs separate room. What's most important is that the process can be tailored to meet the individual needs of the parties
- Mediators should follow and disclose a code of ethics, such as the [Oregon Mediation Association Core Standards of Practice](#)

# Mediation vs Facilitation

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- In practice and structure, facilitation is very similar to mediation
- Unlike mediation, facilitation is *not* confidential, at least not in a way that is supported by state statute
- A facilitator's duties include:
  - Ensuring the full and meaningful participation of all the parties
  - Focusing on *process*, while refraining from providing *content*
  - Managing time, agenda, and group guidelines
- A facilitated process may offer more flexibility than traditional mediation, but ultimately, it's largely up to how the process is framed

# Scenario

Serena and Ari were friends in elementary school, but their friendship has been fractured since starting middle school. A few months into the year, Ari spreads a rumor that Serena gave oral sex to a boy in their grade, Damien, on the bus. The rumor spreads quickly through the sixth grade, and soon other students have given Serena a cruel nickname they use frequently.

For this scenario:

1. How would you assess the appropriateness of an informal resolution process?
2. What structure would you put into place to support IR?



# Nonviolent Communication

# Overview of NVC

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- One possible framework for training facilitators
- Developed by Marshall Rosenberg
- Focuses on connecting and relating to others
- Four components:
  - Observe without evaluating
  - Identify and express feelings
  - Connect feelings to needs
  - Make requests
- Components used in two ways:
  - Expressing honestly
  - Receiving empathically

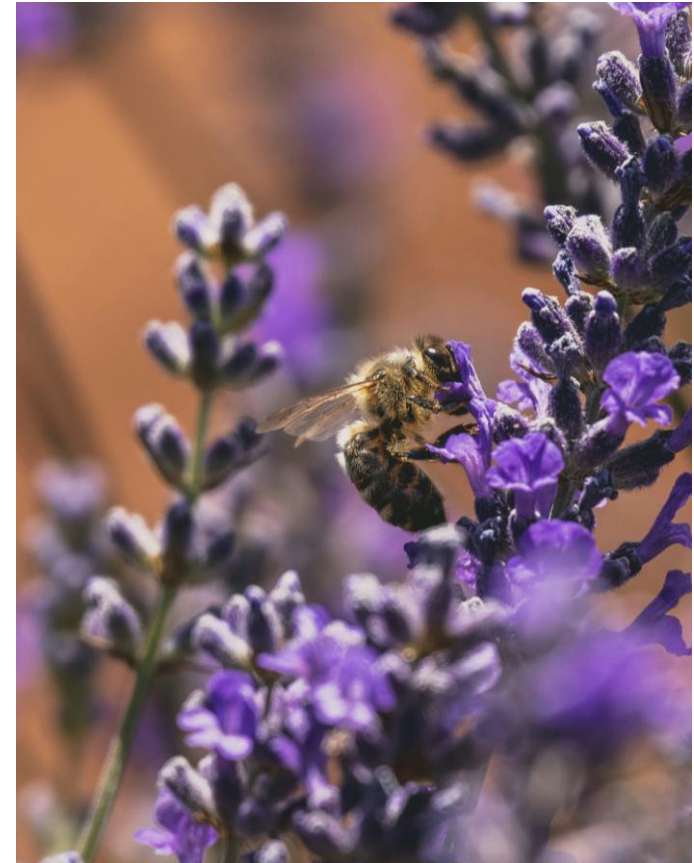


Photo by [Laura Barry](#) on [Unsplash](#)

# Observe without Evaluating

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- When we combine evaluation with observations, people tend to react defensively
  - Raised defenses inhibit the ability to listen
- This is not to say you cannot have evaluations. Rather, practice separating observations from evaluations
  - It's natural to have judgments, and we can practice **suspending** them
- Offer observations that are grounded in a specific time and context
- Use observations to explore understanding of facts

# Identify and Express Feelings

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- When we express emotions, it becomes easier to connect with others
- Expressing feelings creates vulnerability, which many of us have been conditioned to believe is a bad thing
  - If your goal is dominance, then vulnerability is a liability. But if your goal is connection, then vulnerability is a strength
- Watch out for "I feel *that...*" or "I feel *like...*"
  - These are thinkings, not feelings!
- Explore the richness and nuance of human emotions by expanding your emotional vocabulary
- Listen for unexpressed emotions

# Connect Feelings to Needs

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- When we receive a negative message, we have a choice for how we respond
  - We can place blame: on ourselves, or on the other person
  - Or, we can connect feelings to needs: again, in ourselves, or in the other person
- When we acknowledge the connection between our feelings and our needs, we take responsibility for how we feel
- Often, an expressed judgment hides an unexpressed need
- But if we express needs, we have a higher chance of getting them met!

# Make Requests

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- Frame requests positively, i.e. what you want, not what you *don't* want
- Be clear and specific to avoid confusion or misunderstanding
  - Ask for a reflection to check understanding
- Make requests consciously
- Distinguish between requests and demands
  - Ask, what happens if the request isn't met
- Align requests with goals of NVC: relating to others honestly and empathically
  - NVC isn't a magic wand to get everything you want



# Positions and Interests

# Two Components of Negotiation

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## Positions

- The things you **say** you want
  - “I want a 10% raise”
  - “I want that bully expelled”
- Something you have decided upon

## Interests

- Something that **caused** you to decide your position
- Expressed as a need or value
  - Behind a request for a raise might be the need to cover rent or receive respect and status
  - Behind a demand for expulsion might be a need for a student to feel safe at school or to satisfy a sense of justice

# What happens when we focus on positions?

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- When we argue for our position, it becomes harder to move away from it
  - Positions become entangled with ego
- Positional bargaining readily escalates in emotions as both sides become entrenched
  - This dynamic can be damaging to relationships
  - Creates a dilemma between being nice and getting what you want
- A common outcome of a negotiation between opposing positions is **compromise**
  - Meet in the middle, and everyone walks away unhappy
  - The back-and-forth to reach compromise is inefficient

# Instead, Focus on Interests

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- Defining interests clarifies the problem (which creates efficiency)
- Whereas positional bargaining is zero-sum, focusing on interests creates opportunities for **mutual gain**
  - Interests are not necessarily mutually exclusive
- Focusing on your interests (and theirs!) creates a dynamic of **collaborative problem solving**
  - "How can we figure this out so that everyone gets what they need?"
- Ask questions to uncover hidden interests
- Realize people can have multiple interests
  - Make a list!
- Seek out common interests

# A classic example



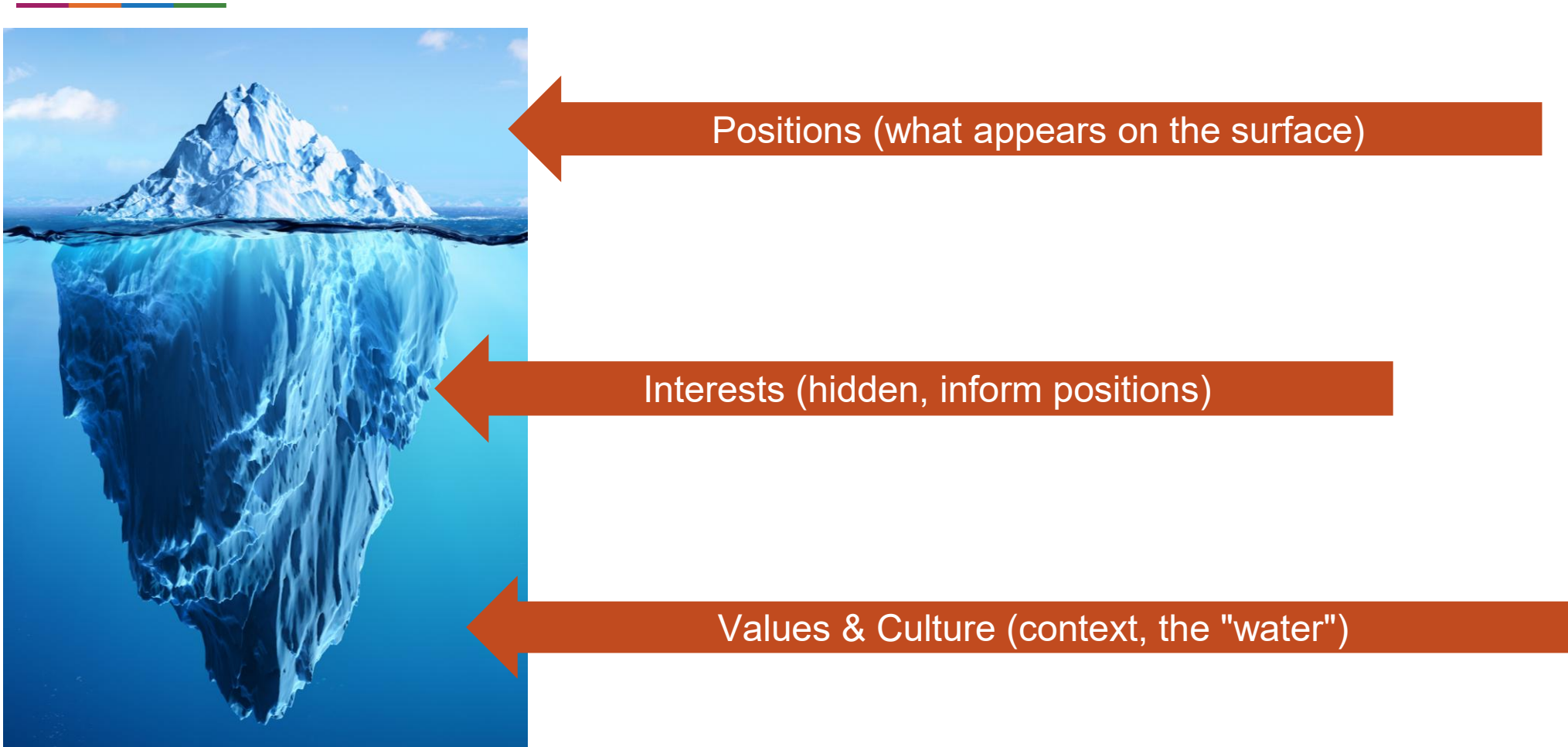
Photo by [ilya](#) on [Unsplash](#)

Oregon Department of Education

In the Harvard Library one day, in one of the smaller rooms, someone wanted the window open, I wanted it shut. We opened the window in the next room, where no one was sitting. This was not a compromise because there was no curtailing of desire; we both got what we really wanted. For I did not want a closed room, I simply did not want the north wind to blow directly on me; likewise the other occupant did not want that particular window open, he merely wanted more air in the room.

-Mary Parker Follett, *Dynamic Administration*

# The relationship between Positions and Interests





# Final Considerations

# Embrace the wisdom of preparation

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Whether you offer a restorative circle, mediation, or an informal facilitation, do not skip the crucial step of meeting with parties individually beforehand.

## **An intake process should determine:**

- Appropriateness for IR
- Readiness/informed consent
- What questions do the parties have?
- Are there any safety concerns?
- What should the agenda entail?

# Considerations for designing an informal resolution processes

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- When can parties opt in?
- When can parties opt out?
- How should parties be prepared to participate in the process?
- What happens if the informal process does not result in a mutually agreed upon resolution?
- Should the process be confidential?
- What training do the informal resolution facilitators require?

# Upcoming Title IX Sexual Harassment Trainings

## Title IX Sexual Harassment: Foundations

- [Tues, Sept 16, 12:30-3:30 pm](#)
- [Fri, Oct 31, 8:30-11:30 am](#)
- [Wed, Jan 28, 12-3 pm](#)
- [Thurs, Apr 16, 12:30-3:30 pm](#)

## Title IX Sexual Harassment: Investigator

### ***Requires Foundation Training Prerequisite***

- [Thurs, Aug 28, 8:30-10 am](#)
- [Tues, Sept 23, 12-1:30 pm](#)
- [Fri, Nov 7, 8:30-10 am](#)
- [Wed, Feb 4, 12-1:30 pm](#)
- [Thurs, Apr 23, 12-1:30 pm](#)

## Title IX Sexual Harassment: Decision-Maker and Appeals

### ***Requires Foundation Training Prerequisite***

- [Thurs, Aug 28, 10:30 am-12 pm](#)
- [Tues, Sept 23, 2-3:30 pm](#)
- [Fri, Nov 7, 10:30 am-12 pm](#)
- [Wed, Feb 4, 2-3:30 pm](#)
- [Thurs, Apr 23, 2-3:30 pm](#)

## Title IX Sexual Harassment: Informal Resolution Facilitator

- [April 3<sup>rd</sup> 9:00-11:00 am](#)

# Scan and Join!

**Need to fulfill your Coordinator training requirements?**

Seeking more information?

We have the listservs for you!



[Title IX Listserv](#)



[Section 504 Listserv](#)



[Title VI Listserv](#)



# CONTACT US

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