



# Informal Resolution



**Bricker  
Graydon  
Wyatt**  
**Title IX In Focus**  
**Feb. 26, 2026**

# Presenter – Jessica Galanos

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- Higher Education Attorney & Consultant
- Former in-house Deputy Title IX Coordinator, Interim Title IX Coordinator, and litigator
- Currently serve in interim roles when needed, and provide investigative and decision-maker services for civil rights matters
- Based in O'Fallon, Illinois (right outside of St. Louis)

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# Presenter – Elizabeth Conklin

- Associate Vice President for Institutional Equity and Accessibility, Yale University
- J.D. | labor and employment law background
- 16 years leading institutional civil rights compliance strategy (Titles VI, VII, IX, ADA/504), along with leadership development and culture-building at public and private universities (UConn, Yale) and as a higher education consultant

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# Presenter – Aley Menon

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- Director of Restorative Practices, Yale University, J.D.
- Guiding institutional strategy and campus-wide implementation efforts in Restorative Practices since 2023
- Twelve years overseeing processes for resolving formal complaints of sexual misconduct at Yale
- Five years in General Counsel's Offices at Yale and University of Miami, student affairs and employment matters
- Ten years as University of Miami Ombudsperson

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# Disclaimers

We can't help ourselves. We're Lawyers.

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- We are not giving you legal advice.
- Consult with legal counsel regarding specific situations.
- You will receive slides for today's presentation after we've concluded.

# And another one...

## Specific to the Title IX In Focus Webinar Series

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- The 2020 Title IX regulations require training on several specific subjects
- While the Title IX In Focus webinar series will discuss some of the required subject matter, none of these one-hour webinars will cover all of the material required for Title IX training compliance
- Work with your TIXC to make sure that you are trained in accordance with Title IX, Clery, and any applicable state law

# Can We Post These Materials?

YES – Post away!

Institutions are required by §106.45(b)(10)(i)(D) to post materials used to train Title IX personnel on its website.

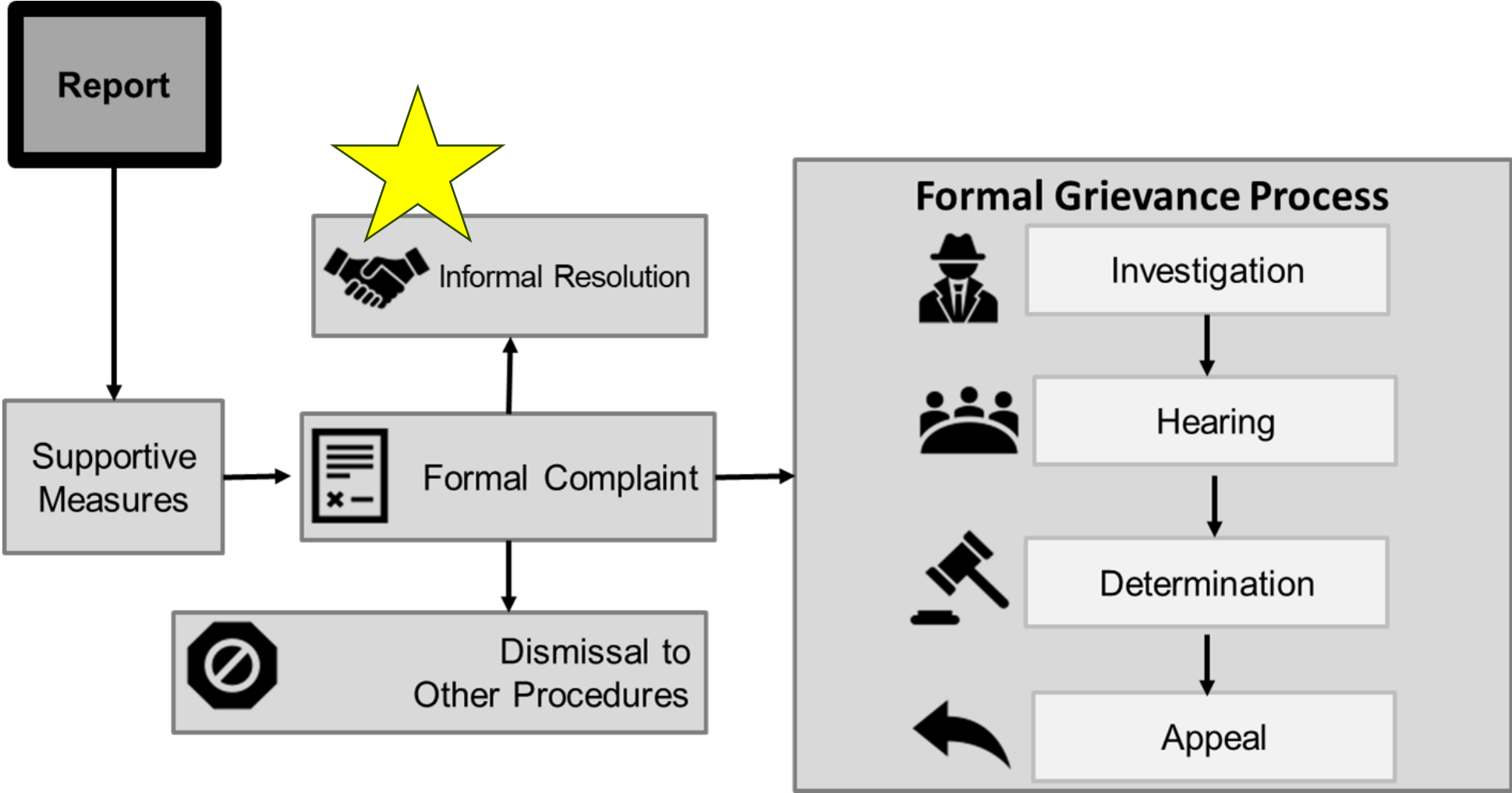


# Agenda

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- Overview of Informal Resolution in the 2020 Title IX Regulations
- Overview of Yale's Informal Resolution Process
- Q & A regarding Informal Resolution
- First steps if your institution doesn't have an IR process
- Suggestions for regularly evaluating your institution's IR process

# The Process



# Focus on Autonomy

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The option of informal resolution supports autonomy of the complainant **on how to proceed** if they file a formal complaint.

- 2020 Preamble 30086, 30089

# Less Adversarial

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"Informal resolution may present a way to resolve sexual harassment allegations in a **less adversarial manner**" than the grievance process.

- 2020 Preamble, p. 30098, FN 463

# Voluntary

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- Only available to parties if a Formal Complaint has been filed.
- Available at any time prior to reaching a determination, except:
  - NOT available for cases involving Title IX SH by faculty/staff of student
- A recipient institution may **NOT** require informal resolution:
  - As a condition of enrollment or continuing enrollment
  - As a condition of employment or continuing employment
  - As a condition of enjoyment of any other right

# "Informal" - but not really

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- Misnomer
  - Title IX IR includes specific process protections
  - Build the "scaffolding"
    - Policies
    - Procedures
    - Staffing models
    - Ongoing training
    - Documentation
    - Guardrails

# Types of Informal Resolution

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- The Preamble to the 2020 Title IX Regulations specifically identify:
  - Mediation
    - Make sure you understand what this means in your jurisdiction
    - May require specific training or recognition
  - Restorative Justice (p. 30098, fn. 463)
    - Not defined in the regulations
    - Typically aimed at repairing harm through facilitation, but varies from program-to-program
    - Be aware of whether the RJ your institution uses requires an admission of responsibility
    - Remember – an institution cannot make a finding of responsibility without a live cross-examination hearing
- Although Mediation and RJ are mentioned in the Preamble, other options may be used as long as they don't conflict with the regulations

# Documentation (34 CFR 106.45(b)(9))

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- Formal Complaint (remember, it's required even for an *informal* resolution)
- Notice of Allegations (triggered by Formal Complaint)
- Written Notice disclosing the following:
  - The allegations
  - The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations
  - Any consequences resulting from participating in the IR process, including the records that will be maintained or shared
- Voluntary written consent from the parties to the IR process
- Agreement reached as a result of IR

# Overview of Yale's Informal Resolution Process

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- Informational meeting
- Formal complaint
- University determination of suitability for Alternative Resolution (AR)
- Notice of allegations and request for AR
- Written description of AR process to parties
- Voluntary consent in writing by parties
- Preparatory meetings with facilitator
- AR Options: Shuttle Dialogue, Facilitated Dialogue or Restorative Circle
- Resolution Agreement

# Q&A

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# Upcoming Title IX In Focus Webinars

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- All of these are free and held at 12:00 p.m. CT/1:00 p.m. ET
- Sign up at [Bricker Graydon Events](#)
  - March 26<sup>th</sup> – Transferrable Skills for Title IX and Title VI Investigators
  - April 23<sup>rd</sup> – Legal History of Title IX
  - May 28<sup>th</sup> – Title IX Litigation Update

# Upcoming Higher Ed Webinars

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**All of these are free and held at 11:00 p.m. CT/12:00 p.m. ET**

- March 6<sup>th</sup> – Athletics Hot Topics
- April 8<sup>th</sup> – The Intersection of Higher Ed and Copyright

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