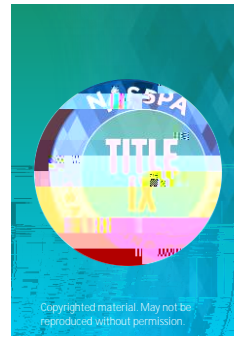




Module 1: Introduction and Overview

Peter Lake



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(emphasis added)

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What types of informal resolution exist?

What are the range of options available to institutions?

- Educational Conferences
- Mediation (Neutral, Facilitative, Collaborative)
- Med-Arb (Mediation and Arbitration, Non-Binding Arbitration)
- Restorative Justice
- Collaborative Law Model



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Desirable skills and knowledge bases



- paying attention, withholding judgment, reflecting, clarifying, paraphrasing, and summarizing.)
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Cross-training



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Never Claim to Have More Skills or Expertise Than You Actually Have



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- Latin meaning act without authority or literally beyond powers. This term is frequently used in business and agency law (the Doctrine of Ultra Vires). An ultra virus act occurs when one commits an act that is beyond the powers or purpose of an individual and/or organization. (<https://dictionary.thelaw.com/ultra-vires/>)
- "Intra Vires"
- An act is said to be intra vires ("within the power") of a person or organization when it is within the scope of their powers or authority. It is the opposite of ultra vires. (<https://dictionary.thelaw.com/intra-vires/>)
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- Preparing for Family Mediation (https://www.americanbar.org/content/dam/aba/images/dispute_resolution/Mediation_Guide_Family.pdf)
- Basic 40-hour Mediation: This training which satisfies most state and court basic mediation requirements. It is approved for 40 hours of continuing mediation credit in Washington state and 40 hours of CLE credit in California-- and reciprocally in many other states. --



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Module 2: Developing Informal Processes for
Your Campus
Peter Lake

Kristine Goodwin



The Department believes an explicit definition of "informal resolution" in the final regulations is unnecessary.

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"[T]he essence of *med-arb* is to allow a softer mediation process to occur first, thus taking every opportunity of achieving a resolution to a dispute which is not imposed and to which each party to the dispute subscribes voluntarily. In this initial phase, the presiding neutral third-party acts as a mediator and coaches or encourages the parties towards a settlement taking into account the information received from [redacted] not imposed and to which each party [redacted] allow a softer

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What are the goals and desirable outcomes associated with your informal process(es)?



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<https://www.pon.harvard.edu/daily/mediation/mediation-as-problem-solving/>

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Peter Lake

Kristine Goodwin



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The Department believes an explicit definition of "informal resolution" in the final regulations is unnecessary.

Defining this concept may have the unintended effect of limiting parties' freedom to choose the resolution option that is best for them, and

Department of Education, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30026, May 19, 2020 (final rule) (on file at www.gpo.gov/content/pkg/FR/2020-05-19/pdf/2020-10512.pdf) at 30461 (emphasis added).

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- Educational Conferences
- Mediation (Neutral, Facilitative, Collaborative)
- Med-Arb (Mediation and Arbitration, Non-Binding Arbitration)
- Restorative Justice
- Collaborative Law Model

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Id. at 30402.



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Id. at 30407.



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Remember, you have no "side"
other than the integrity of the
process.



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www.mwi.org (adapted)




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<https://www.pon.harvard.edu/daily/mediation/how-does-meditation-work/>

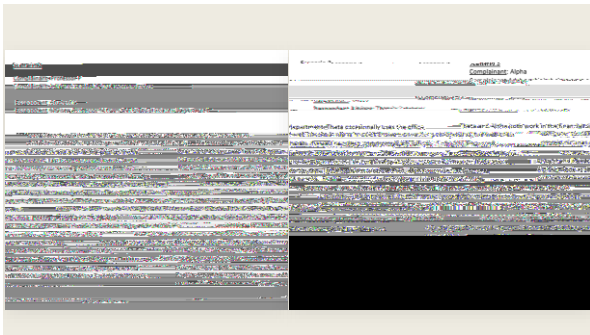
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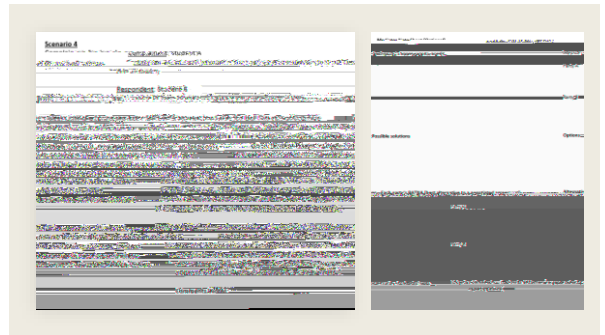
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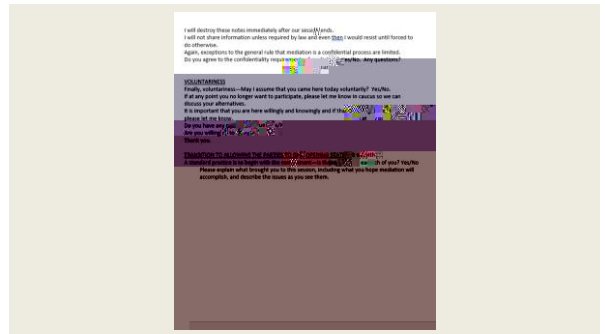


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