

LAW OFFICE *of*
KRISTIE MCCANN

INC.

YOUR PARTNERS IN COMPLIANCE & PREVENTION

BEST PRACTICES FOR COMMUNICATION & DOCUMENTATION

DISCLAIMERS

The information shared in this training, whether in group discussions or private conversations, is for educational purposes only and does not constitute legal advice or a guarantee of compliance.

While our organization is available for hire to provide legal counsel or advice, our trainings do not offer or constitute legal advice.

For guidance specific to your organization, consult legal counsel to ensure alignment with relevant case law, state and local regulations, and evolving federal standards.



MEET OUR TEAM



Kristie McCann, Esq.
Owner, Attorney



Alyssa Roush
Civil Rights Specialist

Learning Objectives

Afterwards, you'll be able to:

- Understand best practices for written & verbal communication in Title IX processes.
- Learn how to draft clear, neutral, and trauma-informed notices and case notes.
- Explore strategies for documenting supportive measures, safety assessments, and interactions.
- Balance compliance, clarity, and compassion in all communications.
- Navigate difficult conversations with different stakeholders.

A group of five young women are walking away from the camera down a brightly lit hallway. They are all carrying bags: two have backpacks (one brown, one blue and yellow), and two have shoulder bags. They are dressed in casual attire like sweaters, jeans, and dresses. The hallway has a tiled floor and some plants are visible on the left side.

Initial Outreach & Intakes

Key Elements of Outreach

- First contact sets the tone for the entire process.
- Keep the tone professional, informative, and supportive without making assumptions.
- Introduce yourself and your role.
- State the purpose of your outreach.
- Explain next steps (optional meeting, intake process).
- Maintain neutrality and clarity.



Dos & Don'ts of Outreach

Do	Don't
Use clear, accessible language	Use legal jargon or complex terms
Be timely in your response	Delay communication
Offer support and flexibility	Assume wrongdoing or label anyone
Explain that participation is voluntary	Sound robotic or scripted

Sample Outreach Email

Subject: Outreach from Title IX Coordinator

Dear [Complainant's Name],

I am reaching out in my capacity as the Title IX Coordinator at [Institution]. I received information that you may have experienced conduct that could fall under our Title IX Policy.

I'd like to offer you the opportunity to meet and discuss the resources and options available to you. These include supportive measures that can be offered with or without a formal complaint. You are welcome to bring a support person with you to the meeting.

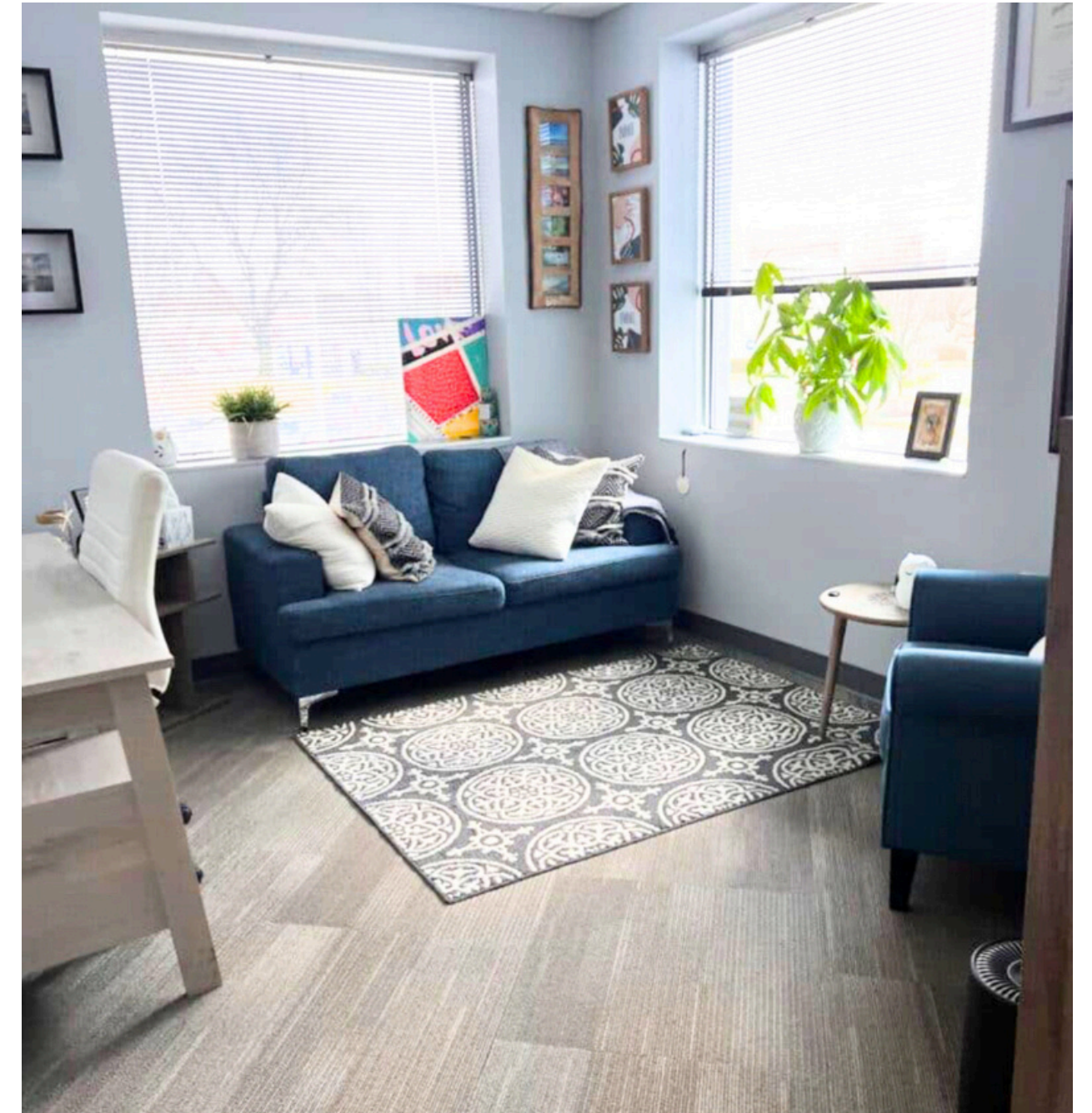
Please let me know if you would like to set up a time to talk.

Warmly,

[Name, Title, Contact Info]

Create a Trauma-Informed Environment for Meetings

- Offer a private, quiet, and comfortable setting for meetings.
- Use inclusive signs and decor that reflect safety and respect.
- Ensure accessibility for individuals with disabilities.
- Use neutral, soft lighting (avoid harsh fluorescents).
- Offer comfortable seating with multiple options (not across a desk only).
- Provide tissues, water, and fidgets.
- Minimize institutional or clinical feel.
- Ensure rooms are soundproofed or have white noise machines.
- Avoid symbols or posters that could imply bias or advocacy.



Nonverbal Communication is Just as Important!

- Sit at eye level to avoid power dynamics.
- Position yourself beside or at a soft angle, not directly across in a confrontational posture.
- Ensure the exit is always accessible to the individual — don't sit between them and the door.
- Allow the person to choose where to sit, if possible.
- Maintain open, non-threatening posture (uncrossed arms, relaxed stance).



Intake Meetings

- Clarify your role and the scope of the process.
- Explain rights and options, including supportive measures.
- Discuss informal vs. formal resolution paths.
- Provide time for questions and emotional processing.
- Emphasize confidentiality limits.



Dos & Don'ts of Intakes

Do	Don't
Offer supportive measures	Pressure them into a decision
Take breaks if needed	Forget to assess safety and risk
Ask open-ended questions	Assume wrongdoing or label anyone
Explain process options	Use clinical/legal language excessively
Document factually and respectfully	Promise outcomes

Intake Communication

Instead of...	Try...
"You must..." "You should..."	"You may want to consider..." "You can..."
"We can't help unless..."	"Here are your options..."
"You need to decide now."	"Take the time you need to decide." "Feel free to think about it and get back to me."

Balancing Neutrality & Trauma-Informed Practice

- Phrasing tips: “You may wish to consider...” vs. “You should...”
- Avoiding judgmental language in notes and emails.
- Neutral = objective, respectful, fact-based.
- Cold = detached, impersonal, dismissive.
- Warmth ≠ bias – empathy builds trust without compromising neutrality.

You can say, “I’m here to support you” without implying a side.
The goal is procedural fairness and human compassion.



Documentation & Case Logging

Case Logging

- Be sure to log all intake notes, contact attempts, communications, and decisions.
- Use third-person neutral language.
- Include all:
 - Dates/times
 - Actions taken
 - Decisions and rationales
- Safety/risk assessments:
 - Key documentation elements (e.g., indicators of risk, steps taken, referrals).
- Write as if someone else is going to read it.
- Reminder: Case files may be FOIA'd, subpoenaed, or used in OCR review.

Documenting Supportive Measures

Why It Matters:

- Ensures compliance with Title IX and institutional policies
- Creates a clear, factual record of outreach
- Protects both the institution and the individuals involved
- Supports continuity and consistency of care

What to Document:

- Date/method of contact
- Supportive measures offered
- Whether they were accepted or declined
- Implementation details and follow-up

Documenting Supportive Measures

When Measures Are Offered:

- List date/time offered
- Who they were offered to & by whom
- List specific options provided
- Note how and when they were communicated

If Measures Are Accepted:

- Record which were accepted and when
- Track updates, modifications, renewals, and who was notified/necessary to help implement

If Measures Are Declined:

- Clearly state the decline and date
- Note that the right to request later was explained (and make sure you do this)

Be specific. Avoid using vague descriptions (e.g., “resources provided”).



Sample Follow Up Email

Subject: Follow-Up from Our Meeting

Dear [Name],

Thank you for meeting with me today. As we discussed, supportive measures are available and can be implemented regardless of whether you pursue a formal complaint. Attached you'll find our office brochure explaining your rights, options, and available resources and support.

To recap, you expressed that you [were/were not] interested in [academic accommodation/no-contact directive/etc.]. [If you change your mind, please know these options remain available to you. Please let me know.] We discussed your option to file a formal complaint. At this time, you have chosen [not] to file a formal complaint. [Again, this remains an option to you in the future.]

If you have additional questions or would like to meet again, please let me know. [Include if you are waiting on a response about anything.]

Thank you,

[Name, Title, Contact Info]

Delivering Notices & Letters

Why Delivery Matters

- The way notices are delivered can impact trust, understanding, and emotional safety.
- Trauma-informed delivery helps minimize harm and confusion.
- Clear, supportive communication builds transparency and empowers parties.
- Compliance is not just about content — process matters too.



Trauma-Informed Delivery: Timing

- Give advance notice: “You will receive your investigation report on Thursday at noon.”
- Avoid surprise deliveries, especially for sensitive documents (e.g., outcome letters).
- Be mindful of timing:
 - Avoid sending notices, letters, and reports during exams, holidays, weekends, or late at night.
 - Consider academic or emotional stressors.
 - Consider sending at times the individual is most likely to have access to their support system (family, friends, counselor, etc.)



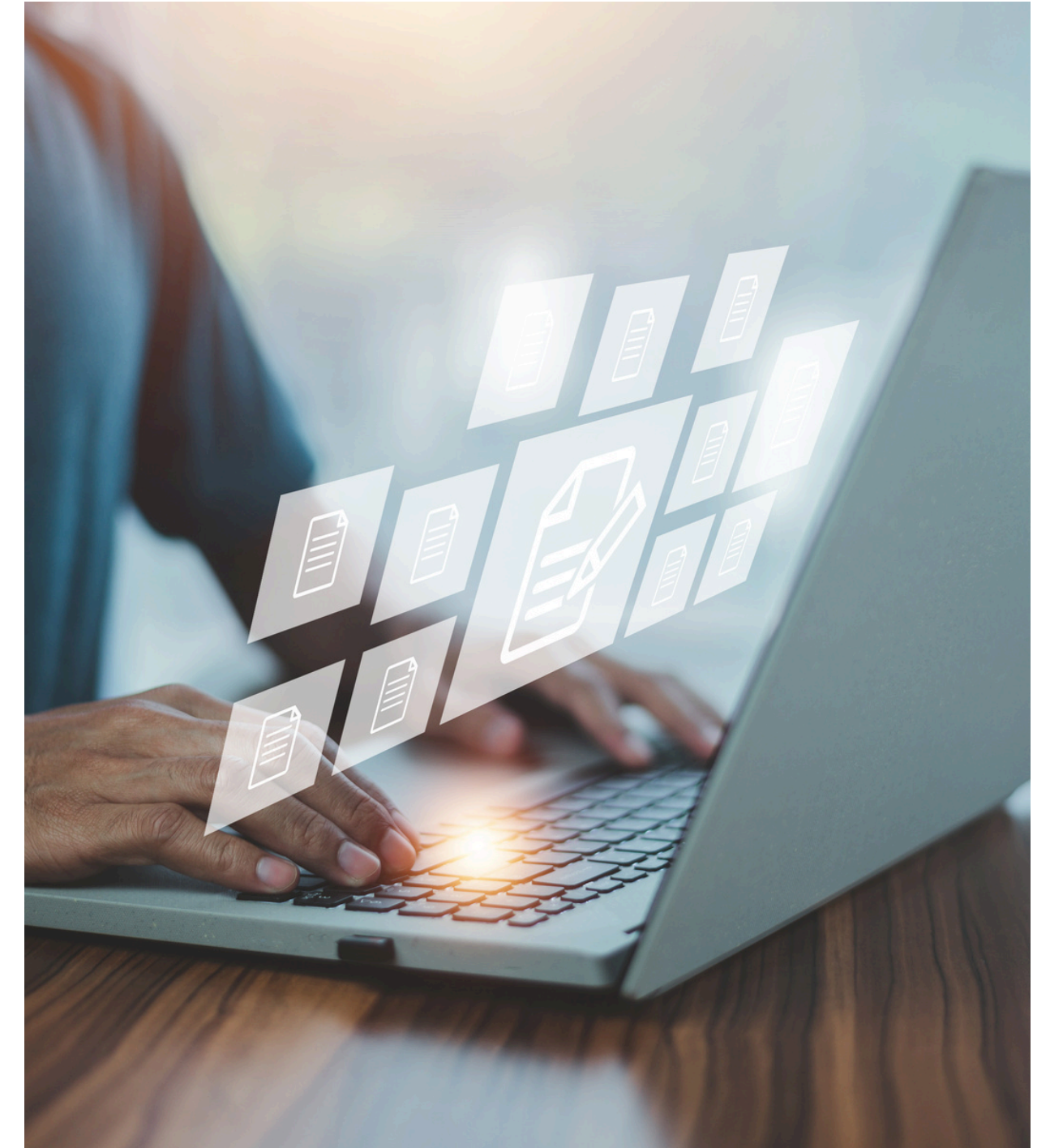
Trauma-Informed Delivery: Tone

- Use clear, neutral language in the notice.
- Frame with empathy: emphasize rights, options, and process.
- Avoid legal jargon unless required.
- Offer to meet in person or virtually to talk through the notice.
- Create space for questions, clarification, and emotional responses.
- Reinforce access to supportive measures and resources.
- Ensure the environment is private, respectful, and comfortable.



Document the Process

- Log when, how, and by whom notice was delivered.
- Record if the meeting was offered or declined.
- Note any questions or follow-up steps.
- Make a timeline of all major milestones in the process.
- Follow up & check in to see if the party needs clarification.
- Reaffirm supportive measures.
- Remind them of next steps and timelines.
- Document every outreach & meeting.

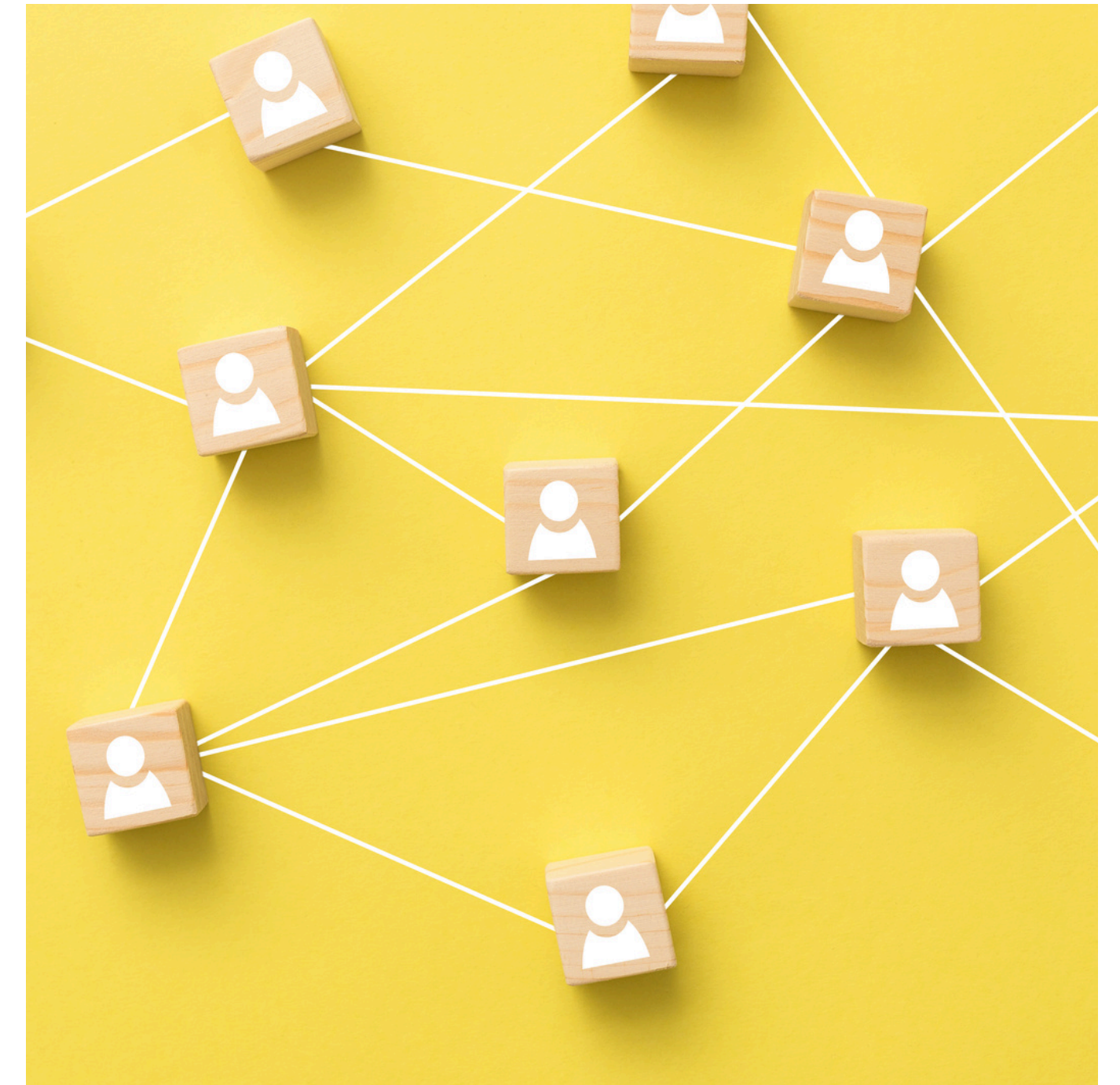




Overcoming the Challenges

The Realities of Cross-Departmental Communication

- Title IX Coordinators communicate with:
 - Faculty and academic leadership
 - Cabinet-level administrators
 - General Counsel and legal teams
 - Campus Safety/Public Safety
 - HR, Student Affairs, Athletics, Residence Life
 - External investigators, hearing officers, attorneys
- Challenges may include:
 - Mistrust or misunderstanding of Title IX
 - Resistance to training or process
 - Defensiveness
 - Budget constraints or devaluation of the office's work



Best Practices for Cross-Department Communication

- Know your audience:
 - Tailor your tone, content, and level of detail
 - Anticipate concerns: legal risk, PR, workload, student retention, etc.
- Tie Title IX work to:
 - Student success and safety
 - Legal and accreditation compliance
 - Risk reduction
 - Campus climate improvement
 - Equity and inclusion efforts
- Communicate proactively, not just reactively

Tips for Difficult Conversations



When Facing Resistance:

- Stay calm and fact-based, not defensive
- Acknowledge concerns without caving:
 - “I hear that this feels burdensome — let’s talk about ways to make it manageable while staying compliant.”
- Use neutral framing:
 - “Here’s what the law requires...”
 - “Here’s the institutional risk if we don’t...”
- Know your data: case numbers, response times, outcomes, training reach
- Emphasize process integrity, not just case outcomes
- Speak their language: compliance, liability, accreditation, risk, optics

Tips for Difficult Conversations



When Presenting to a Disengaged Audience:

- Use real (anonymized) examples or case studies
- Connect to what they care about (student success, campus culture, legal exposure)
- Keep sessions interactive but time-conscious
- Proactive steps before presenting to boost engagement:
 - Partner with departments, attend events, invite collaboration
 - Offer to co-train or co-present — build relationships before the crisis

Tips for Difficult Conversations

Responding to Hostile or Attacking Behavior from Parties or Advisors:

- Take a breath. Respond, don't react.
- Take time to step back emotionally.
- Never reply when frustrated or defensive.
- Respond only to the relevant content or questions.
- Avoid defensiveness; stay focused on process, not personal feelings.
- Acknowledge the emotion, redirect to facts.
- Bring it back to policy/process.
- Set and hold boundaries. Be direct but respectful.
- If needed, pause or reschedule.
- Don't take the bait.
- Save & document everything.



De-escalating Language

Instead of...	Try this...
"I already told you"	"As previously noted," "To reiterate"
"You're not listening to/understanding me," "That's not true"	"Let me clarify to ensure we're on the same page," "My records show that..."
"Because you have to," "This is just how it works"	"Here's what the policy/process requires, and I'll guide you through it."
"I won't respond if you keep talking to me that way," "You're being aggressive"	"I'm here to help, and I'd like to continue once we can have a respectful conversation."
"I'm not going to argue with you"	"I understand you have concerns. Let's focus on what I can clarify for you."
"If you had read the policy"	"According to the policy, here's how this part works"

Key Takeaways



- Document consistently.
- Communicate clearly and respectfully.
- Always assume documentation will be read by others.
- Be timely & don't procrastinate.
- Use objective, neutral language.
- Always clarify next steps, timelines, and expectations.
- Slow down & proofread.
- Center safety, clarity, and dignity in all interactions.
- Be transparent and process-focused, even under pressure.
- Use de-escalation tools when communication gets tough.
- Offer choices whenever possible to empower parties.
- Frame your work through institutional values and compliance.

Key Takeaways

You don't have to be perfect, you just have to be consistent & equitable.

- Trauma-informed \neq passive or biased
- Neutral \neq disconnected
- Professional \neq impersonal or robotic



THANK YOU



alyssa@kristiemccannlaw.com



kristie@kristiemccannlaw.com



www.kristiemccannlaw.com

LAW OFFICE *of*
KRISTIE MCCANN
INC.