

Implementing RJ for Campus Sexual Harm

Part 1: Policies

Kaaren M. Williamsen, Phd

+ Restorative Justice 101

- Philosophy and set of practices
- “Crime is a *violation of people and relationships*, not just laws.” (Zehr 2002).
- Four key principles (Karp, 2015) including:
 - inclusive decision making,
 - active accountability,
 - focus on repairing harm,
 - focus on rebuilding trust.





+ RJ in Sexual Misconduct Policies



How Restorative Justice might show up in Policy language

- “Remedies Based Resolution”
- “Informal Resolution”
- “Alternative Resolution”
- “Informal Action”
- “Adaptable Resolution”

- Restorative Processes is a **philosophical approach that embraces the reparation of Harm, healing of trauma, reconciliation of interpersonal conflict, and reintegration of people who have been marginalized through participatory learning and improved decision making skills.** Rather than focusing on what policies have been violated, Restorative Processes instead identify who has been Harmed and what actions are necessary to repair the Harm.

+ UMICH Policy

Adaptable Resolution Option

- The University recognizes that it is important to take into account the needs of students, some of whom may prefer not to go through an investigative resolution. **Adaptable resolution is a voluntary, remedies-based, structured interaction between or among affected parties that balances support and accountability without formal disciplinary action against a Respondent.** Adaptable resolution is generally designed to allow a Respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the Claimant and/or the University community. Adaptable resolution is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the Claimant while maintaining the safety of the campus community.



+ Adaptable Resolution Options



With approval from the Title IX Coordinator, after consultation and intake with the adaptable resolution coordinator, the Claimant and the Respondent may voluntarily agree on the process that best meets the interests and needs of the parties. Adaptable resolution may include one or more of the following restorative approaches:

- **Facilitated Dialogue:** A structured and facilitated conversation between two or more individuals, most often the Claimant, the Respondent, and/or other community members. The focus is often on providing a space for voices to be heard and perspectives to be shared. Depending on stated interests, the participants may sometimes work towards the development of a shared agreement, although working towards an agreement is not always the intended outcome.



Adaptable Resolution Options cont.



- **Restorative Circle or Conference Process:** A facilitated interaction where the individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing the harm (to the extent possible). A circle or conference may include multiple members of the community to explore individual and community impact, harm, obligations, and opportunity for repairing them. Parties must agree on all those who will be present.
- **Shuttle Negotiation:** An indirect, facilitated conversation individually with the Claimant, the Respondent, and/or other participants to discuss experience and perspective and explore interests while working towards meeting expressed needs. This negotiated process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a coordinator.
- **Circle of Accountability (COA):** A facilitated interaction between the Respondent and University faculty and/or staff designed to provide accountability, structured support, and the development of a learning plan. The focus of a COA is to balance support and accountability for an individual who has acknowledged their obligation to repair harm and willingness to engage in an educational process. The COA model does not require participation from the Claimant, but as with other types of adaptable resolution, it must be voluntary for the Claimant and the Respondent.

- ***Options include in person circle or conference or:***
- Informal Restorative Statements- This may include structured voluntary apology letters, affective questions towards the Respondent including; who was affected, how were they affected, and what was the Harm caused, etc. This could be done either in-person with the Respondent or via written statements. All information discussed in this meeting will be shared with the Reporter.
- <https://policies.tcnj.edu/wp-content/uploads/sites/247/2018/02/Title-IX-Policy-Interim.pdf>

■ ***Additional options:***

- Consent Workshop (Curriculum built for 3 sessions)
- Healthy Relationships Workshop (Curriculum built for 3 sessions)
- Counseling Sessions
- Alcohol Education Classes
- Bi-weekly or Monthly check in meetings with the Title IX Coordinator
- Permanent extension of a No Contact Directive
- Restriction from participation in specific clubs and/or organization
- Restriction from participation in particular events (ie. Senior Week)
- Completion of a master education plan with regular meetings with the Director of Student Conduct & Dispute Resolutions
- Community Service

+ Adaptable Resolution Agreements



Any agreements reached in adaptable resolution must be documented by the adaptable resolution coordinator and approved by the Title IX Coordinator to ensure consistency with the University's Title IX obligations. An agreement will not be considered valid if the Title IX Coordinator does not approve it.

If the Title IX Coordinator or designee approves an agreement after the parties have voluntarily reached consensus as to its terms, the Respondent will be required to comply with the agreement. Failure to comply with the agreement may result in a violation of the Statement of Student Rights and Responsibilities. If no agreement is reached, the matter may be referred to the Title IX Coordinator for further action. Once the Title IX Coordinator approves an agreement, the parties are bound by its terms and cannot return to investigative resolution.