

APPLYING TRAUMA-INFORMED RESTORATIVE JUSTICE TO YOUR CASES: A CASE STUDY ON SEX-BASED HARM ON CAMPUS


Massachusetts Dept of Higher Education
April 9, 2024



RK Resolution

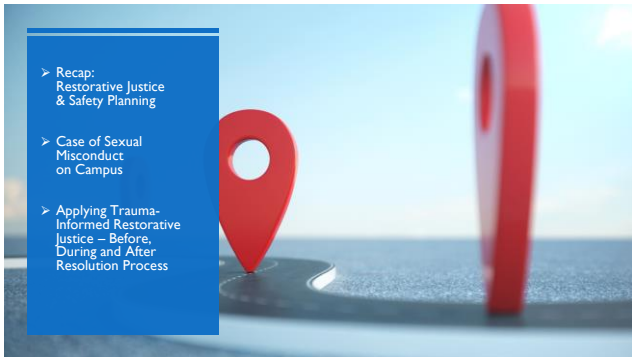
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2



- > Recap: Restorative Justice & Safety Planning
- > Case of Sexual Misconduct on Campus
- > Applying Trauma-Informed Restorative Justice – Before, During and After Resolution Process

3

WHY SAFETY PLANNING?

- Helps students who disclose feel safe
- Promotes community safety
- Opportunity to address physical, emotional, and academic needs
- Promotes communication and develops trust between the student and the school

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4

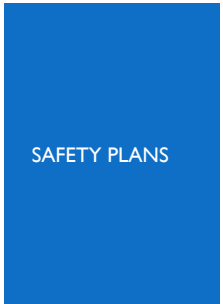
SAFETY PLANNING ≠ SUPPORTIVE MEASURES



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5

Customized safety plans prioritize the safety of a student by considering their daily logistics and what the harmed person needs to feel and “be” safer.



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SUPPORTIVE MEASURES

- Accommodations focused on ensuring access to the benefits of education
- Provided regardless of complaint
- Safety may not be an issue for all complainants

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7

"Restorative justice is a process to involve, to the extent possible, those who have a stake in an offense and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible."

— Howard Zehr, PhD,
The Little Book of Restorative Justice, 2002

WHAT IS RESTORATIVE JUSTICE?

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8

RESTORATIVE WAY OF THINKING

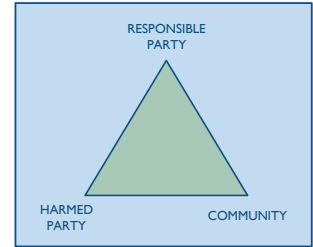
- What is the harm?
- What needs to be done to repair the harm?
- Who is responsible for this repair?

Adapted from H. Zehr (2002)

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9

RESTORATIVE E TRIANGLE



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Audrey is working the front desk in her residence hall. Around midnight, Oliver walks in and is clearly drunk. He and Audrey, both seniors, are acquaintances and he has hit on her before.

Oliver starts making unwanted sexual comments to Audrey, joking about who she's texting, and trying to take her phone.

As they are both standing, he backs her towards the wall and tries to kiss her, grabbing her breast with his hand.

At that point, two other students walk into the building and Oliver goes up to his room. Audrey calls campus police to report what just happened.

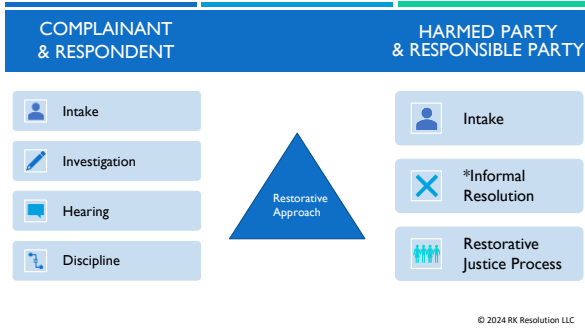
11

WHAT HAPPENS NEXT?

- Interim action
- Law enforcement
- Supportive measures
- Advocates, parents, support persons / advisors

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12



13

CONFIDENTIALITY AND INFORMATION SHARING

- Survivor privacy
- Confidentiality vs. Informed Consent
- Processing the process
- Navigating future discussion
- Responsible Party privacy / Student records

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14

COMPLAINANT

- Graduating in a few months
- On scholarship, needs campus job
- Uncomfortable working at security desk, same building
 - Hard time avoiding him
- Experienced dating violence in high school
 - Incident is bringing back anxiety symptoms like panic attacks, nightmares, hypervigilance
- Symptoms are impacting her ability to finish her final projects, job interviews

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15

RESPONDENT

- Graduating in a few months
- Athlete on scholarship with potential to play semi-professionally post-graduation
- Does not deny the incident occurred, but has very hazy memory of what happened due to alcohol and pot usage that night
- Hired attorney who has advised him to not to speak with police or Title IX office
- Not his first alcohol offense
 - Resulted in probation his junior year
 - Has been drinking more heavily since he turned 21

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16

APPLYING RESTORATIVE LENS

<p>Traditional Responses</p> <ul style="list-style-type: none"> Adversarial process – sets up one party versus the other Request for restrictions on respondent may be construed as punitive by the party No opportunity to discuss the “why” Institution speaks for the community 	<p>Restorative Approach</p> <ul style="list-style-type: none"> Triad vs Dyad moves away from adversarial response <ul style="list-style-type: none"> Understanding that request is not punitive but necessary Provide more understanding between the parties <ul style="list-style-type: none"> Take accountability for impact that feelings of fear have caused reporting party or community
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17

- Respondent to move to another residence hall through graduation
- Respondent to respect “safe hours” at dining hall, gym, and library
- Respondent to not attend Honors Luncheon the day before graduation

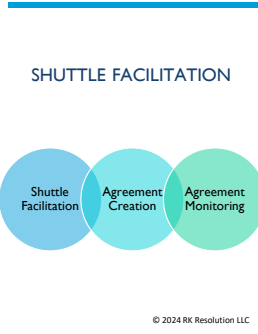
Complainant Safety Planning Requests

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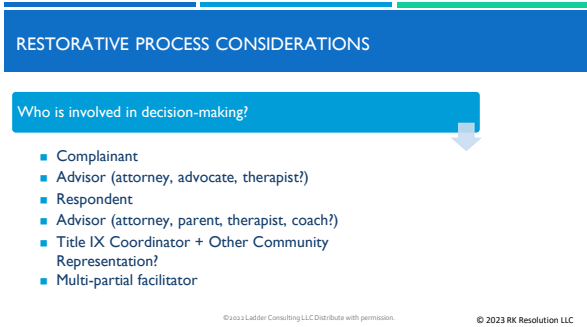
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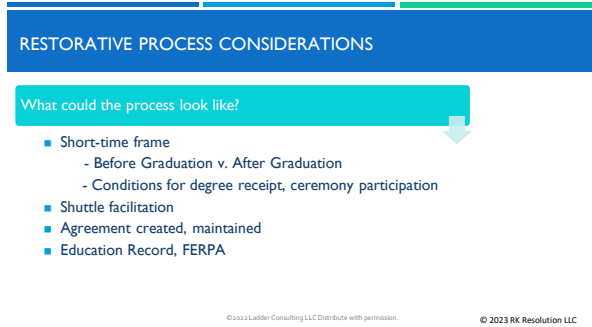
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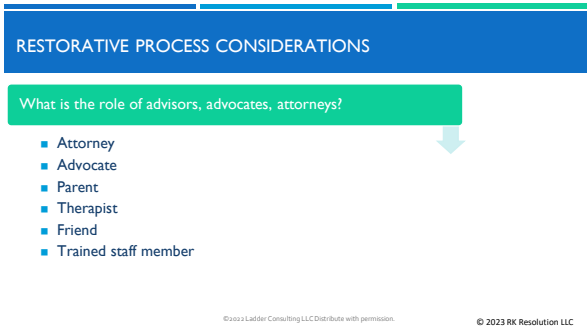
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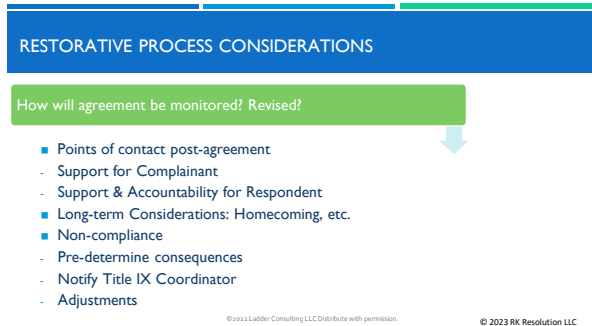
22



23



24



25

Questions?

26



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27