RESTORATIVE CONFERENCING

CONSIDERATIONS IN CASES OF GENDER-BASED MISCONDUCT ON CAMPUS
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TTI SEQUENCE

1. Restorative Justice Principles and Practices
   - Foundation and Considerations
   - Application to gender-based violence

2. Enhancing Strategies: Applying a Restorative Approach
   - Within traditional administrative systems
   - And beyond

3. Restorative Conferencing
   - Considerations for circle processes
   - Application and assessment

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LEARNING OUTCOMES

Strengthen understanding of restorative justice and restorative principles

Appreciate the implications of the needs and obligations resulting from gender-based misconduct on campus

Identify circumstances in which conferencing may benefit directly involved parties and communities

Articulate the philosophical and logistical considerations associated with implementing restorative conferencing
AGENDA

- Brief Recap: Principles
- Trauma in This Context
- Title IX & Informal Resolution
- Surrogate Conferencing
- Restorative Conferencing
- Needs, Needs & Needs
- Facilitator Selection
- Resolution Agreements

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GENDER-BASED MISCONDUCT

RESTORATIVE JUSTICE
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)
RESTORATIVE TRIANGLE
- Variations in process and purpose
- Indigenous practices
- Set of principles and values
RESTORATIVE APPROACH

- Relational
- Addresses Harms, Needs, and Obligations
- Collaborative
- Equal Concern for Parties
A RESTORATIVE RESPONSE NEEDS TO BE:

- Trauma-informed
- Culturally competent
- Community strengthening
- Not identity-neutral
- Not power-evasive

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Prioritize physical and emotional safety

Promote recovery and healing

Empower
  - Control
  - True choice

Give voice

Provide predictability and transparency

Culturally conscious

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NEEDS

- HARMED PARTIES

- Sense of safety
- Validation
- For impact to be heard
- Deeper understanding of what transpired
- Accountability
- Enhanced confidence the behavior will not recur
RESPONSIBLE PARTIES
RESPONSIBLE PARTIES

- Acceptance of responsibility
- Voicing the harm
- Addressing causes
- Reintegration

- Harm to others
- Harm to self
  - Damage to relationships
  - Destroyed trust
  - Lost opportunities
THE ROLE OF COMMUNITY

Who is impacted and how?
What are the needs?
Whose obligation is the repair?
How does community support the person harmed?
How does community support the person responsible?

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COMPLAINANT & RESPONDENT

Intake
Investigation
Hearing
Discipline

HARMED PARTY & RESPONSIBLE PARTY

Intake
*Informal Resolution
Restorative Justice Process

Restorative Approach

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TITLE IX

- Formal Complaint
- Gatekeeping & Dismissal
- NOIA
- Complainant Intake
- Respondent Outreach
- “Informal Resolution”
Written notice:
- Allegations
- Explanation of the IR process
- Consequences of IR process
- Summary of records maintained or could be shared

Obtain:
- Voluntary, written consent for participation from Complainant and Respondent
<table>
<thead>
<tr>
<th>Dynamics of GBM, expertise</th>
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<tbody>
<tr>
<td>Title IX training requirements</td>
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<tr>
<td>Conflicts of interest &amp; bias</td>
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<tr>
<td>RJ experience</td>
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<tr>
<td>Cultural awareness</td>
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<tr>
<td>Not promising outcomes</td>
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<tr>
<td>Multipartiality</td>
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<tr>
<td>Upholding privacy</td>
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</tbody>
</table>
PRE-CONFERENCING

- Trust
- Support
- Transparency
- Preparation
- Goals
- Needs
- Not linear
TRANSPARENCY OF PROCESS

- Confidentiality
  - Administrative processes
  - Legal proceedings
- Mandated Reporting
- Process for addressing facilitator selection concerns
- Record-keeping
- Waiving of any rights
SUPPORT PERSONS

- Friend
- Family
- Attorney
- Advocate

- Relationship
- Confidentiality
- Conflict
- Participation

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- Articulate broader harm
- Voice needs for repair
- Share community resources
- Provide reintegration support
- Acknowledge demands for and promote community change
ADDITIONAL SAFETY CONSIDERATIONS

- Physical location of circle
- Virtual circles
- Considerations re. law enforcement

Physical Safety

Emotional and Psychological Safety

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Centering the harm
Promoting healing
Meaningful accountability
Prioritizing safety planning
Facilitating reintegration

- Logistics
- “SMART”
- Monitoring*
POTENTIAL ITEMS

- Contact Restrictions
- Work / Learning / Living Arrangements
- Assessment & Treatment
- Psychoeducation
- Restitution
- Community Reparation
- Safety Plan
- Reintegration Measures
WHAT ARE THE CONSEQUENCES OF NON-COMPLIANCE?

“Failure to Comply”

Formal Resolution Process (investigation, hearing, etc.)

Conferring with Complainant
QUESTIONS
RESOURCES

- Center for Justice and Peacebuilding at Eastern Mennonite University
- Impact Justice
- International Institute for Restorative Practices
- National Association of Community & Restorative Justice
- Restorative Justice on the Rise
- USD Center for Restorative Justice
- Vision Change Win
- Visioning B.E.A.R. Intertribal Coalition
- Zehr Institute for Restorative Practices