

*Who “SAID” harm can’t be repaired  
through informal resolution?*



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# Presenters



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# *Overview of Restorative Justice*

# *Restorative Justice*

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

– Howard Zehr

# Common Arguments Against the Use of RJ

Restorative justice...

- is not formal or severe enough to send a strong message
- increases the risk of victimization
- will pressure victims into participation
- is susceptible to power imbalances, particularly in IPV cases
- may exacerbate disparities in access to justice
- puts accused students at risk for criminal prosecution
- is not a true form of justice

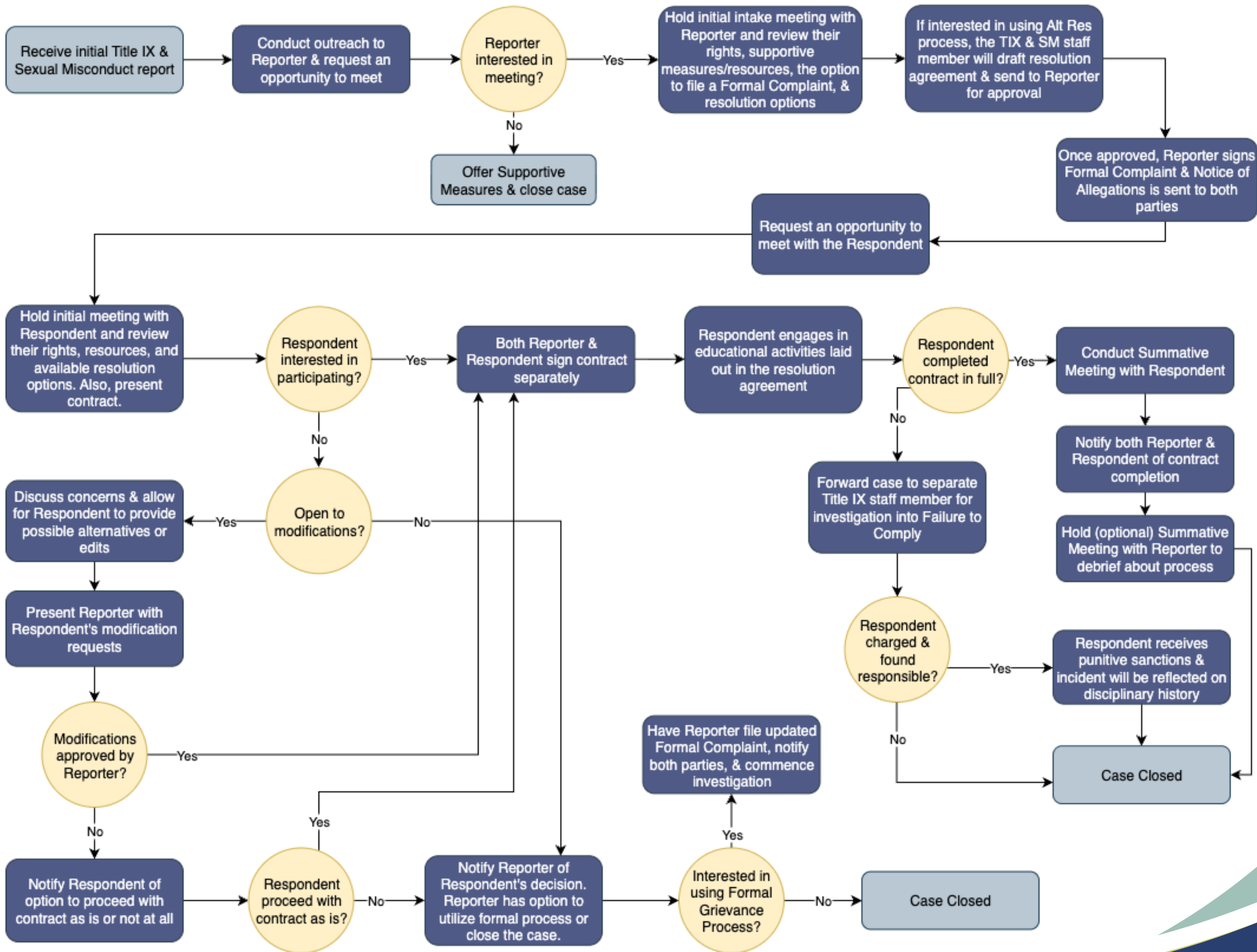
# *Why is RJ craved on college campuses?*

Restorative justice offers victims/survivors...

- options & choice
- opportunities where their voice shapes the outcome, and where healing (not just punishment) is prioritized
- autonomy to dictate their own healing
- the ability to explore resolution paths that are non-punitive
- pathways to repair harm they've experienced
- the ability to address broader harm, not just the direct incident



# *Alternative Resolution Process*



# Alternative Resolution Agreement

- Outlines required elements of participation
- Details educational/restorative activities included on the agreement
- Emphasizes voluntary nature of participation & expectations of process
- Indicates potential ramifications for noncompliance
- Obtains signatures from parties & the College to formalize the agreement



## Alternative Resolution Agreement

Alternative Resolution is a voluntary process within The College of New Jersey's *Sexual Harassment, Misconduct, & Discrimination Policy* (hereinafter referred to as 'Policy') that allows a Respondent in a Prohibited Conduct resolution process to accept responsibility for their behavior and/or potential harm. By fully participating in this process the Respondent will not be charged with a violation of *College Policy*. The Alternative Resolution Process is designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the Reporter while still maintaining the safety of the overall campus community.

The Alternative Resolution Process will only be used at the request and agreement of both the Reporter and Respondent and under the direction of the Office of Title IX & Sexual Misconduct. In order for the Alternative Resolution Process to be appropriate both parties must have an understanding of and agree on the necessary elements of the process. The following information was reviewed in your original meeting with the Office of Title IX & Sexual Misconduct, but please read through the following elements and initial that you understand each of the following:

| <u>Respondent</u> | <u>Reporter</u> |                                                                                                                                                                                                    |
|-------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____             | _____           | Participation in this process is voluntary and either the Reporter or Respondent can choose to end the process at any time prior to signing the agreement;                                         |
| _____             | _____           | Mediation, even if voluntary, will not be used in cases involving sexual assault;                                                                                                                  |
| _____             | _____           | Both the Reporter and Respondent must participate in individual conference meetings with appropriate staff to learn more about the resolution process prior to participating;                      |
| _____             | _____           | The process can only be used once and will not be considered if requested by a repeat Respondent under the <i>College Policy</i> ;                                                                 |
| _____             | _____           | The Reporter and Respondent must agree to all recommendations laid out in the formal agreement or the matter may be referred to the Title IX Coordinator for further action;                       |
| _____             | _____           | Information documented during this process can be subpoenaed if a criminal investigation is initiated;                                                                                             |
| _____             | _____           | Participation in this process does not constitute a responsible finding of a <i>Policy</i> violation and therefore is not reflected on a student's disciplinary record;                            |
| _____             | _____           | If the Respondent is found responsible for any violations in the future, this agreement can be considered during the sanctioning phase of that disciplinary proceeding;                            |
| _____             | _____           | The College reserves the right to suspend or terminate the Alternative Resolution Process and revert back to an investigation at any time; and                                                     |
| _____             | _____           | The Respondent may be charged with <i>Failure to Comply with a Directive of a College Official</i> under the <i>College Policy</i> for failure to meet the requirements laid out in the agreement. |



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# *Development of SAID Workshop*

# Evolution of the SAID Workshop

- 1 Identified the “need” for some type of “consent workshop” to be offered to Respondents
- 2 The use of a “consent workshop” was increasingly requested as part of the AR Process
- 3 Recognized the need for broader education beyond just the constructs surrounding consent
- 4 Created additional workshop sessions to target various forms of Prohibited Conduct
- 5 Created a facilitator guide to standardize the implementation across facilitators/cases & ensure learning objectives were consistently met
- 6 Identified & trained alternative facilitators
- 7 Treated the SAID Workshop facilitator guide as a living/breathing document – always evolving & updating

*Consent Workshop*

*Salient Analysis of  
Interpersonal Dynamics  
(SAID) Workshop*

# *SAID Workshop Guiding Principles*

- Concepts of focus:
  - Rapport building
  - Skill-building
  - Self-reflection
  - Perspective taking
- Guided by the use of motivational interviewing and the exploration of personal narratives
- Establishment of environment free from judgment or shame



# *Structure of the SAID Workshop*

# Structure of the SAID Workshop

- Three sessions, 1 hour each



## Session 1

- Rapport building & mutual understanding of case
- Purpose & structure explanation
- Definitions & processing questions

## Session 2

- Recap/overview
- Skill-building (scenarios, videos, etc.)
- Reflection/processing questions

## Session 3

- Presentation & processing of Impact Statement (if included on agreement)
- Future use & implementation
- Closing & referrals as appropriate

- Contains various modular elements
- Reflection activities assigned between sessions, as appropriate

### Example

An example of a "Values Assessment" form from TCNJ. The form includes an introduction about the importance of values, a section for reflecting on values, and two buttons: "START" and "NEXT". The "START" button is highlighted with a green border. The "NEXT" button has a right-pointing arrow. The form is titled "Values Assessment" and includes the TCNJ logo at the top left.

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### Values Assessment

Your values are the things that are important to you. They often take on short labels such as family, friendships, education, personal or professional development.

There are many reasons why knowing your values can be important. Firstly, by explicitly having stated your values you can assess whether you are spending time and making decisions in accordance with what you find important.

The decisions your values inform will vary in size and complexity. For example, what to do with free time, whether you should prioritize your family over your friends or vice versa, or even whether to work for a company as their values may or may not align with yours. Therefore it can also be very helpful to ask your most important values so that you have a general idea of what to do if you are faced a dilemma of choosing between two things that are important to you. The context will always be important, but your values can provide you guidance and a starting point.

One important thing to remember is that values will change naturally over time, and therefore even if we decided on aspects of our lives according to our values five years ago, it might not be the right thing for us now. Therefore it is important to actively reflect and challenge our values and habits.

It can be useful to track how you spend your time and see if it matches your values, for example if friends are important for you, do you show that in your actions? (University of Edinburgh, 2019).

So with that said, let's jump in!

**START** Review the list of values on the next page and circle all that apply to you. There is also an opportunity for you to write in values that may not have been included.

**NEXT** Answer the questions on the following pages to reflect upon your personal values & their application.

# *Summative Meeting*

- Required component on all Alternative Resolution agreements
- Occurs once all educational/restorative activities are complete
- Topics discussed:
  - how the Respondent's behavior may have impacted the Reporter, Respondent, & the community as a whole
  - The Respondent's reactions to the completed activities, the overall learning that took place as a result, and the possible impact it has had on their understanding of the current situation, as well as future behaviors.

# Feedback from Student Respondents

"Participating in the workshop was good - it was nice to talk about everything and the videos that were shown were validating because they related to a lot of what happened in our relationship. The videos depicted a lot of the things that I had recognized along the way as being red flags for us and I was surprised at how relatable the learning experience was. Attending [the workshops] didn't feel like being punished or anything, it took the form of a dialogue, which I thought was really beneficial and helpful."

"It was a very positive experience, and the two main workers of Title IX always made me feel comfortable at every meeting, and made it clear that they were not picking sides, and just wanted a clear picture. I was confused when it happened, but now I feel frustration when the situation is brought up or when I have to explain what happened to someone. And it was very important to me that I grew and learned my lesson, so I can make better decisions in the future."

"The hardest thing to read was her using the word 'rape' - I think she chose that word because of the impact it had on her life."



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# *Practical Considerations*

# Practical Considerations

| <i>Individual Skill-Building &amp; Reflective Activities Incorporated</i>                                                                                                                                                                                                              | <i>The OVERALL Workshop</i>                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will ideally...                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                   |
| <ul style="list-style-type: none"><li>• be structured &amp; aligned with your mission and principles of RJ</li><li>• fit the style/needs of both your particular area and the students</li><li>• be sustainable &amp; accessible</li><li>• meet the student where they're at</li></ul> | <ul style="list-style-type: none"><li>• be reasonably/directly connected to the harms you wish to address</li><li>• stimulate thought/understanding regarding underlying concerns</li><li>• promote reflection &amp; perspective taking</li></ul> |

# Practical Considerations

| Facilitators                                                                                                                                                                                                                                                                                               | "Fit" & Logistics                                                                                                                                                                                                                                                                                                                                                     | Sustainability                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• How many facilitators do you need?</li><li>• What skills do you need to implement this type of workshop/process?</li><li>• Who would students most connect to and why?</li><li>• Who will you recruit to serve as facilitators &amp; how will you do so?</li></ul> | <ul style="list-style-type: none"><li>• How many sessions are enough/reasonable to achieve the learning objective(s) defined?</li><li>• How long will each session be?</li><li>• What fits within student educational plans?</li><li>• Where will these sessions be held?</li><li>• What information will you be documenting &amp; where will it be housed?</li></ul> | <ul style="list-style-type: none"><li>• How can you leave behind a legacy with this process/tool?</li><li>• Will this process help meet future needs?</li><li>• What funding will be necessary to support this initiative? How will you obtain it? Is its consistent?</li><li>• What support might you need from campus partners?</li></ul> |



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# *Discussion & Questions*

# Connect With Us



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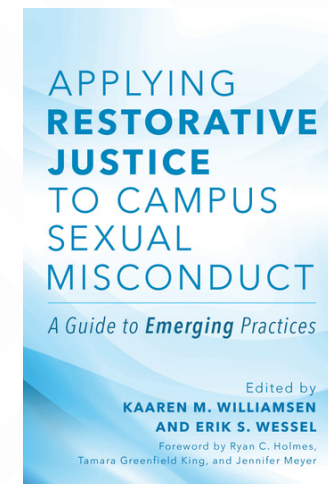
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