

RJ Practitioner Case Studies & Stories:

Working with Reporters and Respondents



Chelsea Jacoby, Ed.D., The College of New Jersey
Carrie Landrum, University of Michigan
Toni McMurphy, Infinite Impact



THE COLLEGE OF NEW JERSEY

OFFICE OF TITLE IX

Chelsea Jacoby, Ed.D
Title IX Coordinator
The College of New Jersey

Alternative Resolution Agreement

Alternative Resolution is a voluntary process within The College of New Jersey's *Title IX Policy* that allows a Respondent in a Title IX investigation 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 Title IX Office.

Alternative Resolution Agreement

- ✓ Participation in this process is voluntary
- ✓ 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 *Title IX Policy*;
- ✓ The Reporter and Respondent must agree to all recommendations laid out in the formal agreement or the case can revert back to an investigation;
- ✓ 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 *policy 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; and
- ✓ The Respondent can be charged with *Failure to Comply with a Directive of a College Official* under the *Title IX Policy* for failure to meet the requirements laid out in the agreement.

Common Contract Items

- Salient Analysis of Interpersonal Dynamics (SAID) Workshop (3 sessions – 1 hr each)
 - Topics include: Physical Sexual Misconduct, Dating Violence, Stalking, Sexual Harassment
- Impact statement (can be shared in variety of ways)
- Alcohol Workshop (1 session – 1 hr)
- Webinars (i.e. Neurobiology of Sexual Assault)
- Creation of educational programming/events focused on sexual/gender-based violence
- Examples from RJ literature:
 - Documentary created collaboratively between Reporter/Respondent about incident
 - Requiring Respondent to read papers/articles written by Reporter describing their experience

The Alternative Resolution process allowed me to...

... have a voice. It gave me the opportunity to make a direct impact statement to my abuser where I could express all those thoughts I wish I had said to him sooner after he hit me. It was definitely not easy, but I Finally got the closure I needed. It allowed me to feel **EMPOWERED.**

The Office of Title IX

titleix@tcnj.edu

(809) 771-3112

A photograph of a large, multi-story stone building with a central archway, likely a university building. The building is surrounded by green lawns and trees. The sky is blue with some clouds. A large yellow 'M' logo is overlaid on the left side of the image.

M UNIVERSITY OF MICHIGAN

Carrie Landrum
Assistant Director for the Office of Student Conflict Resolution
The University of Michigan

Adaptable Resolution Agreement



Adaptable resolution is a voluntary, remedies-based, structured process under The University of Michigan Interim Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence that allows the parties in a Title IX investigation process to agree to a resolution 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.

Infinite Impact

*Transforming Communities, Culture and Conflicts
through Restorative Practices*

Toni McMurphy, President

12301 Ballas Lane 314-922-6922
St. Louis, MO 63131 ToniMcMurphy58@gmail.com

- Former VP, Culture & Campus Life, St. Louis College of Pharmacy
- Independent Practitioner, facilitating restorative responses in sexual harm cases and building internal capacity for institutions.

Successes, Challenges & Opportunities



Setting the Tone

We are convening because of the courage and generosity of ___ and ___. I acknowledge both of you for your willingness to participate in a conversation focused on healing, learning and accountability.

It is essential that we “hold space” for _____ as she shares her experience, how she has been impacted, and what she wants and needs to move forward.

Applying a restorative lens allows us to unpack the distinction between intent and impact and explore restorative remedies that will **put things as right as possible**. We can't undo what has been done, but we can acknowledge the impacts, identify needs and collaborate on restorative remedies to address the harm.

Let us seek to understand each other's perspectives – especially when they are different from our own. Let us co-create a space that is vast enough to hold anything and everything in the spirit of growth, learning and charting a path forward. Let us consider what positives might emerge from something that's been so painful.

Restorative work is based on the premise that we all carry scars and we have all caused wounds. Restorative work invites each of us to commit to preventing any further harm.

I request verbal confirmation that you will not record the conversation and that no one else can hear what's being said off camera.

Excerpt from an Impact Letter

Let's talk about my sex life. I have been in the most beautiful, respectable, and sustainable relationship with my soon-to-be fiancé for over two (2) years now and I still can't be 100% present for moments of sexual intimacy. I cannot even begin to recount to you the number of times I have tried to show up for sex and ended up trembling and in tears because of that one time you raped me. I sob in fear of, yet again, losing control of what happens to my own body.

*My partner is the most supportive individual in my life and could not be more careful about tip-toeing around my triggers, like landmines, yet I still can't show up and be intimate with him. **Put yourself in our shoes.** I live with the fury that someone I know nothing about has inserted himself into me taking away my ability to have a healthy relationship with my partner.*

Confusion around Consent



Closing Round

“You are not the monster I thought you were.

*In fact, it’s not really **you** who harmed me... it’s the bro’ey rape culture on campus that is responsible.”*

Letter from a Respondent

Wow.

I truly can not thank you enough for everything you have done during this restorative process. Your compassion, care, and genuineness is second to none. I had no idea what to expect of this process a few months ago, but am now so comfortable and confident in the restorative justice process...

There wasn't a single time when speaking to you that I did not feel comfortable. You had such genuine interest in what I had to say which allowed me to truly open up to you and express every single emotion I felt...

From the bottom of my heart, THANK YOU! I wish you the absolute best of luck with everything moving forward and hope others can find as much comfort and peace as I did during the restorative justice process.

Excerpts from an Impact Letter

My goal here is for you to hear my first-hand account of the impact that sexual-assault has had on me. My hope is that you will challenge yourself to become educated enough to be well-versed in how to support survivors.

Odds are, someone you love and care about deeply shares the identity of “survivor” with me.

What you can do is be there for them. What you can do is ask for clear, sober consent every. Single. Time. What you can do is convince me that you are going to step up as a leader and participate in the effort to delete rape culture from our society.

Be good to the women in your life. Put thought into your actions.

Never forget the power that you hold as an individual.

Lessons Learned & Advice

- ✓ **Be brave & go all in, but don't rush** it - start with a needs analysis at your institution and see if/how this type of resolution process may address a need currently unfulfilled. Don't be pigeonholed by the August 14th implementation date.
- ✓ Consider the **long-game of the process** --> How might the process may play out from start to finish, with all possible scenarios? Then plan accordingly.
- ✓ Just as harm can cause rippling effects, so can education/learning. **Dedicate the time to creating & offering advantageous learning environments** that promote reflection, perspective taking, and the restoration of harms.
- ✓ Just like a formal investigation/hearing process does not work for all cases, neither will the Alternative Resolution. Have **set standards** that will help guide decision making around when this process may be appropriate, and when it is not.
- ✓ **Be comfortable with change** and making updates after every few cases

Lessons Learned & Advice



- ✓ We **don't have to know the details** in order to facilitate a process that repairs harm and addresses the impact of what happened (and which can also address the underlying causes of what happened).
- ✓ **Post-process check-ins** are just as important as pre-process check-ins.
- ✓ Student mental health issues that are exacerbated by trauma show up a lot in these cases, these co-mingling concerns **require *very careful* navigation**.
- ✓ It's **very easy to inadvertently cause harm** in the process.
- ✓ Cases are complicated, nuanced, and complex. In addition to thoughtful and skilled facilitators, **you need a small team of people to assist** the facilitator/coordinator in making determinations, providing logistical assistance, and most importantly, to be able to process and debrief the experiences.

Lessons Learned & Advice

- ❖ **Survivor-centered** - Balance acknowledging harm while supporting reporter in transcending identity as a victim.
- ❖ **Customize** the process and the prompts to honor the goals of the survivor (healing, closure, boundaries).
- ❖ **Multi-partiality**. Hold space, stay present, strive for the Highest Good of *everyone* involved. **Know thyself**. Self-awareness and self-care.
- ❖ **Be patient**. Accountability/accepting responsibility often **evolves** through the process.
- ❖ **Harvest something good** out of what's been so painful, if when possible.

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