

Restorative Resolution for Gender-Based Misconduct

Informational Sheet

The University recognizes that it is important to take into account the needs of students, some of whom may prefer not to go through a formal hearing process known as the Title IX Sexual Harassment Grievance process or the Critical Issues Hearing Board, as outlined in The Student Code of Rights and Responsibilities (The Code). When appropriate, the University permits a Restorative Resolution.

What is Restorative Resolution?

A Restorative Resolution is a voluntary, remedies-based, structured process between or among affected participants that balances support and accountability without formal disciplinary action against the Person Responsible (Respondent).

- The goal of Restorative Resolution is to address prohibited conduct, identify harm, and develop a resolution agreement to address the harm and prevent future prohibited conduct. Specifically, Restorative Resolution seeks to identify and meet the needs of the Person Harmed (Complainant) while providing an opportunity for the Person Responsible (Respondent) and/or other community members to repair harm (to the extent possible).
- Participation by all is voluntary; the University will not pressure or compel participation.
- In Restorative Resolution, the Person Harmed can choose whether or not their process will include face-to-face interactions with the Person Responsible.
- Restorative Resolution is a structured process led by trained restorative justice facilitators and may include the Person Harmed, Person Responsible, and/or other affected community members (e.g. friends, roommates, family, etc.).
- Participants may be accompanied by an adviser at any meeting related to the Restorative Resolution process, so long as the adviser enters into an agreement to participate in the Restorative Resolution.
- Either participant may discontinue the Restorative Resolution process at any time (up to the point of agreement).
- If Restorative Resolution does not lead to a resolution agreement, either participant may request a resolution through the Title IX Sexual Harassment Grievance Process or Critical Issues Hearing Board, as outlined in The Code.
- Information obtained during a Restorative Resolution will not be used in any other University or legal process, including the process outlined in The Code. Should the Person Responsible subsequently allegedly violate the Sexual Misconduct and Relationship Violence policy, they will not be eligible for the Restorative Resolution Process and the subsequent allegations will, instead, be managed through Title IX Grievance process or Conduct process. Note that, should the Respondent be found responsible for the subsequent allegations, the prior agreement will be taken into consideration when determining sanctions.

How is Restorative Resolution different from the procedures outlined in The Student Code of Rights and Responsibilities?

- Restorative Resolution allows participants to design a process that can be tailored to their needs. Any resolution reached through the process is mutually constructed to meet the needs and interests of all participants.
- In order to participate in Restorative Resolution, the participants must show readiness, which includes the Respondent accepting responsibility for causing harm and a desire to address the impact.
- Restorative Resolution typically does not include a hearing or formal disciplinary action.
- Restorative Resolution may not result in transcript notations or a disciplinary record, but may include appropriate and reasonable remedies, including education and training, as agreed to by participants.

Restorative Resolution for Gender-Based Misconduct

Informational Sheet

What is the Restorative Resolution process? How is it initiated and concluded?

01

REQUEST RESTORATIVE RESOLUTION

- The Person Harmed or Person Responsible may request Restorative Resolution through an Advocate or Investigator, who will communicate their request to the Director of Title IX.
- Requests to engage in Restorative Resolution may be made at any time including during a pre-hearing conference and up to 48 hours prior to a hearing.

02

EDUCATION & ASSESSMENT

- The Director of Title IX, in partnership with the restorative justice facilitators, determines whether Restorative Resolution is appropriate.
- If a Person Harmed requests Restorative Resolution and the request is approved, the Person Responsible will be invited to participate, and vice versa.
- Trained restorative justice facilitators will conduct separate intake meetings with each of the participants to explain the restorative process and identify harms and needs.
- Before Restorative Resolution can be implemented, the participants must reach an agreement on the process and approach.

03

AGREEMENT TO PARTICIPATE

- To engage in Restorative Resolution, participants must consent in writing to participation and also successfully complete preparatory meetings with the restorative justice facilitators.
- Participation is voluntary and the Person Harmed or Person Responsible may choose to end the process at any time before a resolution agreement is signed.

04

RESTORATIVE PROCESS

- The restorative process is an opportunity for the Person Harmed to express their feelings, ask questions and have a voice in the resolution agreement on how to move forward. It is also an opportunity for the Person Responsible to hear about the harm caused and repair it (to the extent possible). Each participant can identify support people to join the process.
- It is a structured dialogue led by trained restorative justice facilitators. Central questions for the Person Harmed include: 1) How has this impacted you? 2) What has been the hardest part for you? and 3) What do you need? Questions for the Person Responsible include: 1) What have you thought about since? and 2) What are you willing to do to meet the needs and repair the harm?
- The participants can choose whether their process will include face-to-face interactions.
- Before a face-to-face interaction, the restorative justice facilitators will meet separately with the Person Harmed and Person Responsible to identify the harms, needs and potential outcomes, as well as discuss the process for a face-to-face interaction (if applicable).

05

RESTORATIVE RESOLUTION AGREEMENT

- Any agreements reached in Restorative Resolution are final and binding for both of the participants. Any agreements must be documented, signed by the participants, and approved by the Director of Title IX.
- If no agreement is reached, the matter may be referred to the Director of Title IX for further action.
- Once a final resolution agreement has been reached, signed, and approved by the Director of Title IX, the participants cannot return to the process outlined in The Code.
- Failure to comply with the resolution agreement may result in the agreed upon consequences, including but not limited to the University placing a hold on the student's account or interim suspension until the terms of the agreement are met.