



# Introduction to Restorative Justice and Campus Sexual Harm

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Presented by: Carrie Landrum

Lafayette College January 10-12, 2024





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# Day 1: Circle Practice and RJ 101



# Land Acknowledgement

Lafayette was founded in 1826 on the land of the Lenape, the original inhabitants of what is now Delaware, New Jersey, Eastern Pennsylvania and southern New York. Lenape communities have lived in harmony with the land for thousands of years, known for their peace-making and diplomatic skills. We are grateful that the Lenape remain our neighbors and active members of the Easton community. Colonial violence has displaced countless Lenape communities, and we recognize that settler colonialism continues to oppress indigenous groups across the Americas. The citizens of these nations are citizens of the U.S. and their languages, cultures, and history are a part of our shared story.

Land acknowledgments help us remember these nations and the ancestors who took great care in nurturing the land that we all call home. We are grateful for their strength and resilience in protecting the land and aspire to learn from them. When we pause to recognize native lands and tribes, it creates a more complete story of a troubling history. However, recognizing structures of injustice is not enough to dismantle them; this passage is only a start in our collective pursuit of a more equitable and just society... A Land acknowledgment is a simple step, as is sharing that the [Lenape Cultural Center](https://recreation.lafayette.edu) is located in downtown Easton... – Lafayette Recreational Services Department <https://recreation.lafayette.edu>

From the Lenape Nation of PA: Pennsylvania is the only state (commonwealth) in the Lenapehokink that has never recognized its indigenous peoples. Lenape nations in Wisconsin, Oklahoma, and Canada have been recognized by their respective federal governments. Lenape nations in New Jersey and Delaware have been recognized by their respective state governments. The Lenape Nation of Pennsylvania is actively pursuing recognition by the Commonwealth of Pennsylvania, with the support of our many community friends and partners in Pennsylvania (and beyond). Our people work in Pennsylvania businesses, vote for Pennsylvania officials, protect Pennsylvania rivers and watersheds, and attend Pennsylvania schools, colleges, and universities. We directly call upon Pennsylvania officials to recognize the Lenape Nation of Pennsylvania. – [www.lenape-nation.org](http://www.lenape-nation.org)





# Take care of yourself

Bathrooms  
Coffee and Food  
Breaks  
Parking Lot  
Asking us to help





# What to expect...

Our work will be interactive.

*We will be modeling and practicing skills together.*

Our work will be self-reflective.

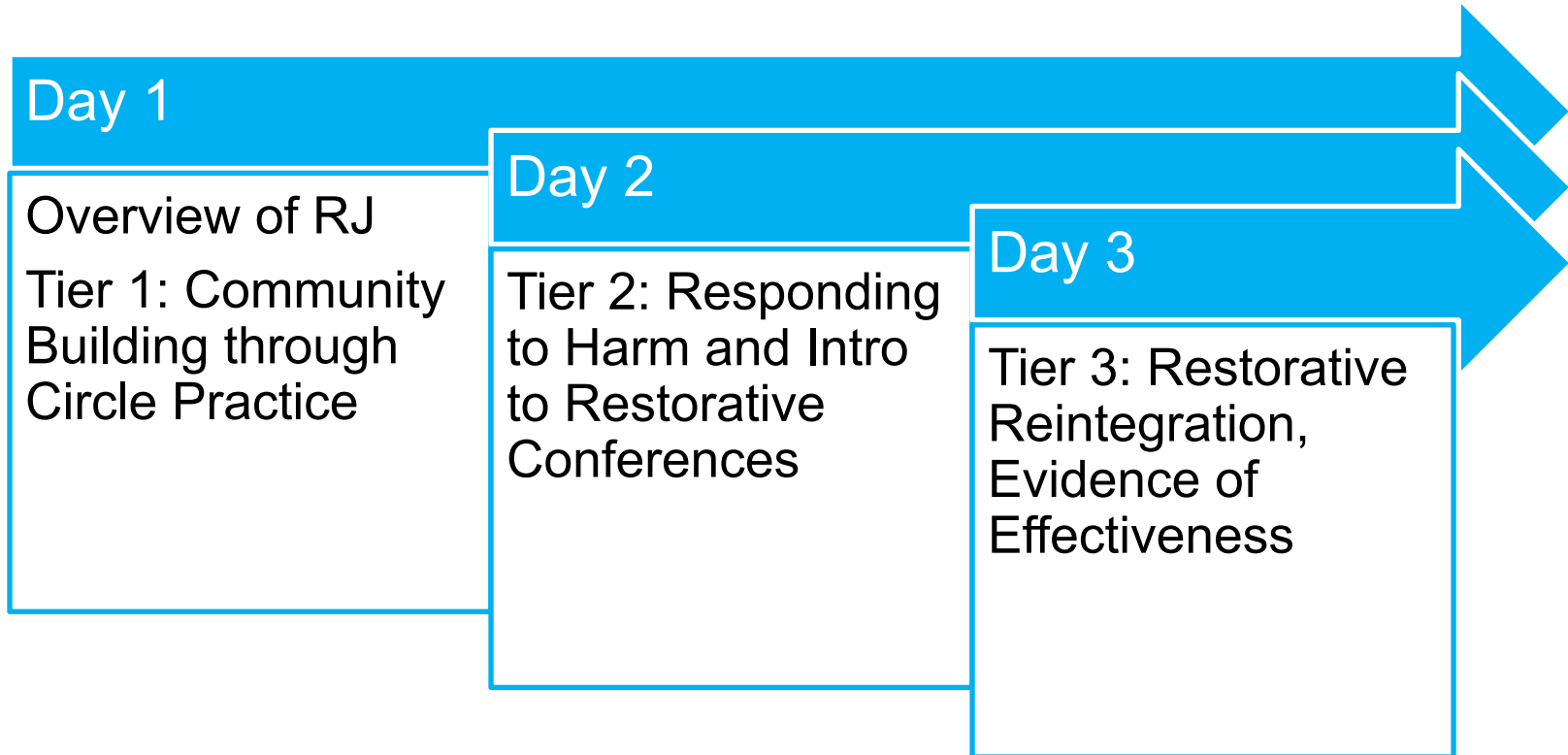
*We will take time to check in with our current practices and aspirations.*

Our work will be iterative.

*We will build up and repeat concepts to support learning.*



# Training Overview





# Today's Agenda:

## Circle Practice and RJ 101

- Opening Circle
- Intro to RJ & Intro to RJ for Campus Sexual Harm
- Healing Centered RJ
- Additional Circle Experience





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# Opening Circle



# Why did we do this Opening Circle?

- To check in, be seen, be heard
- To respond to a prompt to connect more deeply with each other
- To build our learning container
- To share our values & create community agreements
- To experience use of a talking piece for turn-taking



# The Circle Framework

## Essential Elements for Constructing the Circle

Kay Pranis

The Circle is a structured dialog process that nurtures connections and empathy, while honoring the uniqueness of each participant. The Circle can hold pain, joy, despair, hope, anger, love, fear, and paradox. In the Circle, each person has the opportunity to speak his/her truth but cannot assume the truth for anyone else. The Circle welcomes difficult emotions and difficult realities, while maintaining a sense of positive possibilities. The Circle is deeply rooted in an understanding of profound interconnectedness as the nature of the universe.

The Circle Keeper uses the following elements to design the Circle and to create the space for all participants to speak their truth respectfully to one another and to seek resolution of their conflict or a greater understanding of one another's perspective.

- **Seating all participants in a circle (preferably without any tables)**
- **Opening ceremony**
- **Centerpiece**
- **Values/guidelines**
- **Talking piece**



# Elements of a Circle

“Centerpieces change the space  
Talking pieces change the pace”

Gina Gutierrez Karp



*Centerpiece*

Focal point

*Talking Piece*

Turn-taking/Passing

*Opening Ceremony*

Mindfulness moment

Building connection

*Values Round*

Creating guidelines

*Guiding Questions*

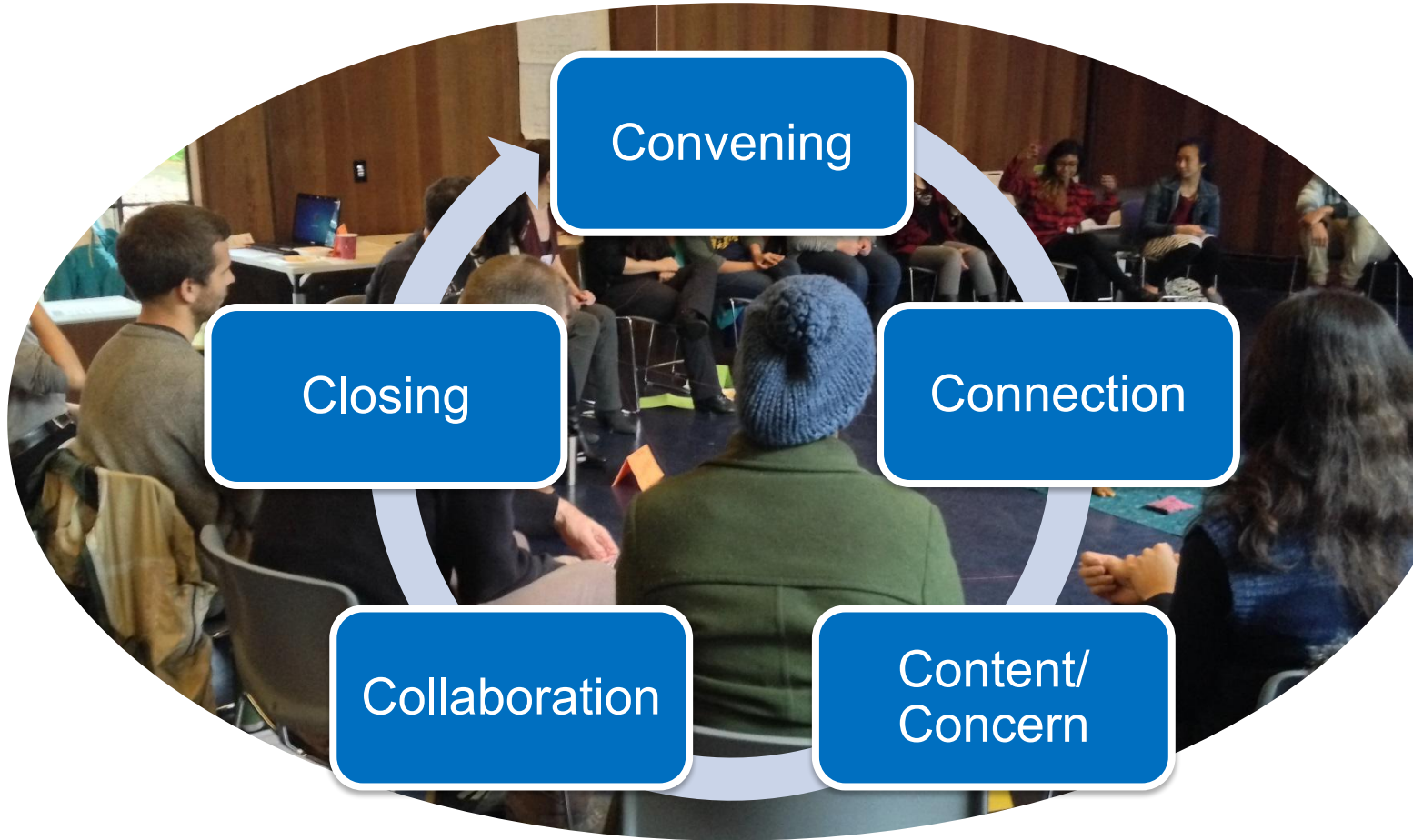
Thematic dialogue

*Closing Round*

Reflect/Appreciate



# The 5 C's of Circles







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# Break

## 15 Minutes

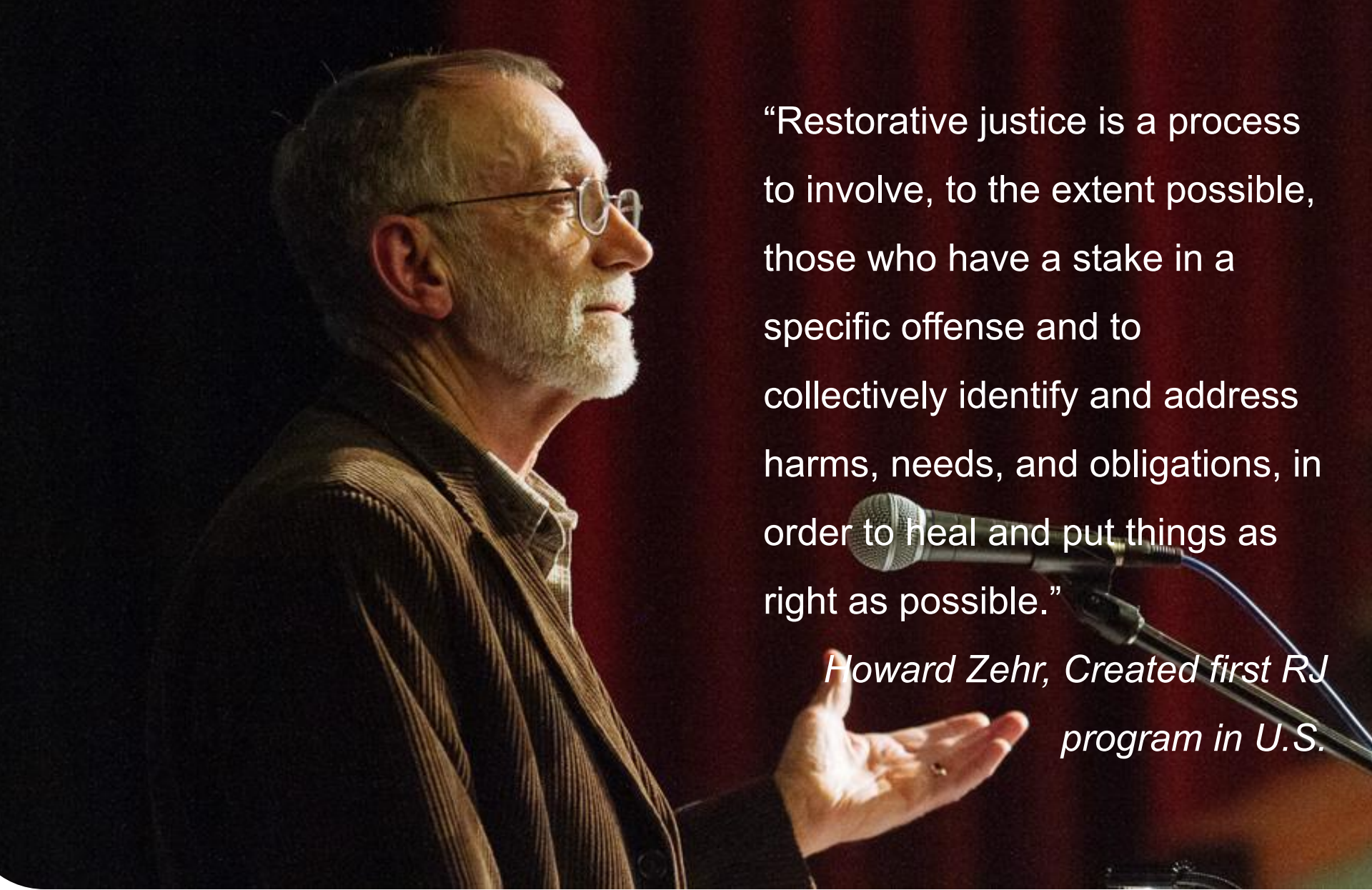




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# Restorative Justice



A photograph of Howard Zehr, an older man with a white beard and glasses, wearing a dark jacket over a collared shirt. He is shown in profile, facing right, with his mouth open as if speaking. A microphone is positioned in front of him. His right hand is raised, palm facing up, in a gesturing motion. The background is dark and out of focus.

“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, and obligations, in order to heal and put things as right as possible.”

*Howard Zehr, Created first RJ program in U.S.*



# Restorative Practices Defined



Chris Marshall  
Diana Unwin Chair in  
Restorative Justice  
Victoria University of  
Wellington

“Restorative practices use the restorative justice principles of participation, empathy, problem solving and respectful dialogue to build healthy and equitable relationships between people and to repair relationships when conflict occurs.

The term is commonly used in schools (and some workplaces) to describe efforts to create a calm, supportive and cooperative institutional culture where the quality of the relationships between people enables everyone to thrive and succeed together.”



# Restorative Justice

- **Philosophy and set of practices**
- **Crime is a violation of people and relationships**, not just laws, creating needs and obligations. Restorative justice aims to involve, as much as possible, the parties most impacted by the crime.” (Zehr 2002).
- **Four key principles:** inclusive decision making, active accountability, repairing harm, rebuilding trust (Karp, 2015).
- **Restorative justice for sexual offenses requires adaptation** (Koss, 2010).



# The Why of Restorative Practices



**To build community and strengthen relationships**

**To create a brave container for difficult dialogue**

**To focus on responding to and repairing harm**

**To collaborate on next steps for response**





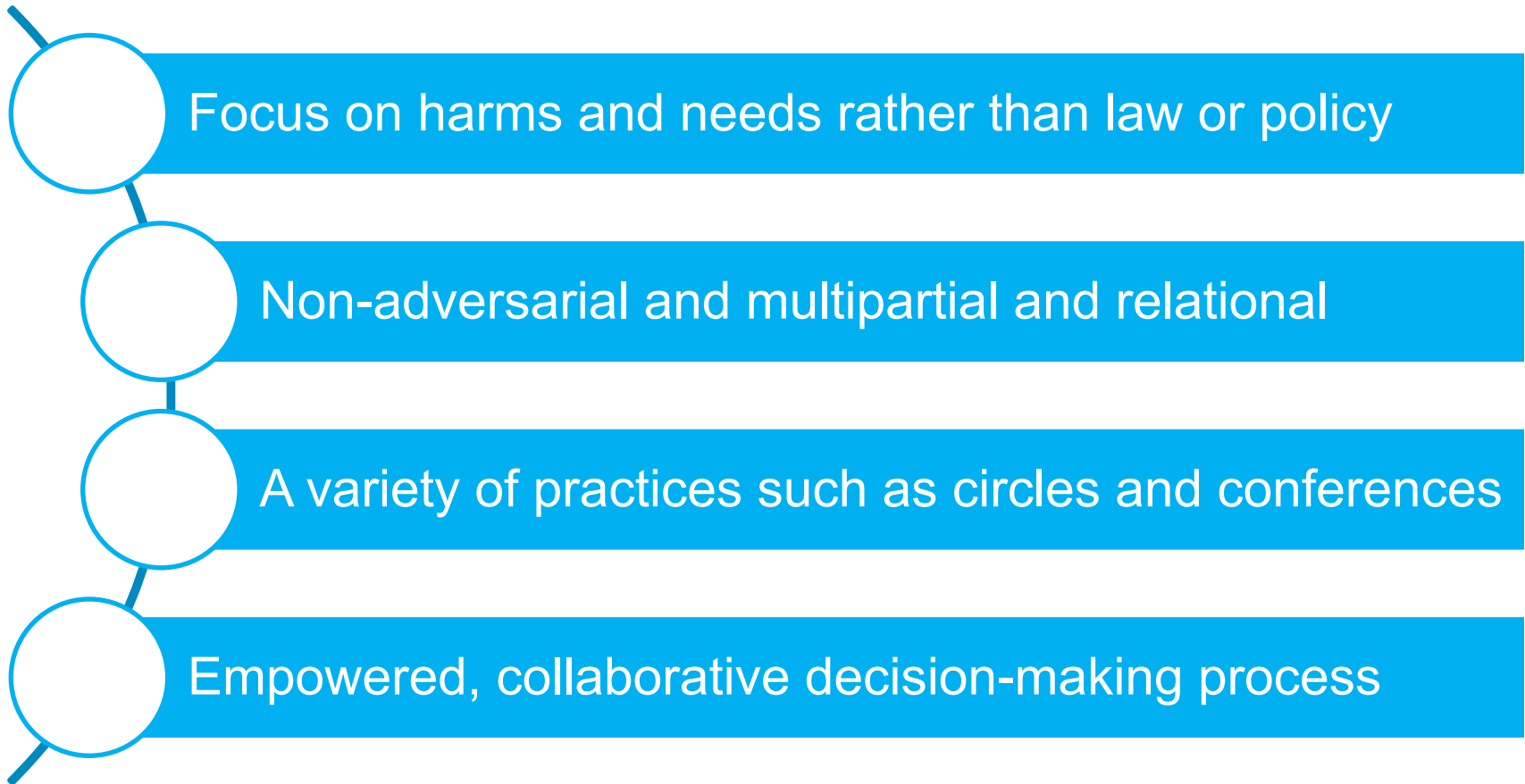
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# Restorative Justice: THE WHAT

## RJ 101: Principles and Practices



# Basic RJ Principles



P



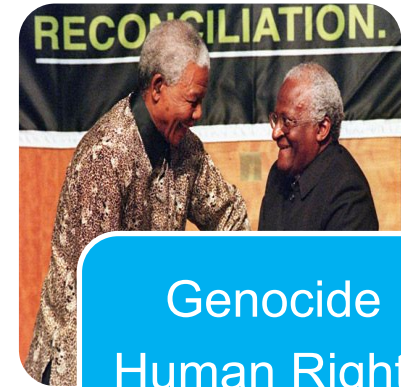
# Expanding RJ Movement



Schools  
Workplaces  
Families



Juvenile  
Justice  
Criminal  
Justice



Genocide  
Human Rights  
Violations  
Historical  
Harms

A



# Core RJ Practices and Origins



A



# Emergence of Transformative Justice



RJ within systems; TJ outside systems

Language and framing solidified at INCITE! Conference in 2000

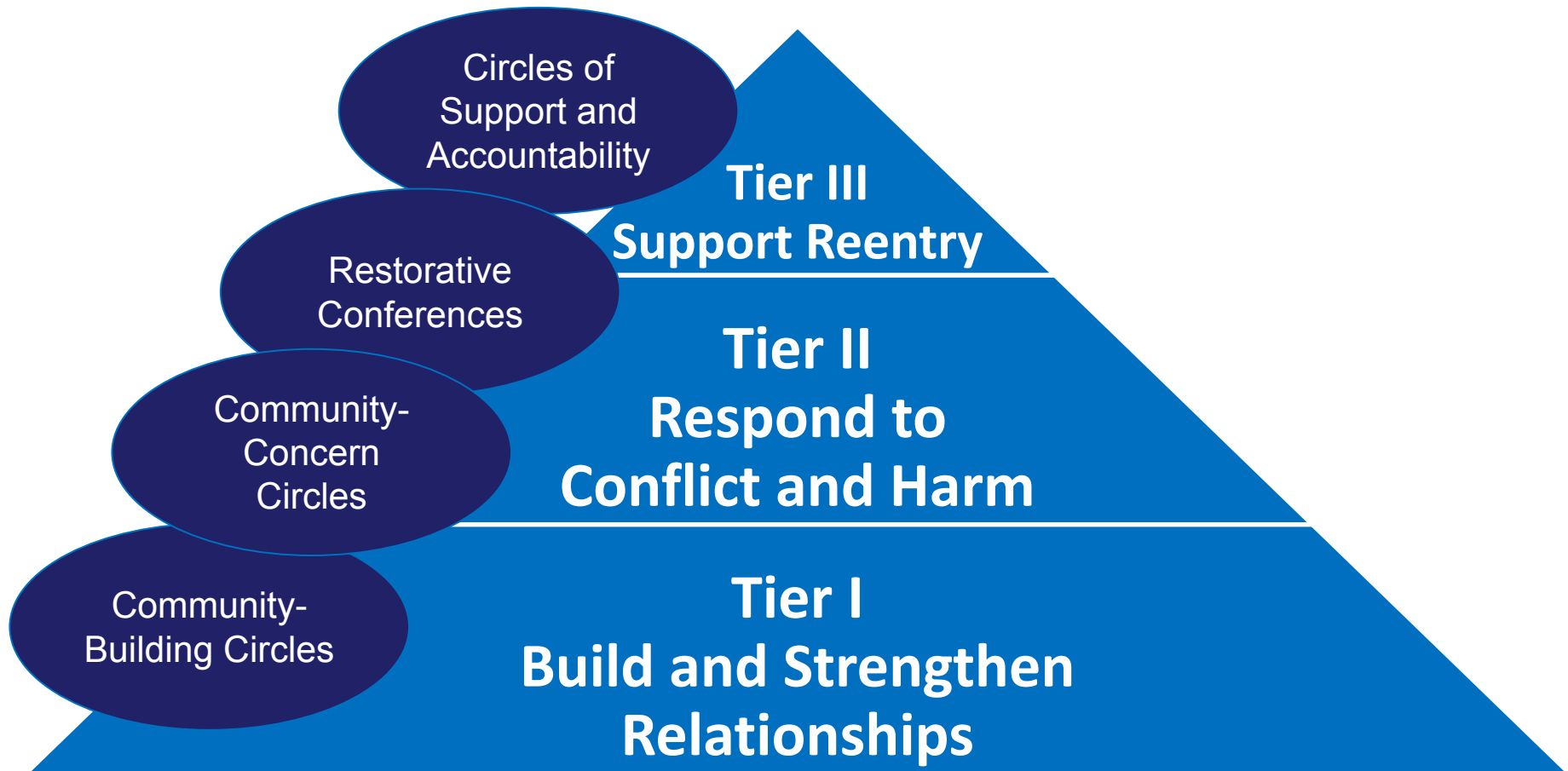
Political and abolitionist framework

TJ & RJ overlap in addressing harm, key processes, relational and collaborative approaches.

McMahon, S. M., Christensen, M. C., & Todić, J. Transformative justice and restorative justice approaches to campus sexual assault: a scoping. *The International Journal of Restorative Justice*. [online first edition]. DOI: 10.5553/TIJRJ.000156.



# Whole Campus Approach



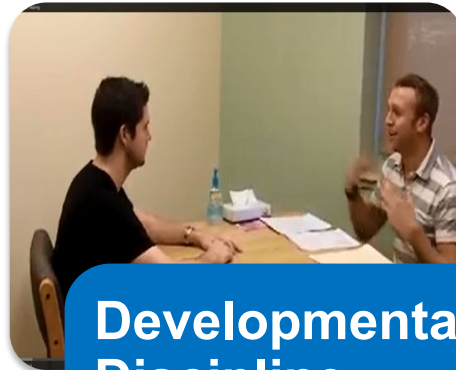


# Asking Different Questions



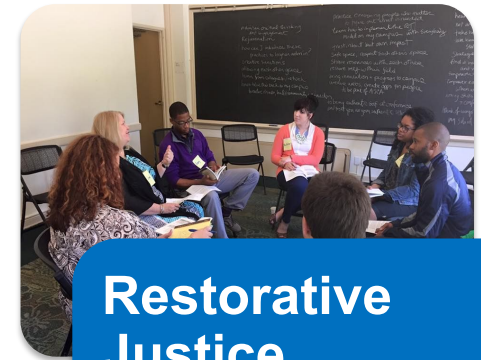
## Traditional Discipline

- What rules were broken?
- Who did it?
- What do they deserve?
- Offender-focused/  
Punitive



## Developmental Discipline

- What rules were broken?
- How did you get in this mess?
- How can you make better future decisions?
- Offender-focused/  
Supportive



## Restorative Justice

- What harm has been caused?
- What can be done to make things right?
- What can be done to rebuild trust?
- Balanced focus/  
Supportive



# RJ Questions by Tier

## Tier I:

### Community Building

- Who are we?
- What are our stories?
- What are our core values?
- What is important to us?
- What kind of community do we want?
- How do we want to treat each other?
- How will we all contribute?

## Tier II:

### Responding to Harm

- What happened?
- Who has been impacted? In what way?
- What are the harms to be addressed?
- What needs do we have?
- What will make things right?
- How do we rebuild relationships?
- How do we address this in a restorative way?

## Tier III:

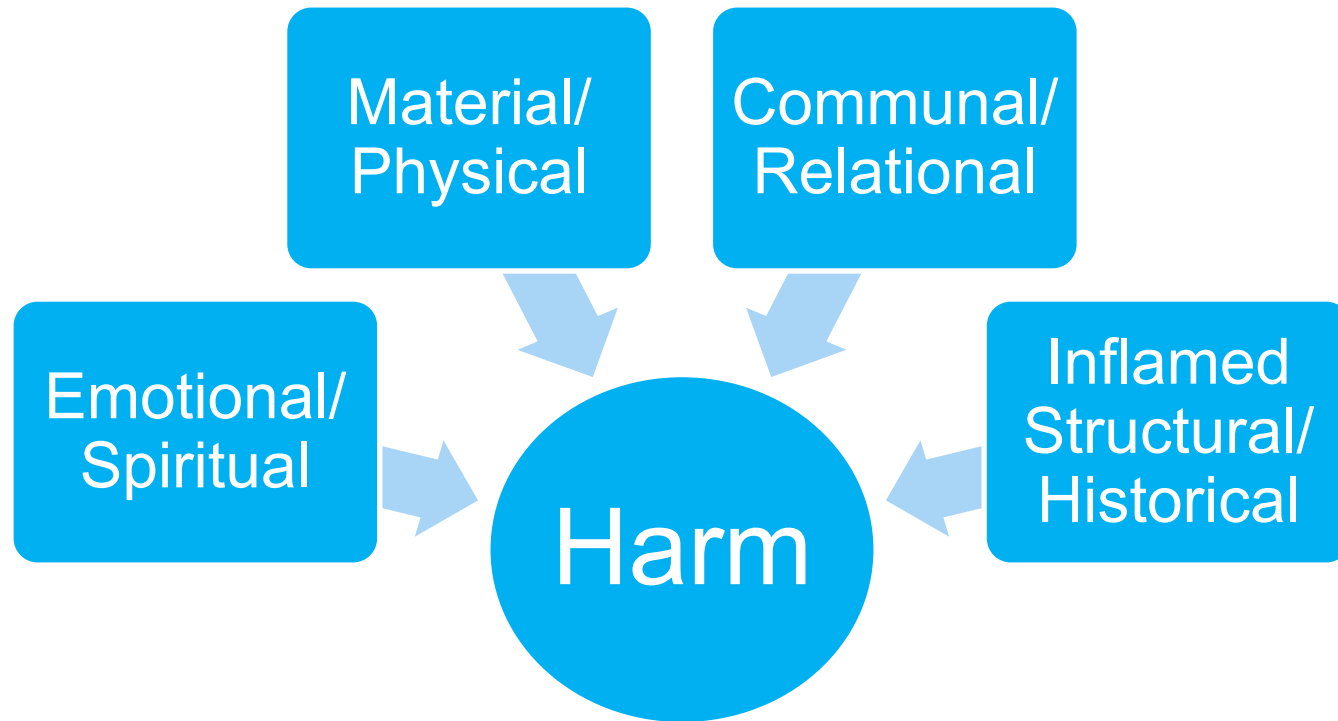
### Reintegration

- How do we support this individual?
- How do we support harmed parties?
- Has the individual taken responsibility?
- How do we prevent recurrence?
- How will we welcome this person back?
- What resources do we need for successful reintegration?

A



# RJ is an Exploration of Harms & Needs



P



# RJ for Campus Sexual Misconduct: Growing Interest and Insight from Early Adopters



# Early Adopters: Motivated to expand options...

*In looking at the number of reports that we were getting compared to the number of students who wanted to go through an investigation process... we were losing a lot of people. They wanted something to be done, but they did not want to go through a formal investigation process for any number of reasons...*

***[E]ven... when a student goes through the investigation process, goes through a hearing and receives an outcome that on paper is favorable to them, that does not give them a sense of justice. And I think that's true for both complainant parties and respondents.... The investigation process doesn't easily allow for any sense of justice or true resolution for the parties who are going through it. It certainly serves the due process requirements of Title IX, but not the necessarily the human side of it for parties going through it.***

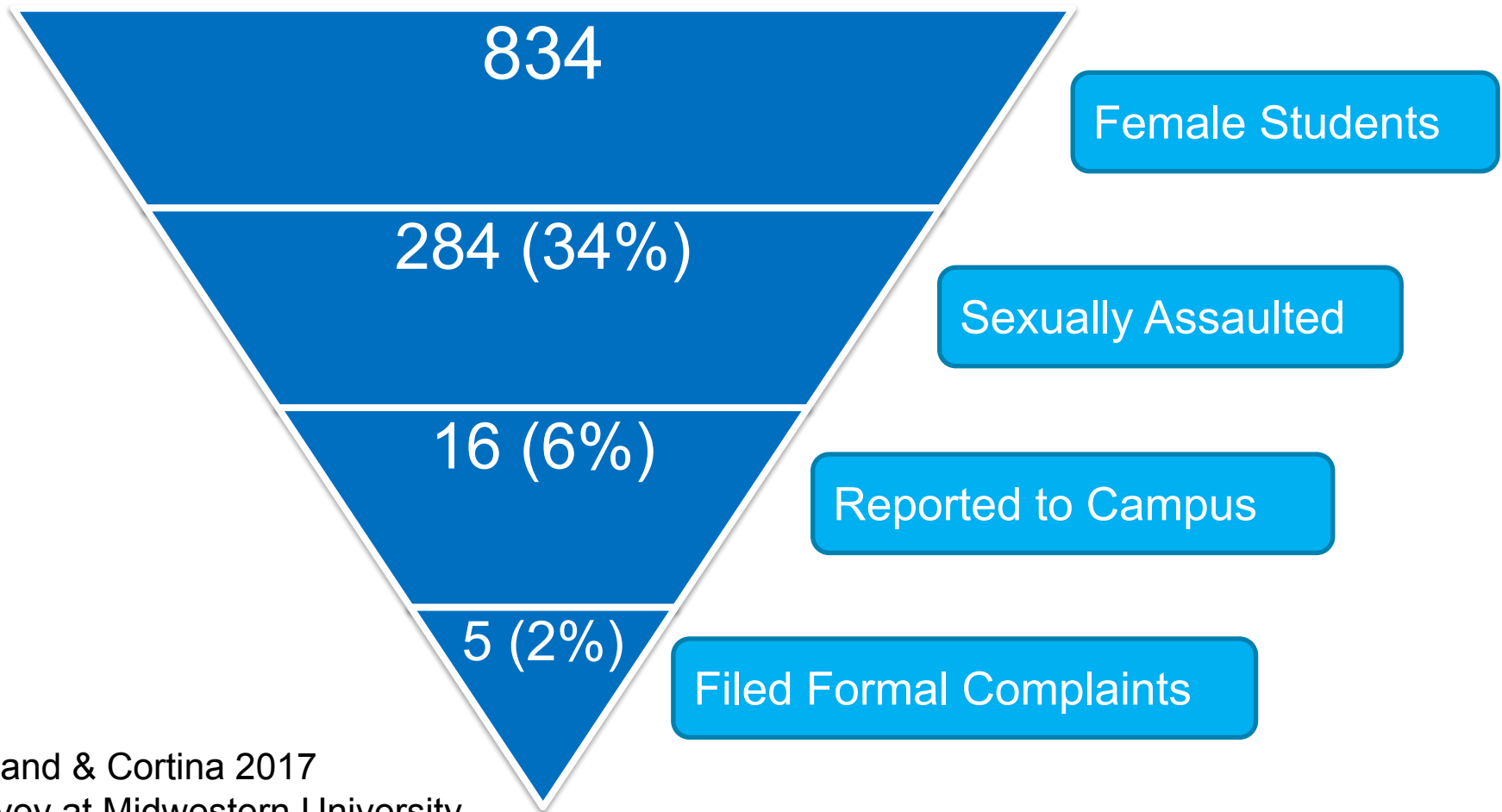
*(Former TIXC and Dean of Students)*

McMahon, S. M., Williamsen, K. M., Mitchell, H. B., & Kleven, A. (2022). Initial reports from early adopters of restorative justice for reported cases of campus sexual misconduct: A qualitative study. *Violence Against Women*

Williamsen, K.M. & McMahon, S.M. (2023). *A Restorative Approach to Campus Sexual Misconduct* in K.M. Williamsen & E.S. Wessel (Eds) *Applying Restorative Justice to Campus Sexual Misconduct*. Stylus



# Reporting and Adjudication



Holland & Cortina 2017  
Survey at Northwestern University



## Concerns about traditional criminal justice approach

“  
*The wishes and needs of victims are diametrically opposed to the requirements of legal proceedings...Indeed if one set out intentionally to design a system for provoking symptoms of traumatic stress, it might look very much like a court of law.*

*J. Herman, 2005, p. 574*



# Administrator Concerns (Williamsen, 2017)

## Retraumatizing for the survivor/victim

*Is it a forgone conclusion that any process that requires a review of the event and a review of other people's recollections of the event and other people's assessment of your behavior and your credibility in light of this event, is it possible to do that in a way that's not retraumatizing? My experience is no.*

*Even though that's fair. That's the fairest way to have a fair outcome, right, is everybody has access to all of the information that we're gathering. We're trying to figure out what happened and make sure that both parties have full access to all of the information... and they have a right to rebut and expand and clarify and respond. That in and of itself does damage.*

Carol, student conduct administrator



# Survivor Needs & Justice

According to SVs [survivor/victims], satisfying their justice needs rests on the extent to which they:

- (1) contribute input into key decisions and remain informed about their case,
- (2) receive response with minimal delay,
- (3) tell their story without interruption by adversarial and sometimes hostile questioning,
- (4) receive validation,
- (5) shape a resolution that meets their material and emotional needs,
- (6) feel safe.

*Koss, 2010, p. 221*



# Early Adopters

Study of 10 early adopters, representing 7 institutions and 1 former administrator now independent consultant.

- RJIA -- Restorative Justice Informed Approaches
- Terms varied:
  - Alternative Resolution
  - Adaptable or Adaptive Resolution
  - Informal Resolution
- Facilitators:
  - Designated restorative facilitator
  - Student conduct officer
  - Ombudsperson
  - Title IX Coordinator
  - Faculty/staff volunteers
  - External consultant
  - Senior student affairs professional

McMahon, S. M., Williamsen, K. M., Mitchell, H. B., & Kleven, A. (2022). Initial reports from early adopters of restorative justice for reported cases of campus sexual misconduct: A qualitative study. *Violence Against Women*

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# Early Adopters

Early adopters used a variety of practices in their Restorative Justice Informed Approaches (RJIA). These practices informed by RJ philosophy and practices as well as mediation, dispute resolution, various conflict resolution practices.

## *Practice*

- Circles
- Dialogues
- Conferences
- Shuttle agreements

## *Modality*

- In person
- Via Zoom
- Shuttle (no direct contact btwn parties)
- Combination

McMahon, S. M., Williamsen, K. M., Mitchell, H. B., & Kleven, A. (2022). Initial reports from early adopters of restorative justice for reported cases of campus sexual misconduct: A qualitative study. *Violence Against Women*

Williamsen, K.M. & McMahon, S.M. (2023). *A Restorative Approach to Campus Sexual Misconduct* in K.M. Williamsen & E.S. Wessel (Eds) Applying Restorative Justice to Campus Sexual Misconduct. Stylus



# Early Adopters

## ***Basic Restorative Flow***

- Complainant request & Title IX Coordinator approval
- RJIA facilitator intake with each party
- Preparation with each party
- Voluntary restorative engagement
- Finalizing restorative agreement (if agreement reached)
- Title IX Coordinator approves agreement
- RJIA facilitator follow up with the parties

McMahon, S. M., Williamsen, K. M., Mitchell, H. B., & Kleven, A. (2022). Initial reports from early adopters of restorative justice for reported cases of campus sexual misconduct: A qualitative study. *Violence Against Women*

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# Early Adopters - RJ Champions

*It's important for those in the Title IX worlds to [not] be afraid to get creative and ... to look outside of the law and outside of the box.*

*(TIXC)*

McMahon, S. M., Williamsen, K. M., Mitchell, H. B., & Kleven, A. (2022). Initial reports from early adopters of restorative justice for reported cases of campus sexual misconduct: A qualitative study. *Violence Against Women*

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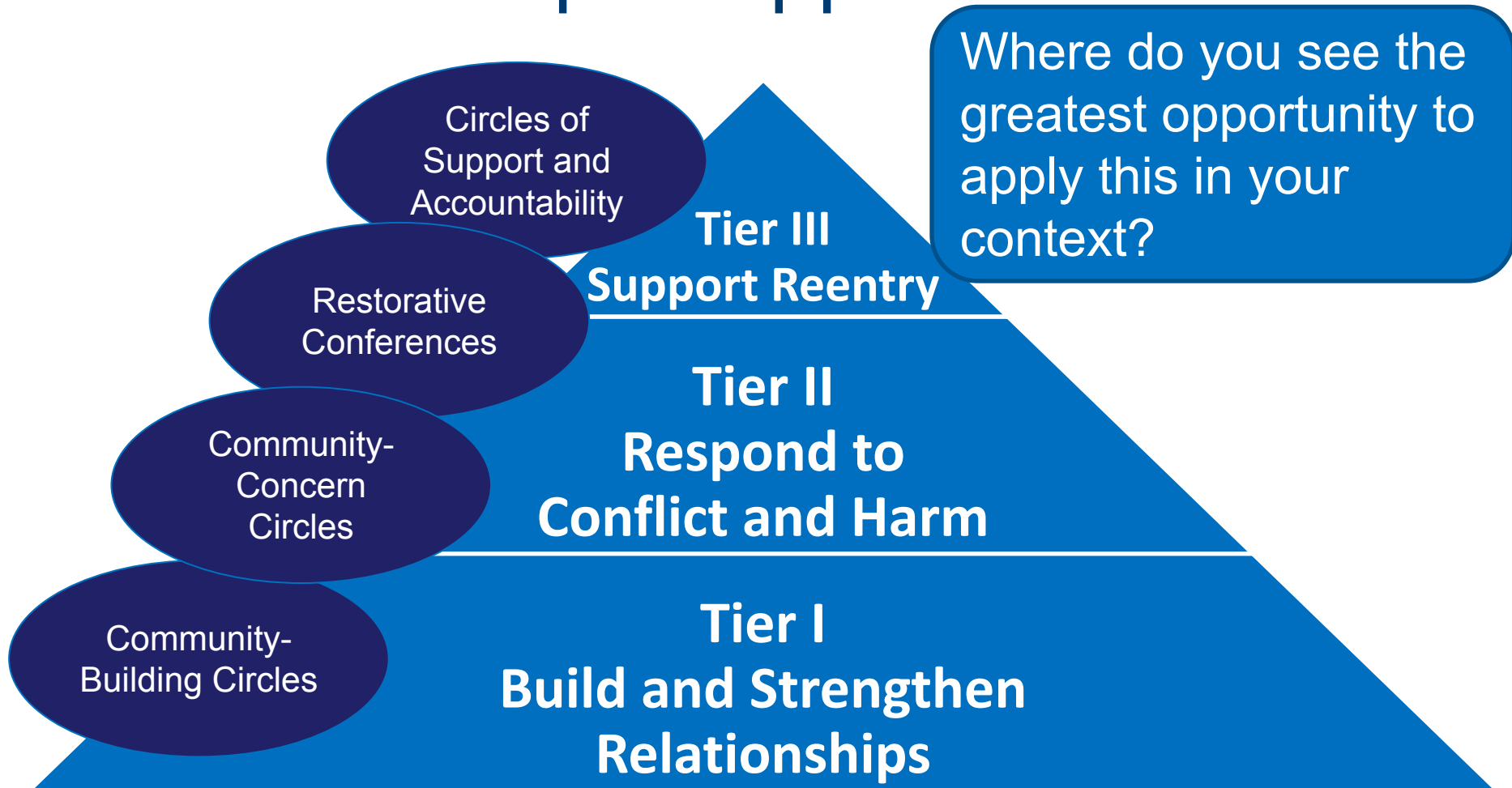
# Pair & Share



“Something I can share about me is...”



# Whole Campus Approach





# What is Restorative Justice?

Restorative justice is a way to prevent or respond to harm in a community with an emphasis on healing, social support, and active accountability. RJ includes a variety of practices with many rooted in indigenous and religious traditions. Some practices help prevent harm by helping people build relationships and strengthen communities. Other practices respond to harm by helping to clearly identify harms, needs, and solutions through an inclusive and collaborative decision-making process.



How well does this definition align with your school's mission, values, policies, and climate?



# Lunch

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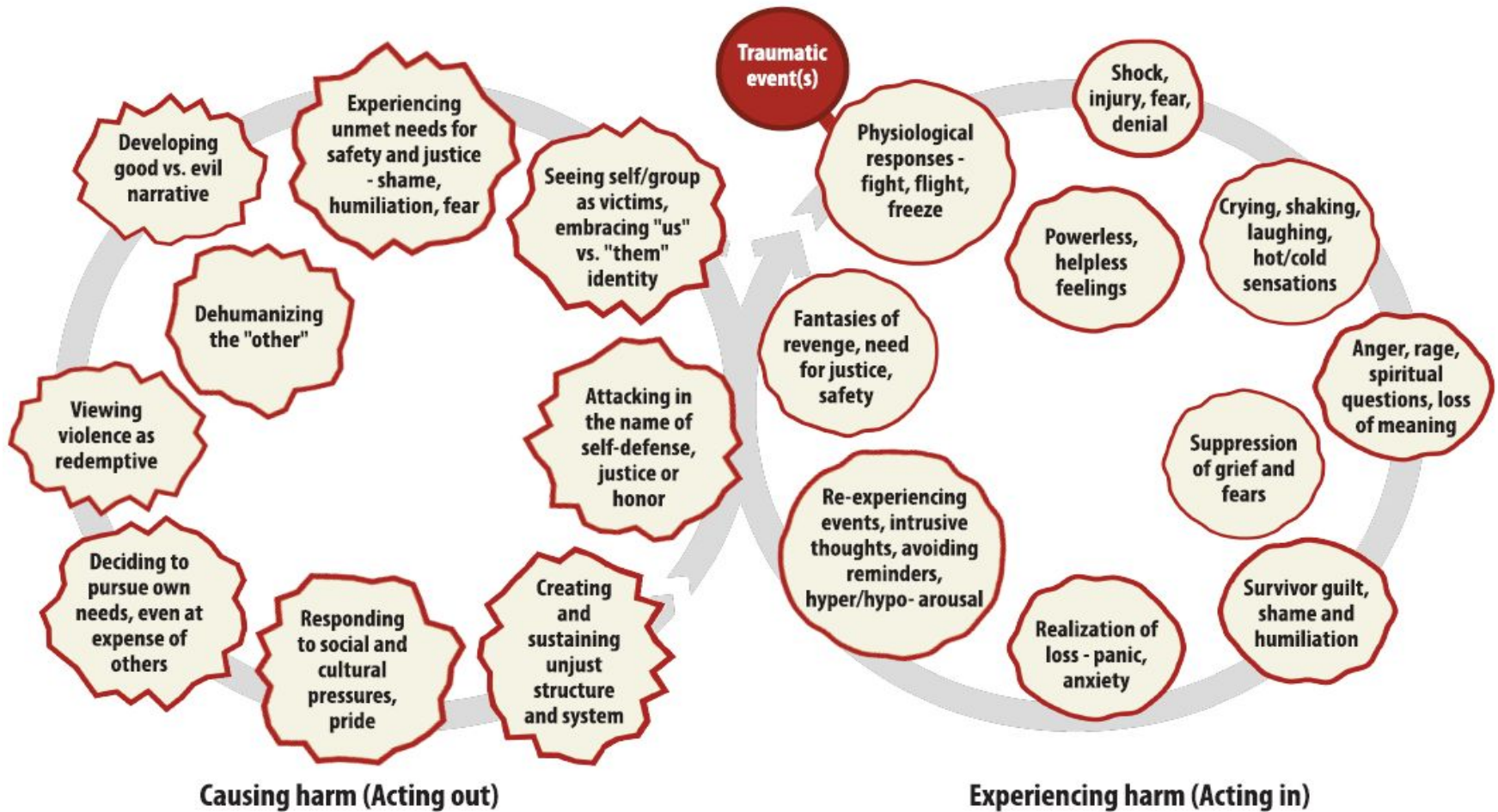
## Healing-Engaged RJ



# Healing-Engaged RJ

Trauma is an emotional, psychological, physical, and/or neurological response to a real or perceived threat to life, well-being, or safety. It is subjective, meaning an experience that is non-threatening for one person may be traumatic for someone else.

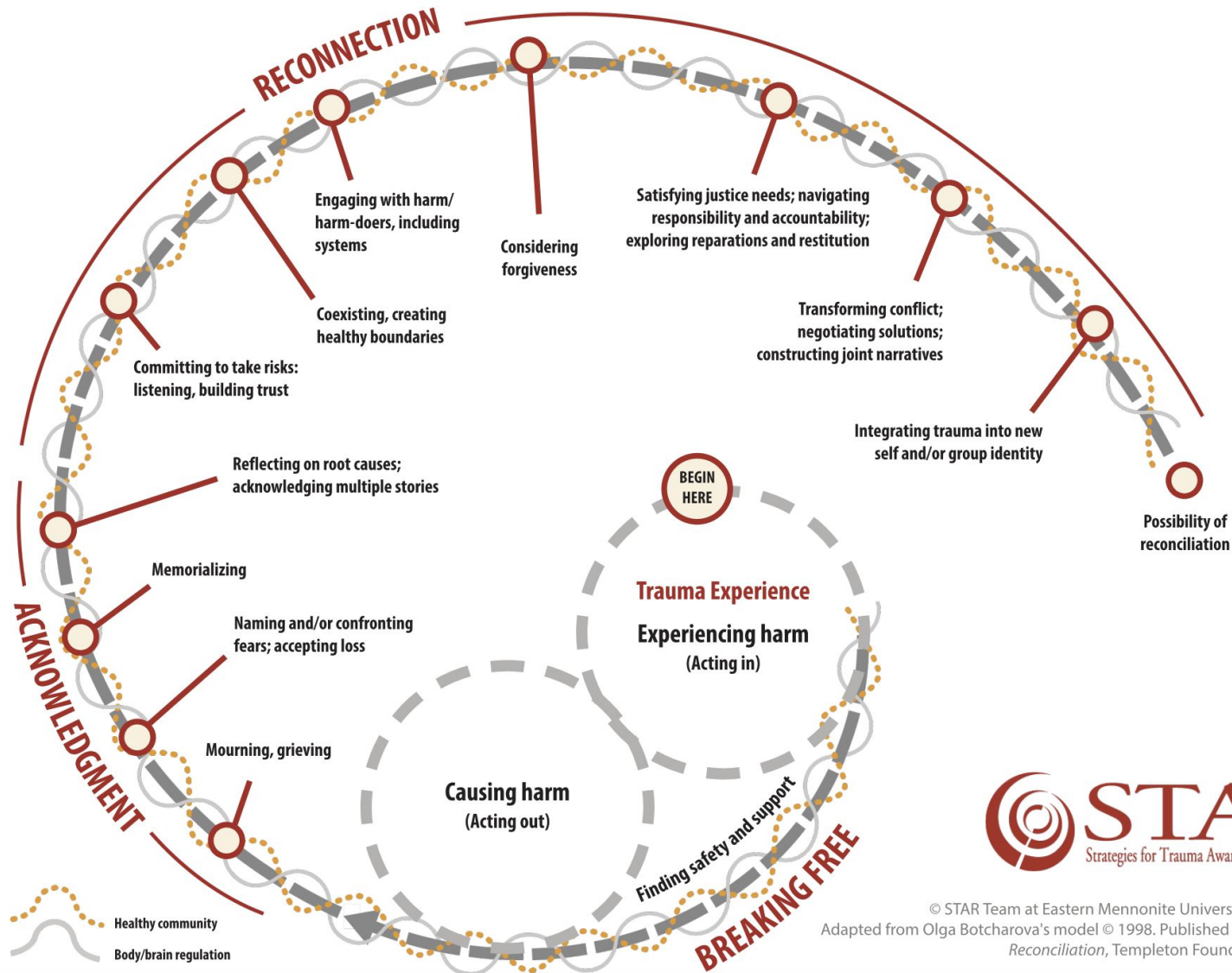




© Carolyn Yoder and the STAR Team at Eastern Mennonite University, updated 2020.  
Based in part on the writings of Olga Botcharova, Peter Levine, Vamik Volkan and Walter Wink.



# Breaking Cycles of Violence • Building Resilience



© STAR Team at Eastern Mennonite University, updated 2020.  
Adapted from Olga Botcharova's model © 1998. Published in *Forgiveness and Reconciliation*, Templeton Foundation Press, 2001.



# Healing-Engaged RJ

## Trauma-Informed Restorative Practices

**Trauma** is an emotional, psychological, physical, and/or neurological response to a *real or perceived threat to life, well-being, or safety*.

When a traumatic experience occurs, a person's or community's sense of safety and well-being can be damaged such that the usual ways of coping don't seem to work. Trauma can negatively affect the mental, physical, emotional, behavioral, and spiritual health of individuals and their loved ones, and trauma can affect childhood development as well.

**Everyone is different, and trauma is subjective – an experience that is non-threatening for one person may be traumatic for someone else.** Some, but not all, people who experience trauma may develop Posttraumatic Stress Disorder, or PTSD. People with PTSD may have intense, disturbing thoughts and feelings related to their experience that last long after the traumatic event has ended.

### Potential causes of trauma include:

- Crime and violence, physical or sexual assault
- Physical, sexual, or emotional abuse
- Neglect
- Domestic violence, stalking
- Neighborhood, school, or gang violence
- Family dysfunction, custody battles
- Sudden or violent loss of a loved one
- War, natural disasters, aggressive animals
- Motor vehicle and other accidents
- Bullying, cyber bullying, persecution
- Arrest, confinement, mandatory hospitalization
- Poverty, racism, discrimination, homelessness
- Witnessing or hearing about any of the above
- Chronic traumatic situations experienced over time

### Trauma stress responses and symptoms may include:

- Angry or aggressive feelings or actions
- Depression
- Upsetting memories, images, or thoughts
- Difficulty regulating emotions

**Take 5 minutes  
to read  
handout**



# Healing-Engaged RJ

In groups of three, review and discuss the following sets of questions from the “Trauma-Informed Practices Handout” (pg 13).  
*20 minutes*

## Round 1

Review the Safety and Trust questions; reflect on your current campus practices.

## Round 2

Review the Choice & Control, Collaboration, and Empowerment Questions; reflect on your current campus practices

## Round 3

Review the Training Questions and reflect on your current campus practices.





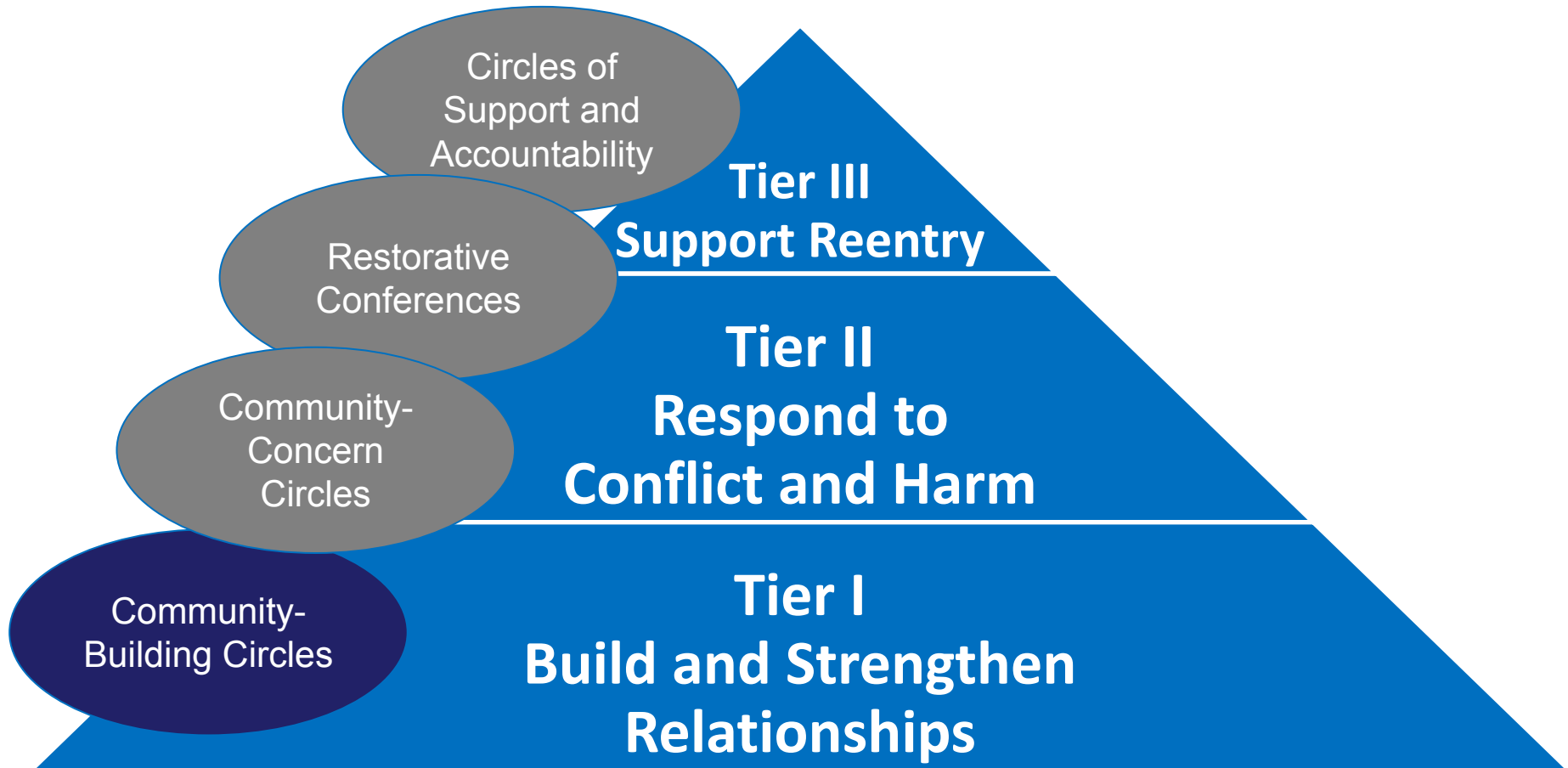
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# Restorative Justice: THE HOW

## Tier 1: Community-Building Circles



# Holistic Approach







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## Model Circle: Story Sharing



# Community-Building Circle: Meaningful Objects



Round 1: Share your piece, starting with facilitator

Round 2: Return piece to person on your left, starting with facilitator

- Honor the story by reflecting
- Open to circle for connections





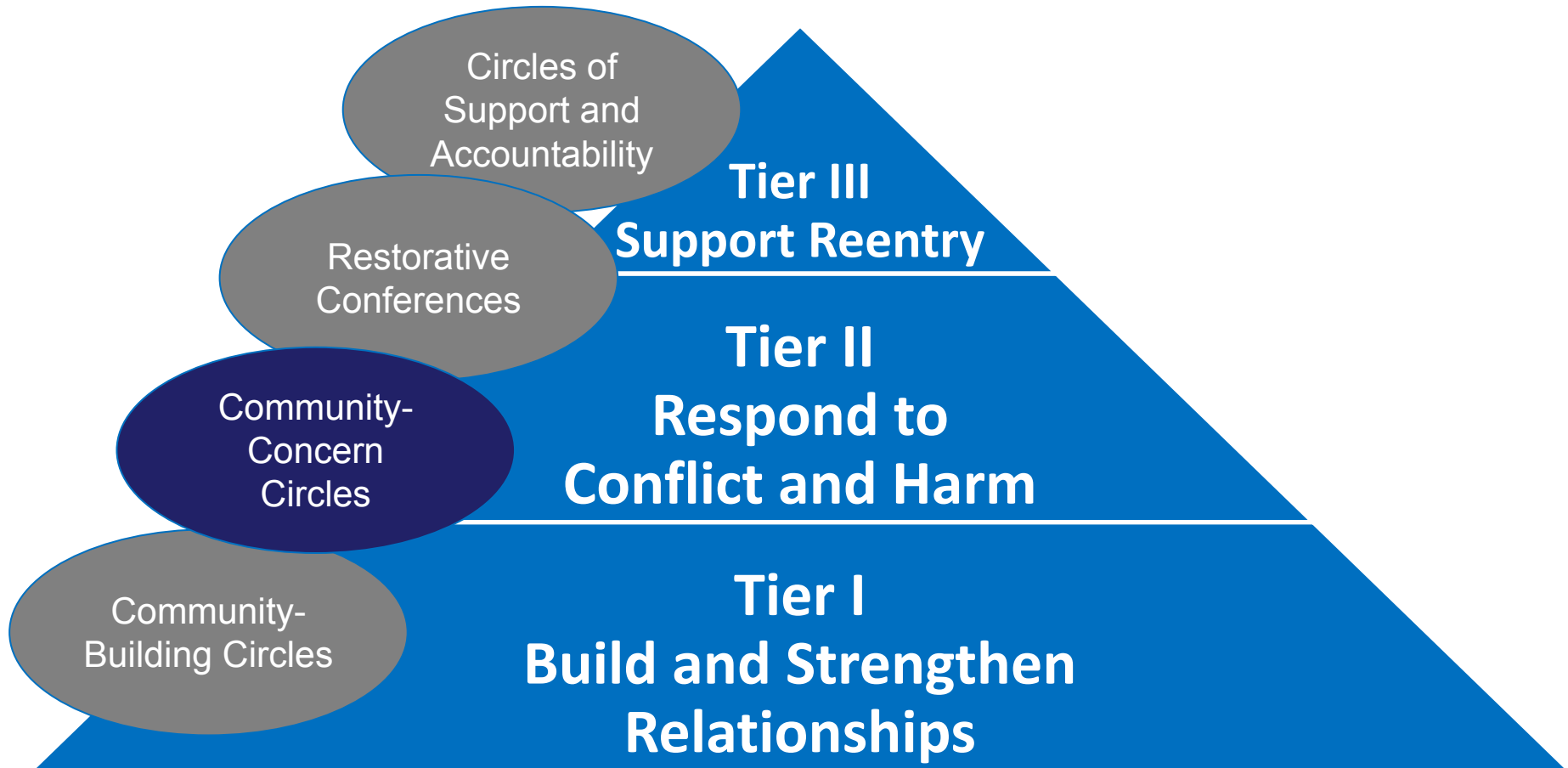
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# Break

## 15 Minutes



# Holistic Approach





# From Community Building to Community Concerns

## Community-Building Circles

- Strengthen relationships
- Build empathy and trust

## Community-Concern Circles

- Identify issues of community concern
- Elicit multiple perspectives
- Collaboratively design customized solutions





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# Campus Climate Circle



# Closing Circle

**Something from today's  
work that caught my  
attention....**



# Can't wait to see you tomorrow!

We will take our restorative practices to the next level: How do you build on community to respond to an incident of harm?

Today was all about community-building circles (Tier 1)

Tomorrow is all about responding to harm restoratively (Tier 2)





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## Day 2: Restorative Responses to Harm



# Today's Agenda

Parking Lot

RJ Core Questions Deep Dive

Identifying Harms, Needs, and Solutions

Intro to Conferences

Conference Role Play



# Parking Lot





# Restorative Facilitator Role

- Multi-partiality

“All in for everyone.” - D. Fisher

- Hold space & trust the process
- Offer process not promise
- Put the people and the harm in the center
- It is not about you – you are providing a process for the people most connected to an issue to address it
- Goal: to clarify harms & needs and explore methods & strategies to meet needs, repair harms





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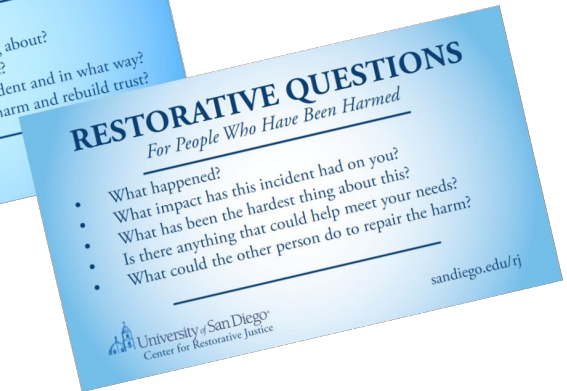
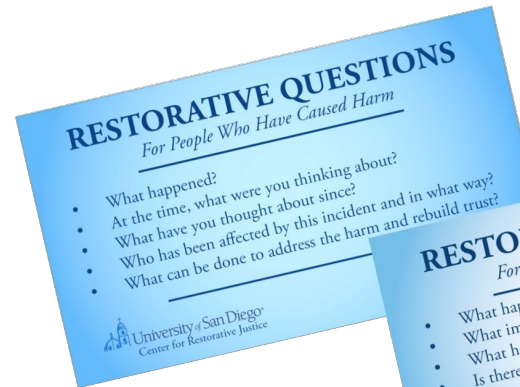
# Exploring RJ's Core Questions



# Core Questions Pair Share

25 Minutes

- Storyteller 1 (10 min).
- “I caused/experienced a harm...”
- Storyteller 2 (10 min).
- “I caused/experienced a harm...”
- Debrief (5 min)





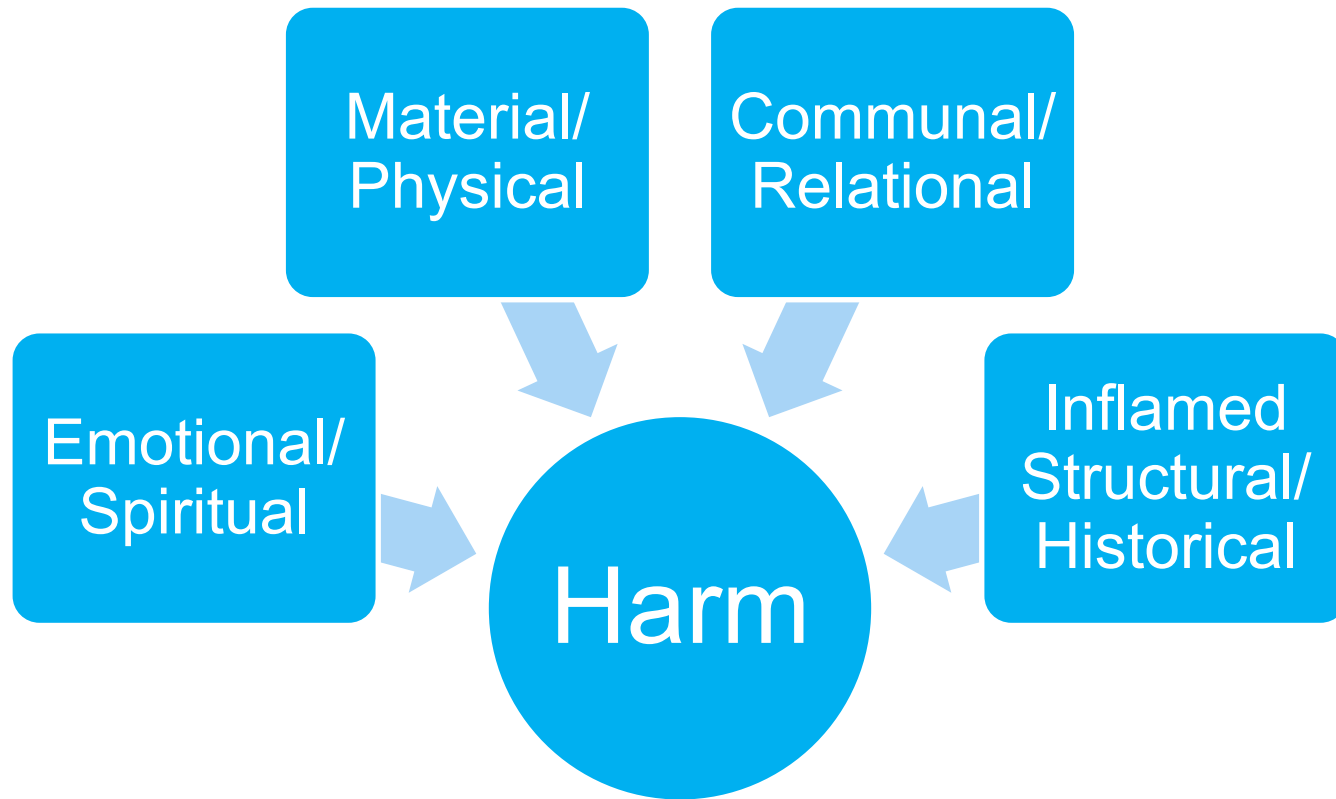


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## Identifying Harms, Needs, and Solutions



# Types of Harm

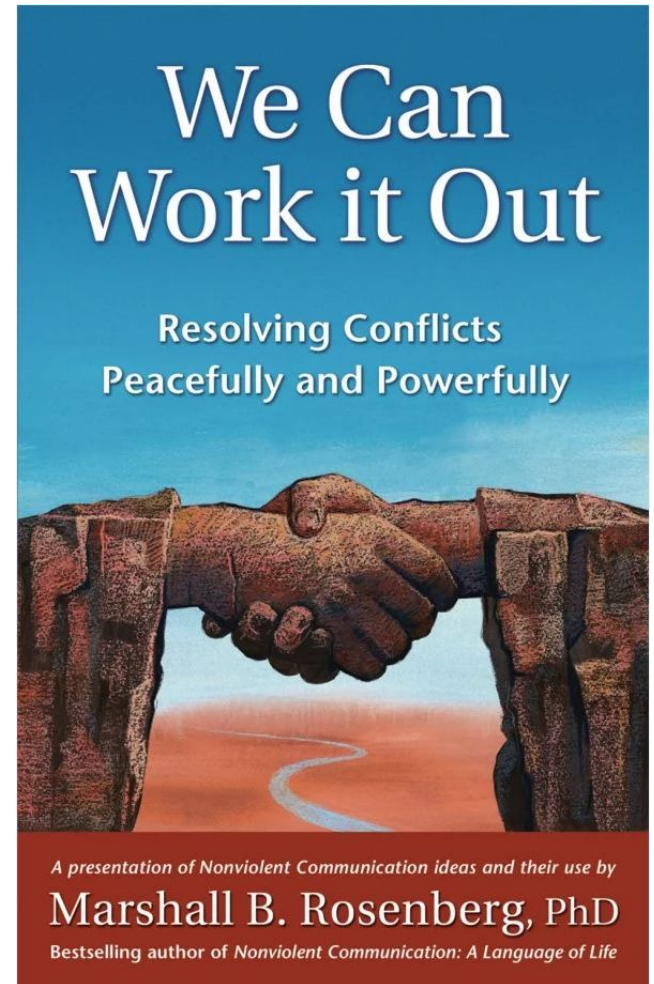




# Theory of Needs

## Rosenberg's Nonviolent Communication (NVC)

- Universal list of needs
- Detangling needs and strategies
  - Strategy “I need him to be fired”
  - Need “Safety”





# Repairing Harm

What can be done to repair the harm?

Emotional/  
Spiritual Harm

Acknowledgement

Apology

Material/  
Physical Harm

Repair

Restitution

Recovery

Communal/  
Relational Harm

Community  
Service

Reintegration

Inflamed  
Structural/  
Historical Harm

Social Justice

Systems  
Change



# Rebuilding Trust

What can be done to rebuild trust?





# Harms → Needs → Solutions

“Harms create needs. Justice is meeting needs.  
True justice is healing.” Judah Oudshoorn

## Identify Harm

- What happened?
- What impact did this have on you?
- What was the hardest thing?

## Identify Need

- Because of this harm, do you have a need for...?
- Based on Rosenberg theory of needs

## Identify Solutions

- What can be done to meet this need?
- What else?
- Reality check



# Grok for Harms

## Storyteller

- Picks a NEGATIVE feelings card associated with a harm you once experienced
- Keep it secret
- Tells the story about when you felt that way

## Listeners

- Deal out all needs cards
- Play one card that best represents storyteller's needs

## Storyteller

- Discusses how close each card is, and picks the winner

## Winner

- Guesses feeling card
- Then others go 1st round the circle to guess
- Winner provides summary reflection

## New round/New Storyteller

- Rotate cards; redistribute played cards

Needs card winner = 3 points

Feelings card winner = 2 points (1 point if hint round)

## Summary reflection by winner:

- Regarding the incident of \_\_\_\_
- One of harms you experienced was \_\_\_\_
- The situation made you feel \_\_\_\_
- And you had a need for \_\_\_\_
- Ask: What is one thing you could do to meet your need for \_\_\_\_?







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# Conference Process

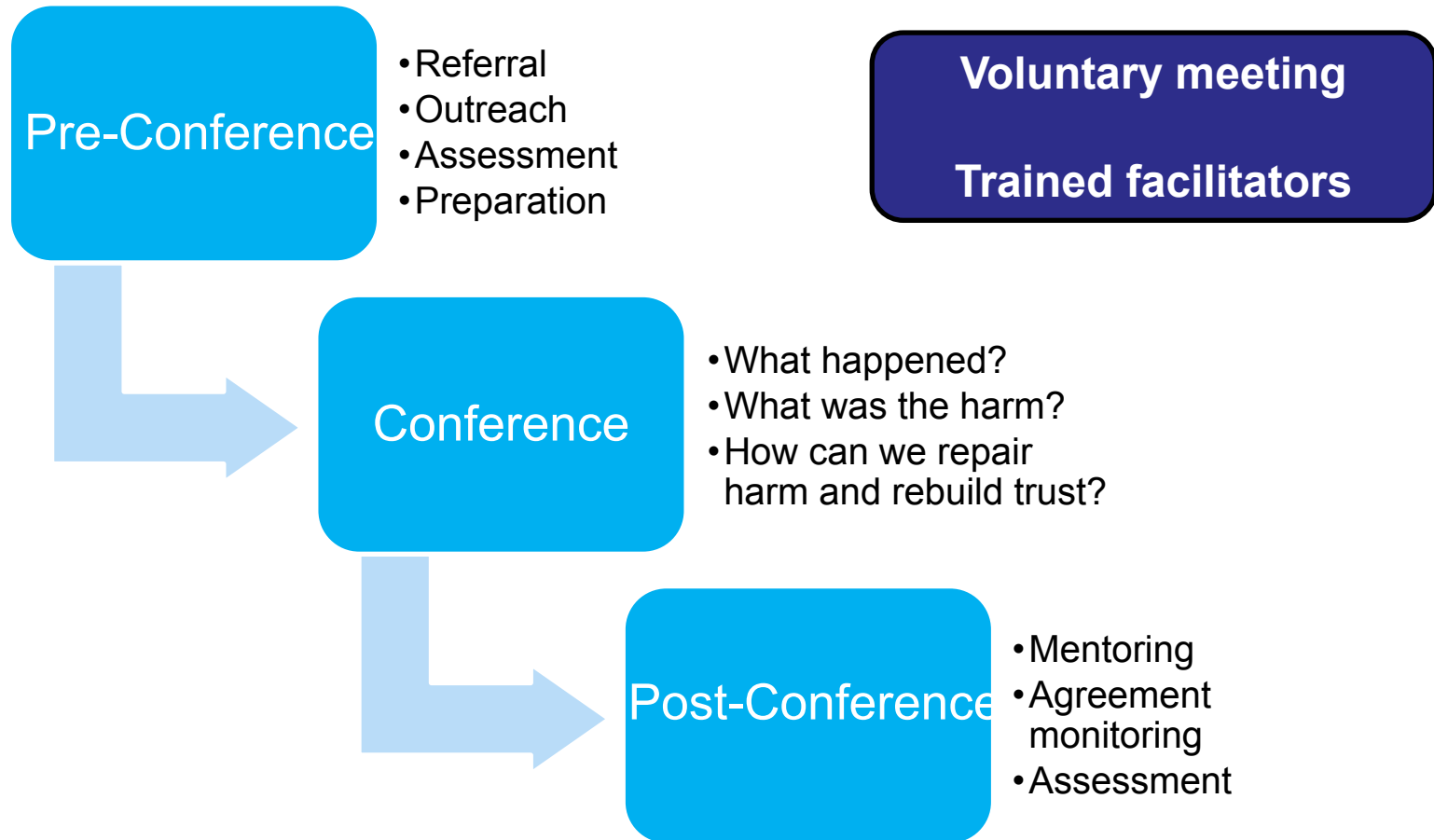


# RJ Conference – The Basics





# Basic RJ Process







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## Conference Role Play



# Closing Circle



1 word check  
out





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Day 3

Restorative Case Flow, Reintegration, and Synthesis



# Today's Agenda

Opening Circle

Restorative Reintegration

RJ Case Management

Synthesis & Closing Circle

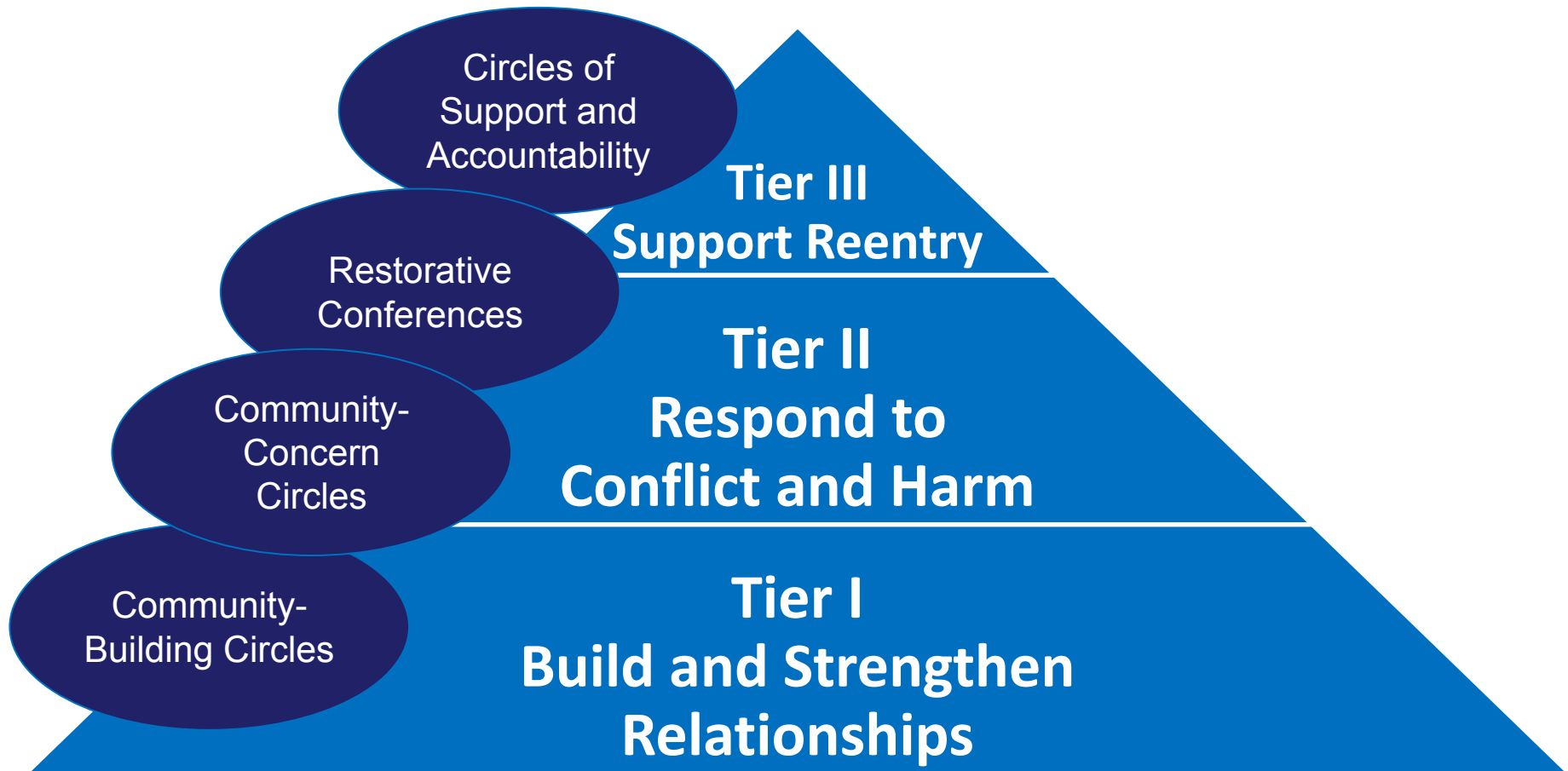
Goodbyes







# Whole Campus Approach





# A Restorative Case Management Approach



## Restorative Resolution

- Focus on harms and needs
- Storytelling and listening
- Finding collaborative solutions
- Supportive

## Investigative Resolution

- Focus on fact-finding and sanctions
- Determination of responsibility
- Assessing Credibility
- Adversarial



# A Restorative Case Management Approach



# Restorative Flow

1. First Meeting (Taking Report by TIX; referral to RJ)

2. RJ Intake and Assessment (RJ facilitator)

3. Preconference/Prep Meetings (RJ facilitator)

4. Restorative Intervention (RJ facilitator)

5. Restorative Agreement Shared with TIX for approval

6. Follow up with parties (RJ facilitator)



# First Meeting with Complainant by TIX Office

- Take Report ; *Listen for Needs*
- Explain options if complainant wishes to file a Formal Complaint
- Restorative options:
  - Initiated by the complainant
  - Approved by the TIX or designee (explain limitations if there are any)



# First Mtg

*How can you create an intake meeting that creates the possibility for a restorative response?*





# Intake and Assessment - by RJ Facilitator

When a case gets to an RJ facilitator, they need to do their own intake and assessment This is a **voluntary** process for all -- including the facilitator.

- If the facilitator feels that the process is not being entered into voluntarily by the parties (ex. coerced) they should pause and check in.
- If the facilitator feels that parties are not entering in good faith, they should pause and check in.
- If the facilitator feels that the process is likely to cause additional harm, they should pause and check in.
- Facilitators can stop the process.
  - These assessment instincts are honed and developed over time;
  - Handouts/checklists here to help you.





# Synthesis

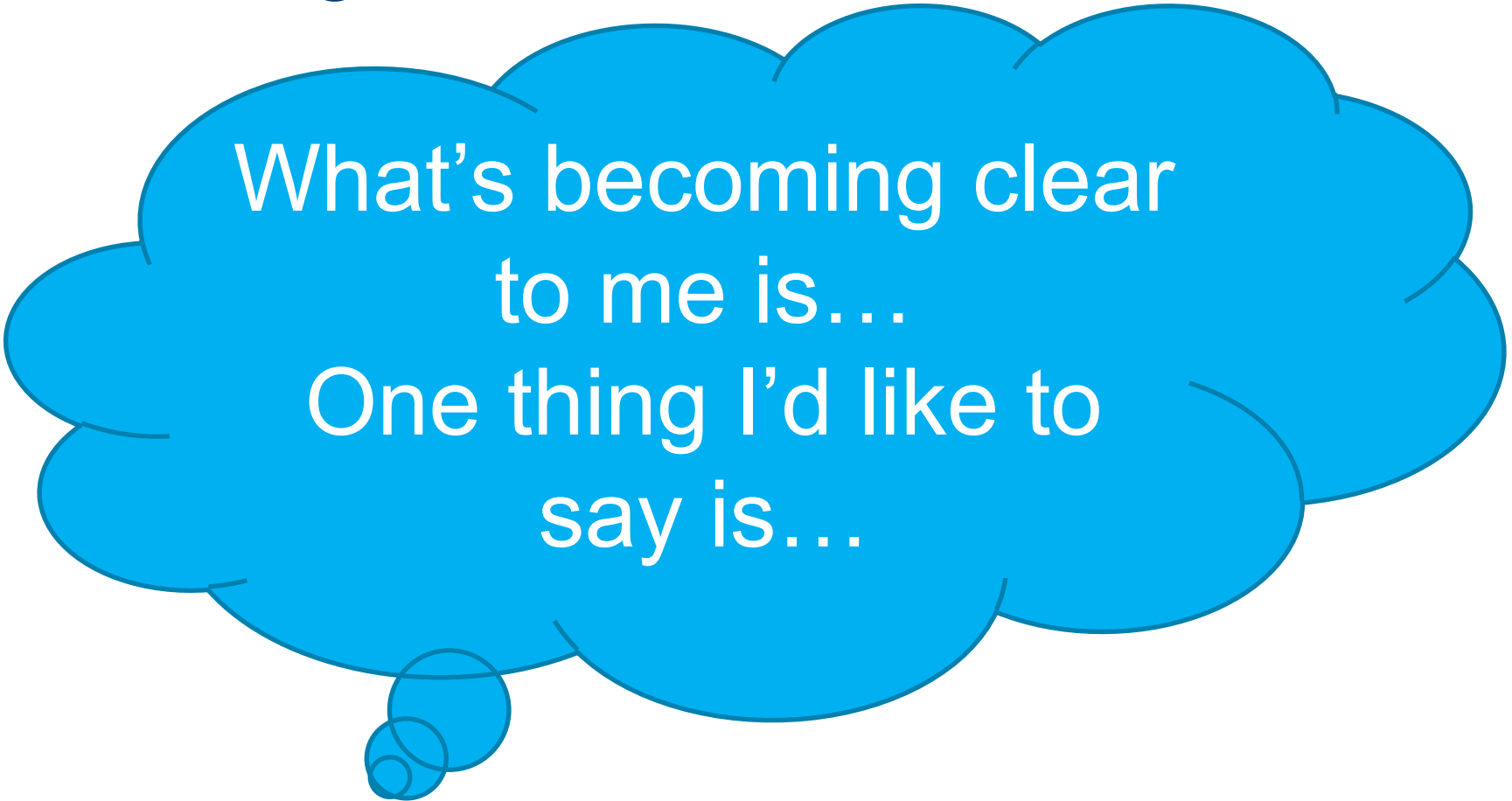


# Form a Wagon Wheel





# Closing Circle



What's becoming clear  
to me is...  
One thing I'd like to  
say is...



# Staying Connected



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