

DESIGNING AND IMPLEMENTING INFORMAL RESOLUTIONS: KEY CONSIDERATIONS FOR COLLEGES AND UNIVERSITIES

Massachusetts Dept. of Higher Education
April 15, 2025

RK Resolution

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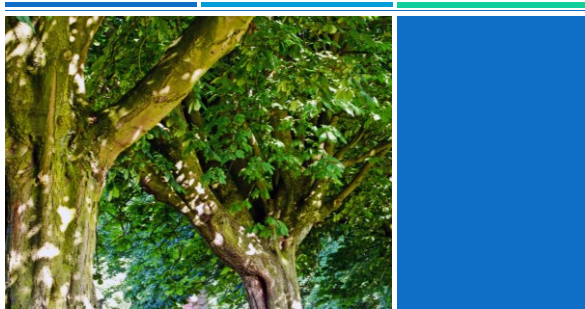
Rachel King, Ph.D.
(she, her)

Restorative Justice
Practitioner

- Title IX
- Bias Incident Response
- Behavioral Intervention
- Student Conduct

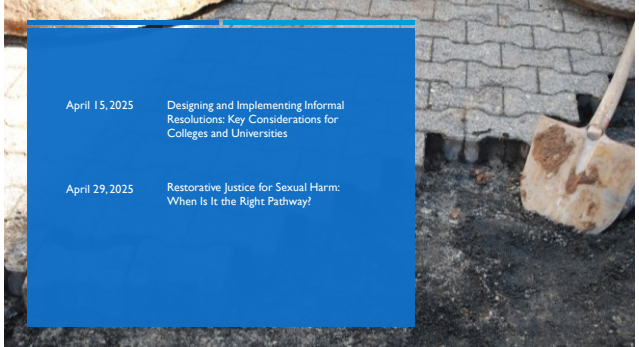
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April 15, 2025 Designing and Implementing Informal
Resolutions: Key Considerations for
Colleges and Universities

April 29, 2025 Restorative Justice for Sexual Harm:
When Is It the Right Pathway?

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AGENDA

Informal Resolution

Restorative Framework

System Considerations

Q & A

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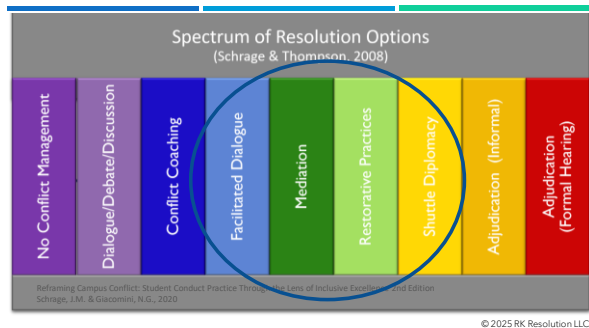
LEARNING OUTCOMES

Appreciate the **varying ways** restorative processes
can be utilized in response to college sexual
misconduct

Articulate **key considerations** and **decision-points**
for institutions utilizing a restorative IR process

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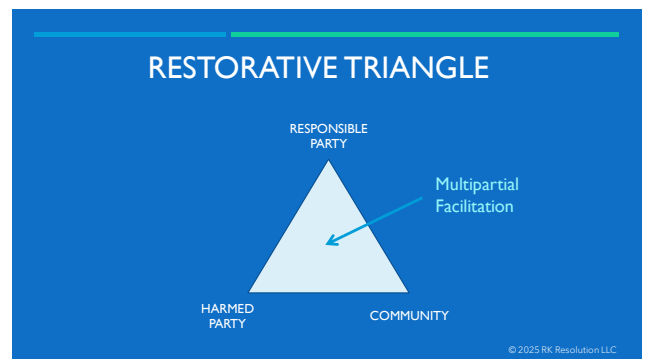
RESTORATIVE WAY OF THINKING

- What is the harm?
- What needs to be done to repair the harm?
- Who is responsible for this repair?

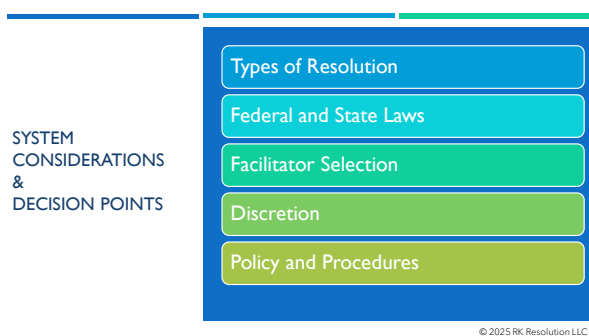
Adapted from H. Zehr (2002)

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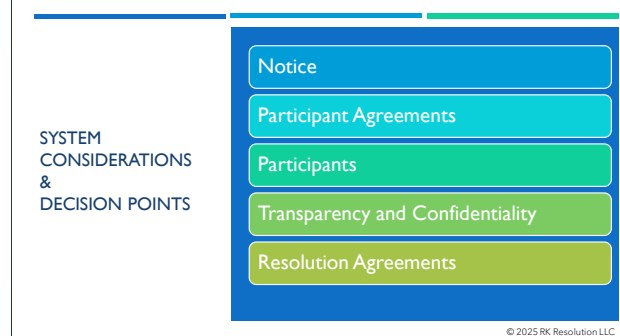
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APPROACHES TO "INFORMAL" RESOLUTION

- Direct Communication, Facilitated Dialogue
- Circle processes, Conferencing
- Shuttle Diplomacy, Collaborative Resolution
- Restorative Agreement Creation
- Psychoeducation with Restorative Approach, Workshops
- Reintegration and CoSAs

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FEDERAL AND STATE LAWS

- Title IX
- Clery Act, as amended by VAWA
- Massachusetts Act Relative to Sexual Violence on Higher Education Campuses

- Gatekeeping & Dismissal
- Formal Complaint
- Eligibility for IR
- Notice
- Facilitator options
- Facilitator training
- Written consent
- Record-keeping

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FACILITATOR SELECTION

Training

- Specialized processes or certifications
- Title IX Requirements

Capacity

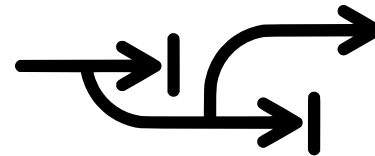
- Time
- Accessibility

Conflicts

- Individual
- Role

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- Who decides?
- When?
 - Categorically
 - Individually
- How?

DISCRETION

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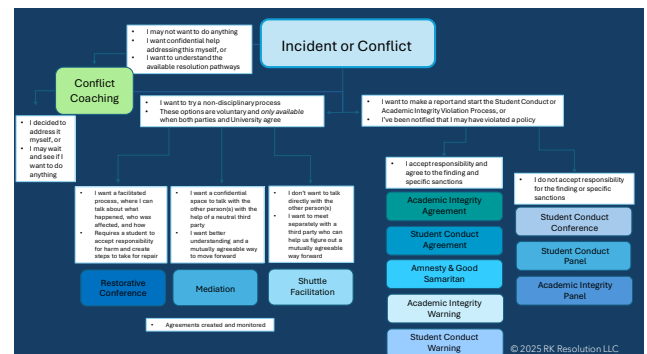
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POLICY & PROCEDURES

- What does participation entail?
- How does it differ from formal process?
- What happens if...?
- Consider:
 - Process Maps
 - FAQs from Party perspective

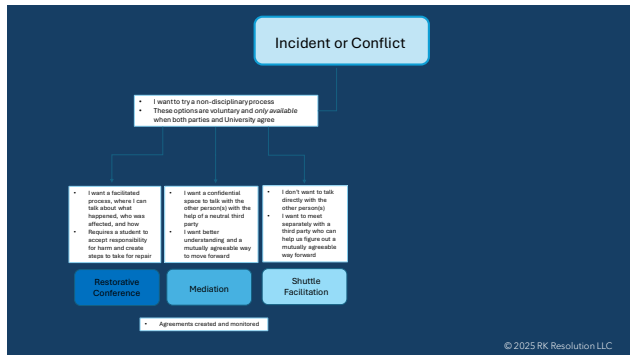
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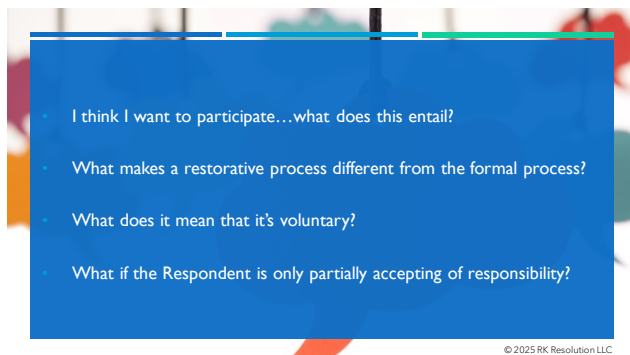
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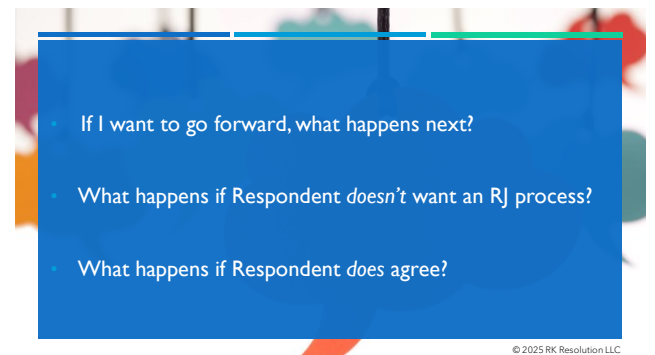
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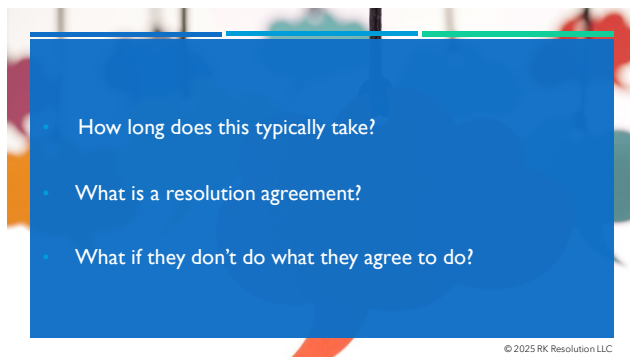
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NOTICE:

REQUIREMENTS
IMPACTING IR
UNDER TITLE IX

- Allegations
- Requirements of IRP including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations
- Prior to agreeing to resolution, right to withdraw from IRP, resume grievance procedures
- **Any consequences resulting from participating in the IRP**, including the records that will be maintained or could be shared

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PARTICIPATION AGREEMENT

- Confirmation of voluntary participation
- Purpose of the IRP
- Any difference between IRP and finding of responsibility
- Who may end the process
- How information from IRP may be used
- What happens when the process is complete
- Consequences of non-compliance

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PARTICIPANTS

- Transparency and agreement before joint sessions
- Role of support persons
- Role of administrator(s) community representative
- Surrogate conferencing

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- Parameters of confidentiality
 - What aspects of the process will remain confidential?
 - Administratively?
 - Context of criminal or civil process?
- Records maintained
 - Notes, Correspondence
 - Disciplinary v. Non-disciplinary
 - Implications for future violations, sanctions?
- Mandatory reporting obligations

TRANSPARENCY
&
CONFIDENTIALITY

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RESOLUTION AGREEMENTS

Case
Information

- Participants
- Date of the agreement
- Purpose

Agreement
Items

- Party will...
- Completion requires...
- Due by...

Terms of
Agreement

- Voluntary agreement
- Confidentiality
- Record Keeping
- Close of case
- Non-compliance



Confirmation

- Approval
- Verification

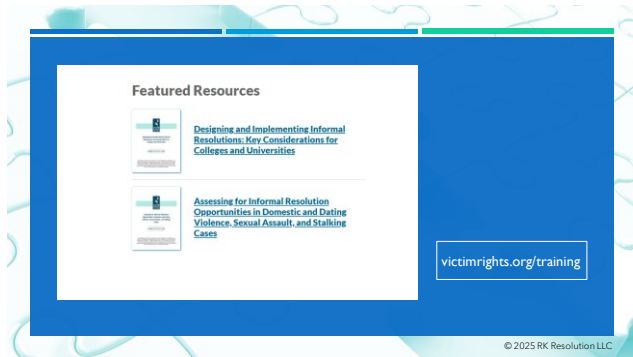
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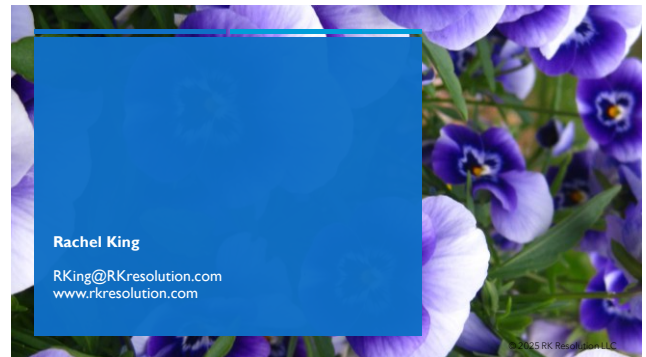
QUESTIONS

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