ENHANCING SAFETY PLANNING WITH TRAUMA-INFORMED RESTORATIVE JUSTICE

Massachusetts Dept of Higher Education
June 8, 2023
Rachel King, Ph.D. (she/her)
RK Resolution
Restorative Justice Practitioner
Title IX, Conduct Background

Lindy Aldrich, Esq. (she/her)
Ladder Consulting
Title IX Background
Counsel for SA Survivors
### Safety Planning & Restorative Justice

<table>
<thead>
<tr>
<th>WHY</th>
<th>Reports, Roles and Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHAT</td>
<td>Definitions, Variations in Practice and Purpose</td>
</tr>
<tr>
<td>HOW</td>
<td>Implementation, Strategies and Support</td>
</tr>
</tbody>
</table>
WHY

- State of referrals
- Regulatory effects
- Compliance considerations, conflation
- Student needs
- Population-specific needs, intersectionality
WHY SAFETY PLANNING?

- Helps students who disclose feel safe
- Promotes community safety
- Opportunity to address physical, emotional, and academic needs
- Promotes communication and develops trust between the student and the school
“Restorative justice is a process to involve, to the extent possible, those who have a stake in an offense and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible.”

— Howard Zehr, PhD, *The Little Book of Restorative Justice*, 2002
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)
RESTORATIVE TRIANGLE

RESPONSIBLE PARTY

HARMED PARTY

COMMUNITY

© 2023 RK Resolution LLC
RESTORATIVE APPROACH

- Relational
  - Addresses harms, needs and obligations

- Collaborative
  - Equal concern for harmed and responsible parties
WHAT DO THOSE HARMED NEED?

- Sense of safety
- Agency
- Validation
- For impact to be heard
- Deeper understanding of what transpired
- Control of Information
- Accountability
- Enhanced confidence the behavior will not recur
RESPONSIBLE PARTIES

- Role of responsibility
- Voicing harm
- Reintegrative vs. disintegrative shame
- Assessment
- Reintegration

Harm to others
Harm to self
- Damage to relationships
- Destroyed trust
- Lost opportunities
RESTORATIVE JUSTICE IS A COMMUNITY APPROACH
JUSTICE CAN BE DEFINED IN MANY DIFFERENT WAYS
Customized safety plans prioritize the safety of a student by considering their daily logistics and what the harmed person needs to feel and “be” safer.
Accommodations focused on ensuring access to the benefits of education
Provided regardless of complaint
Safety may not be an issue for all complainants
APPLYING RESTORATIVE LENS

Traditional Responses
- Adversarial process – sets up one party versus the other
- Request for restrictions on respondent may be construed as punitive by the party
- No opportunity to discuss the “why”
- Institution speaks for the community

Restorative Approach
- Triad vs Dyad moves away from adversarial response
- Understanding that request is not punitive but necessary
- Provide more understanding between the parties
- Take accountability for impact that feelings of fear have caused reporting party or community

©2022 Ladder Consulting LLC. Distribute with permission.
RJ FACILITATOR LENS IS DIFFERENT

Title IX Coordinator
- Process oversight
- Neutral arbiter
- Programmatic oversight
- Compliance (state, federal) law focus

Restorative Facilitator
- Multipartial lens
- Broader focus than complaint resolution
- Focus on establishing “right relationship”
- Prioritizes reintegration

© 2022 Ladder Consulting LLC. Distribute with permission.

© 2023 RK Resolution LLC
WHAT COULD A RESTORATIVE PROCESS FOR SAFETY LOOK LIKE?
RESTORATIVE PROCESS CONSIDERATIONS

Who is involved in decision-making?

What could the process look like?

What is the role of advisors, advocates, attorneys?

How will agreement be monitored? Revised?

© 2023 RK Resolution LLC
CONFIDENTIALITY AND INFORMATION SHARING

- Survivor privacy
- Confidentiality vs. Informed Consent
- Processing the process
- Navigating future discussion
- Responsible Party privacy / Student records