

Important Characteristics of Community and Restorative Actions for Conduct, Climate and Culture Change

Societies Consortium

September 2019

David Karp

Center for Restorative Justice

The Vision

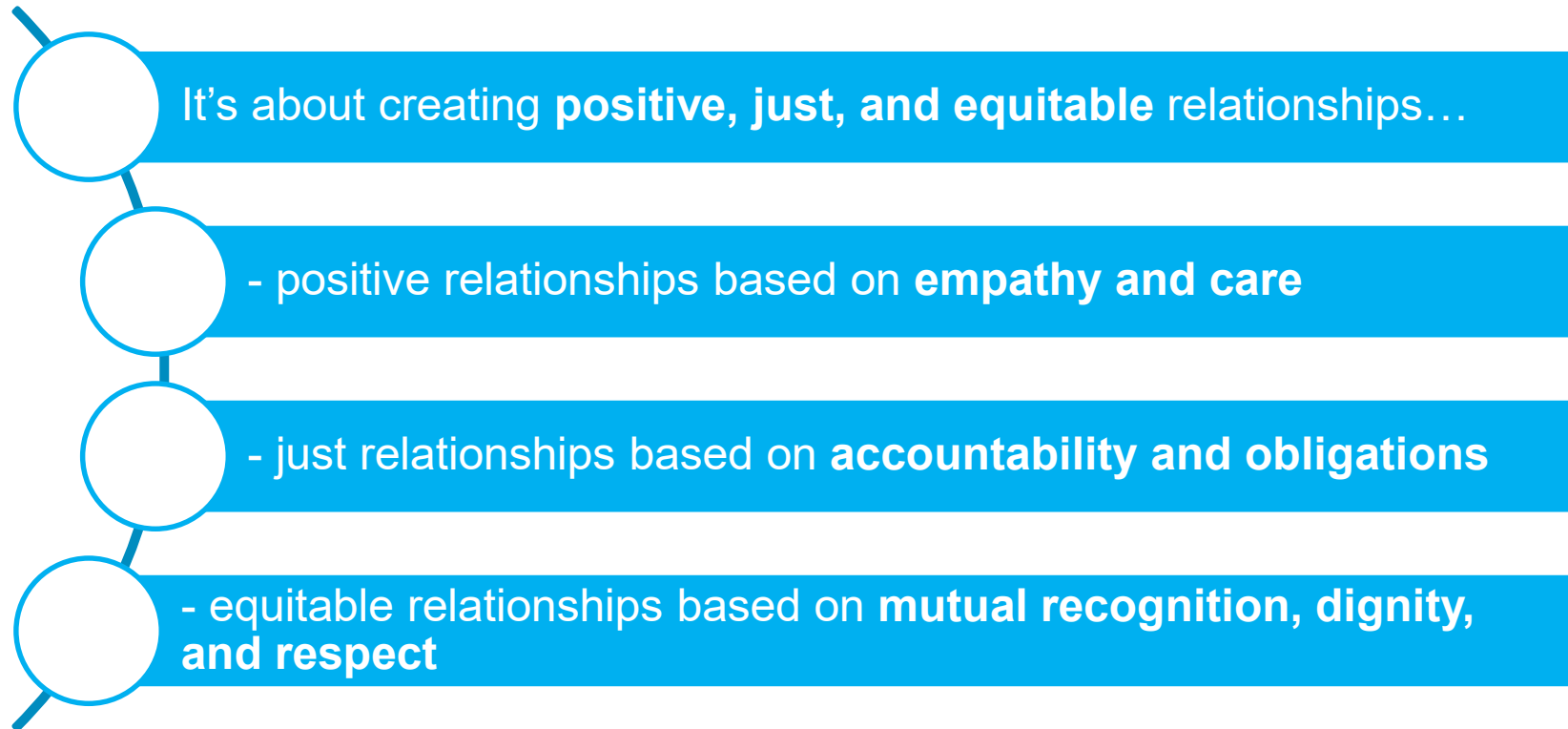
“Every criticism, judgment, diagnosis, and expression of anger is the tragic expression of an unmet need.”

— *Marshall Rosenberg*

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

— *Judah Oudshoorn*

RJ is not a program model, but an **ethical framework**



What is distinctive about RJ?

It is **strongly relational**

Positive relationships are essential for social cooperation and resolution of harm

- Who has been impacted? What do they need to feel like the issue is resolved or to be in positive relationship again?
- “In restorative justice, we do a radical thing. We let people talk to each other.” *Lauren Abramson*

What is distinctive about RJ?

It is focused on **repairing harm**

The legitimacy of the accountability process is the recognition of harm (not the violation of a rule)

- What is the harm?
- Who is responsible?
- What can they do to repair the harm?
- How can we rebuild trust?
- What would be healing?

What is distinctive about RJ?

It **empowers** the key stakeholders

The immediate participants participate in the collaborative, inclusive, problem-solving process often through face-to-face dialogue.

- Trained, multipartial facilitators
- Participants speak for themselves
- Informal to elicit authenticity
- Nonadversarial

What is distinctive about RJ?

It both **proactive** and **responsive**

Restorative practices help build healthy relationships and competent communication skills.

- “The best time to repair the roof is when the sun is shining.” JFK

Restorative practices respond to incidents of harm and toxic organizational cultures.

- Policy change is not culture change. You can't suspend, fire, or arrest your way to a better community climate.

Campus PRISM

Campus PRISM

Promoting Restorative Initiatives for Sexual Misconduct on Campus

21 || A SURVIVOR AND HER PERPETRATOR FIND JUSTICE

12/3/2018



Reckonings

#21 || A survivor and her perpetrator find justice

Cookie policy

Campus Sexual Misconduct: Restorative Justice Approaches to Enhance Compliance With Title IX Guidance

TRAUMA, VIOLENCE, & ABUSE
2014, Vol. 15(3) 242-257
© The Author(s) 2014
Reprints and permission:
sagepub.com/journalsPermissions.nav
DOI: 10.1177/1524838014521500
tva.sagepub.com
SAGE

TRAINING

Training in Restorative Conferencing for Cases of Campus Sexual Harm

March 29-30, 2019

Rutgers University - New Brunswick

STUDENTS

THE CHRONICLE
of Higher Education

Why More Colleges Are Trying Restorative Justice in Sex-Assault Cases

By Katherine Mangan | SEPTEMBER 17, 2018

The New York Times

Sexual Harassment Charges Roil Elite University Department

By Vivian Wang

Sept. 15, 2017

NASPA
Student Affairs Administrators
in Higher Education

Online Learning Community

BROWSE COURSES

HOME / CATALOG / SEXUAL AND RELATIONSHIP VIOLENCE EDUCATION

Using a Restorative Justice Approach to Sexual Harm and Misconduct

with David Karp, Jasmyne Elise Story, Jordan Draper

JOURNAL OF SEXUAL AGGRESSION
<https://doi.org/10.1080/13552600.2018.1507488>

Routledge
Taylor & Francis Group

Check for updates

Addressing individual and community needs in the aftermath of campus sexual misconduct: restorative justice as a way forward in the re-entry process

Sheila M. McMahon^a, David R. Karp^b and Hayley Mulhern^c

Faculty Sexual Harassment

Sexual and Gender Harassment

Acts

- “Come-Ons”
 - Unwanted Sexual Advances
 - Sexual Coercion
- “Put-Downs”
 - Sexual insults
 - Degrading body comments, etc.
- Intersections
 - Racial gender harassment
 - Heterosexist harassment

Impacts

- Reduced scientific productivity
 - Ambivalence, stalled careers, lateral moves, leaving field
- Feeling unsafe in workplace
 - Marginalized participation
 - Not attending work events
- Mental and physical health
 - Depression and anxiety

“Women, and in particular women with multiple marginal identities, must regularly push against a culture that does not feel welcoming to them.”

Kathryn Clancy (2018) University of Illinois

Toxic vs Restorative Workplace Culture

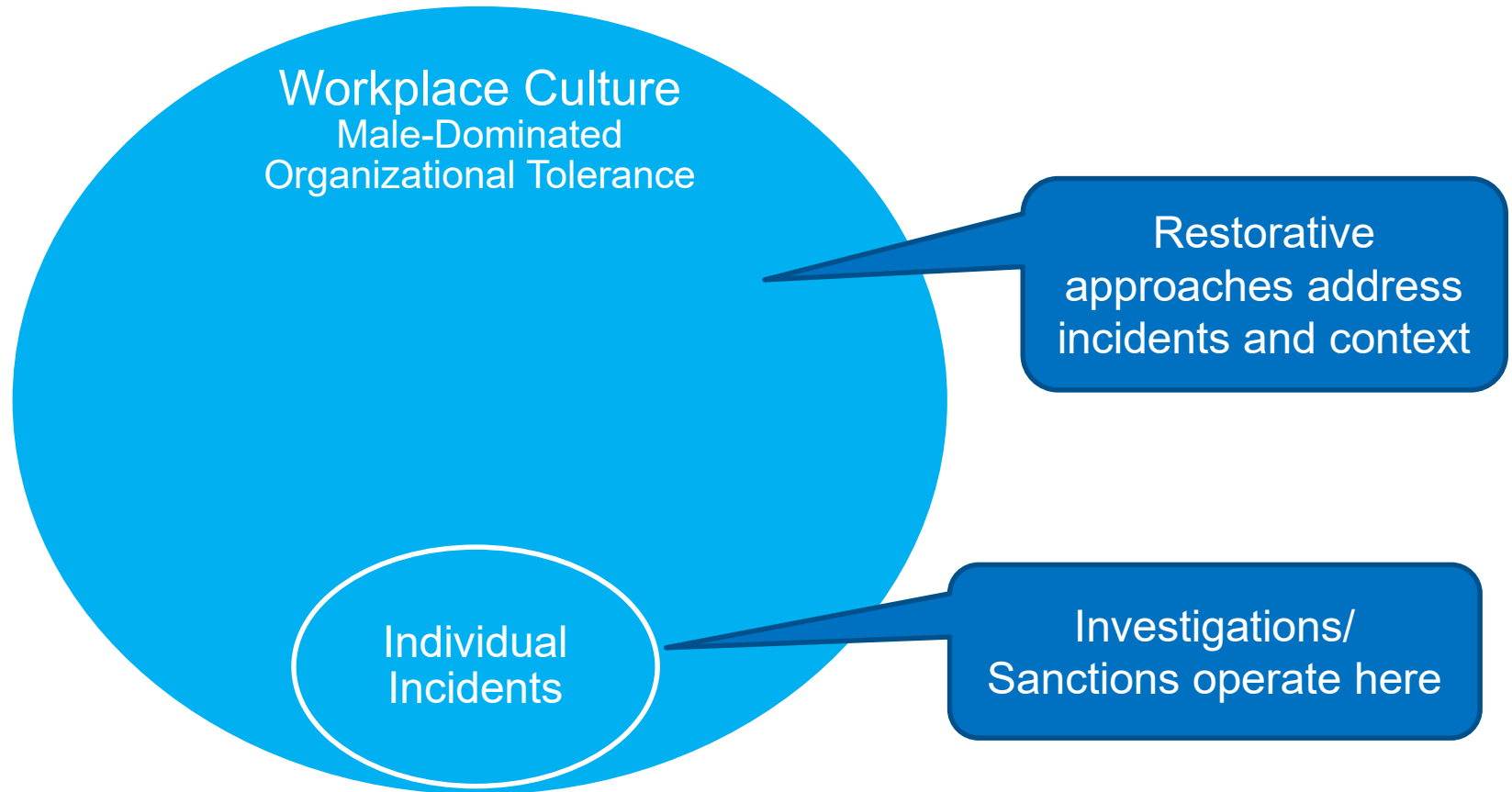
Toxic Workplace

- Top down
- Compliance-focused
- Low reporting (current: 6%)
- Adversarial/backlash/ due-process focused)
- Punitive
- Distrust/back-stabbing
- “Call out” or “Cancel” ethos
- Low morale

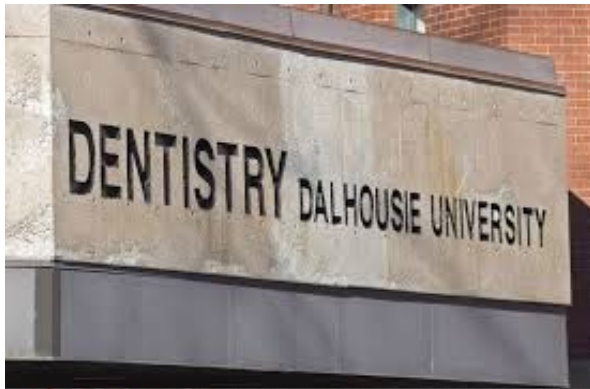
Restorative Workplace

- Collective agreement on standards and values
- Emotional safety
- Respect
- Integrity
- Fairness
- Appreciation
- Accountability
- Kindness

Culture and Climate



How do we create the conditions in which it is possible for someone who has caused harm to acknowledge and take responsibility for it?



change.org Start a petition Browse Search

Petitioning Dalhousie University President Dr. Richard Florizone and 1 other

Expel the Students who were members and/or participated in the Facebook group called 'Class of DDS 2015 Gentlemen'

Meghan Bradley
Canada

We this petion signers believe that none of the students involved in the Facebook group called 'Class of DDS 2015 Gentlemen' should be allowed to continue studying at the Dalhousie School of Dentistry where they will graduate and effectively be employed in a position of power and trust. Not one individual, regardless of sex, age or gender that participates in a group that condones violence towards women including rape, the drugging of females and other misogynistic attitudes should ever be placed in a position of trust. Not one person who believes the drugging of an individual as a way to have non consensual sex is funny or a joke should ever have access to sedatives.

We the signers also believe that all students should have the right to study in a

asked a question. 2 hrs

Who would you hate fuck

Add an answer...

Like · Comment

likes this. Seen by everyone

Dalhousie Dentistry Case

Key Findings (Llewellyn et al. 2015)

“...culture and climate factors contributed to an environment that shaped the development of the private DDS2015 Facebook group”

- i. **COMMUNITY BUILDING** – finding better and more supportive ways to build connections between and among students, faculty and staff
- ii. **INCLUSION AND EQUALITY** – supporting diversity and confronting accepted divisions along lines of gender, race, culture and religion
- iii. **PROFESSIONALISM AND ETHICS** – adapting a more integrated and principle-based approach to both personal and professional integrity with respect to patient care and safety
- iv. **CURRICULUM AND PROGRAM STRUCTURE** – addressing factors within the program and clinic structure that contribute to a competitive and stressful environment
- v. **REPORTING PROCESSES AND CONFLICT RESOLUTION** – improving communication and transparency in order to create safer spaces to address and resolve issues

Restorative Justice

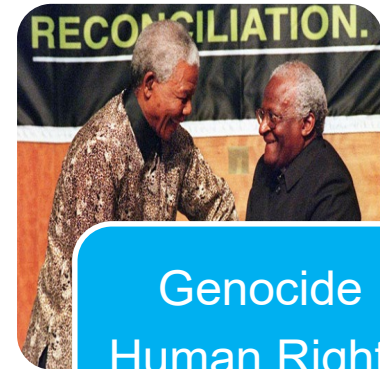
Expanding RJ Movement



Schools
Workplaces
Families

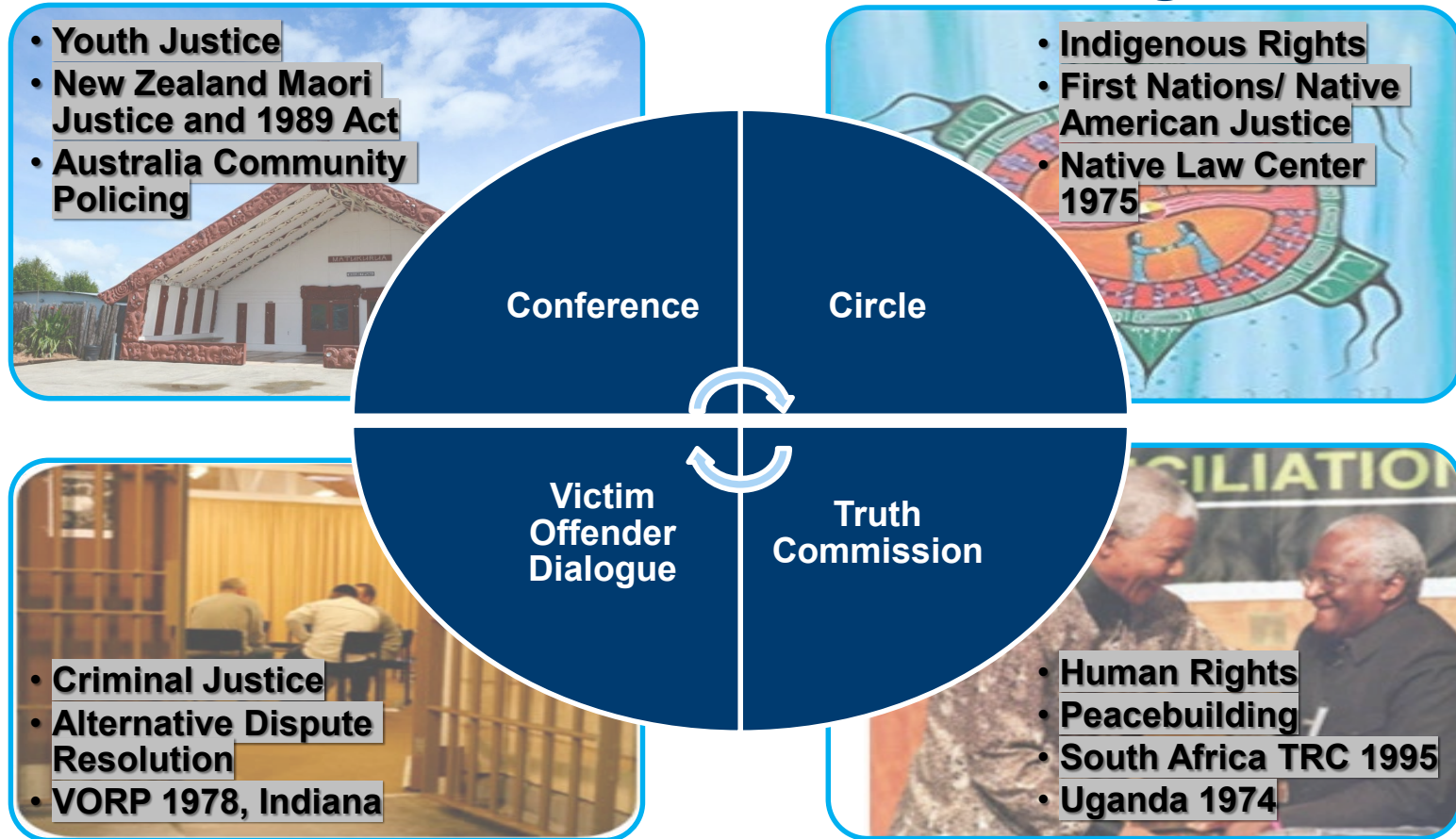


Juvenile
Justice
Criminal
Justice



Genocide
Human Rights
Violations
Historical
Harms

Core RJ Practices and Origins

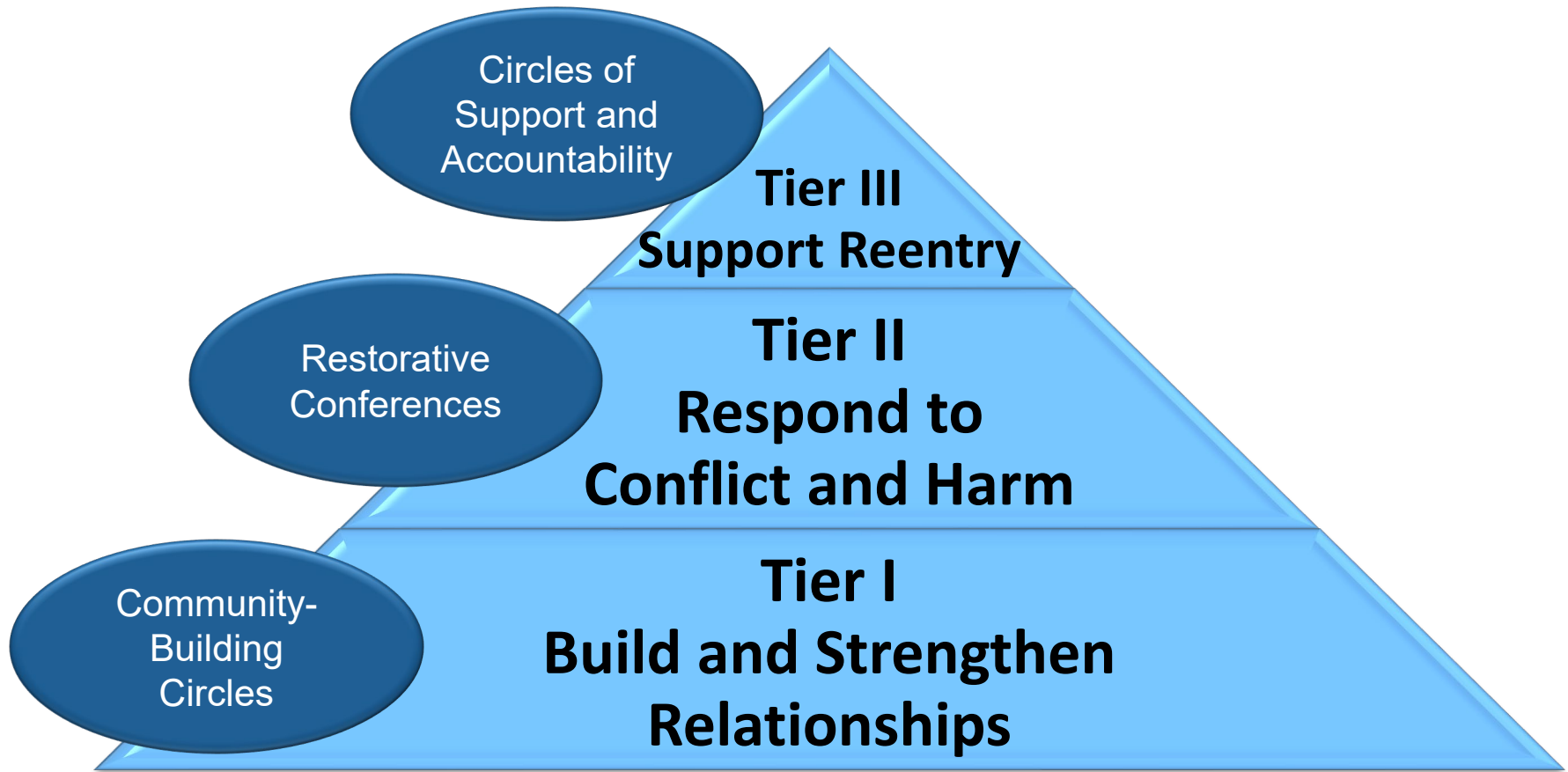


RJ Defined



“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

Whole Campus Approach



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

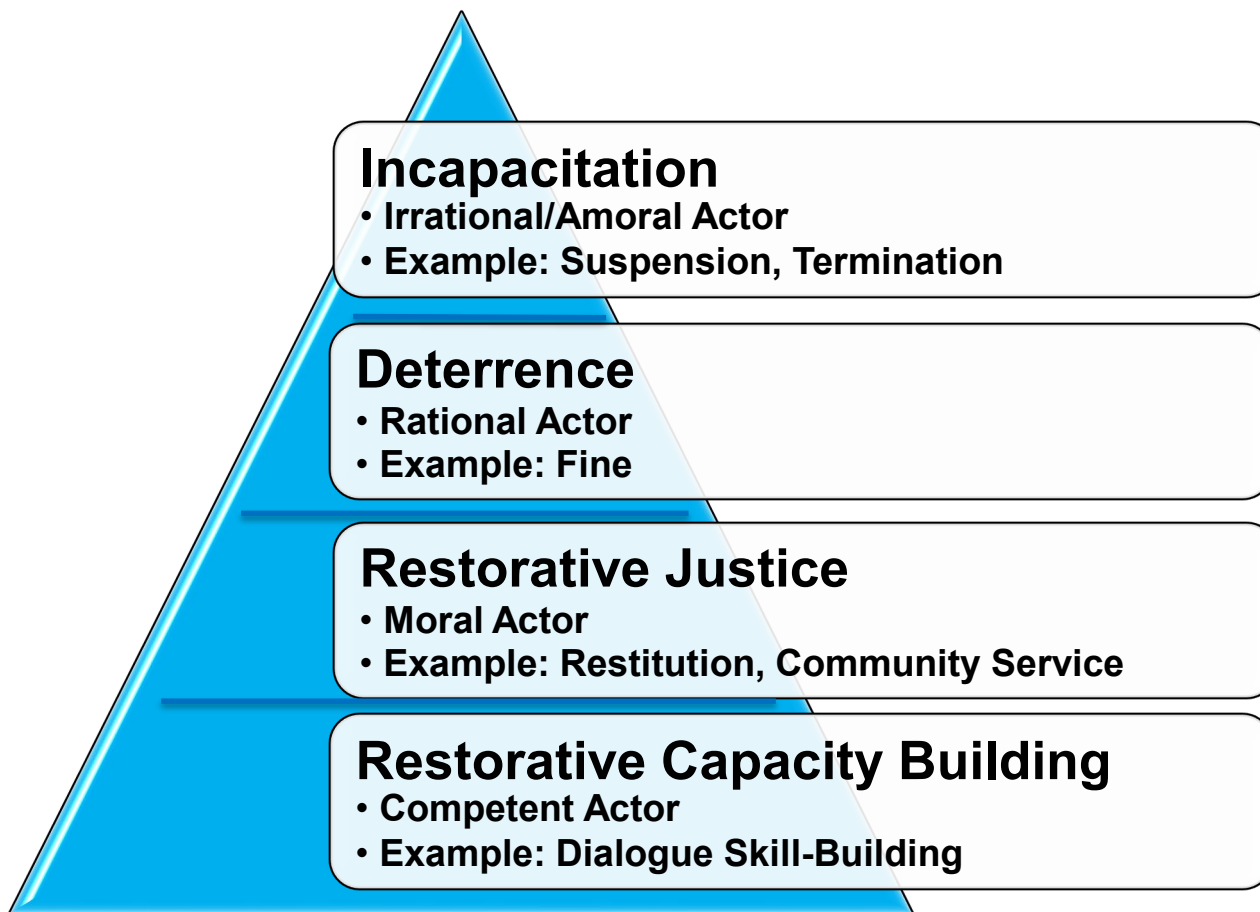
- What happened?
- Who has been impacted? In what way?
- What are the harms to be addressed?
- What needs do we have?
- What will make things right?
- How do we rebuild relationships?
- How do we address this in a restorative way?

Tier III:

Reintegration

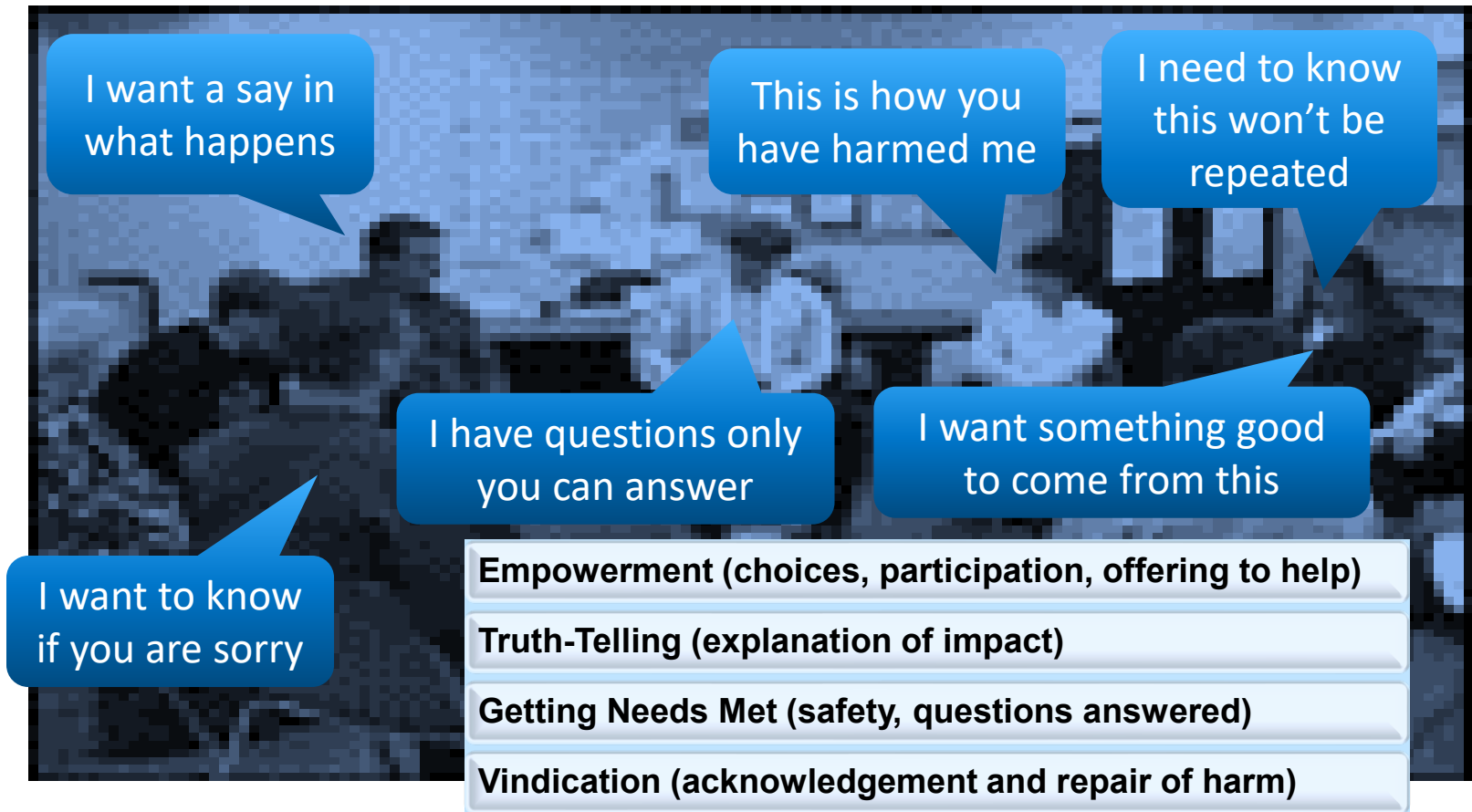
- How do we support this individual?
- How do we support harmed parties?
- Has the individual taken responsibility?
- How do we prevent recurrence?
- How will we welcome this person back? Who can support?
- What resources do we need for successful reintegration?

Braithwaite's Regulatory Pyramid



Supporting Harmed Parties

Why Do Harmed Parties Participate?



Accountability

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

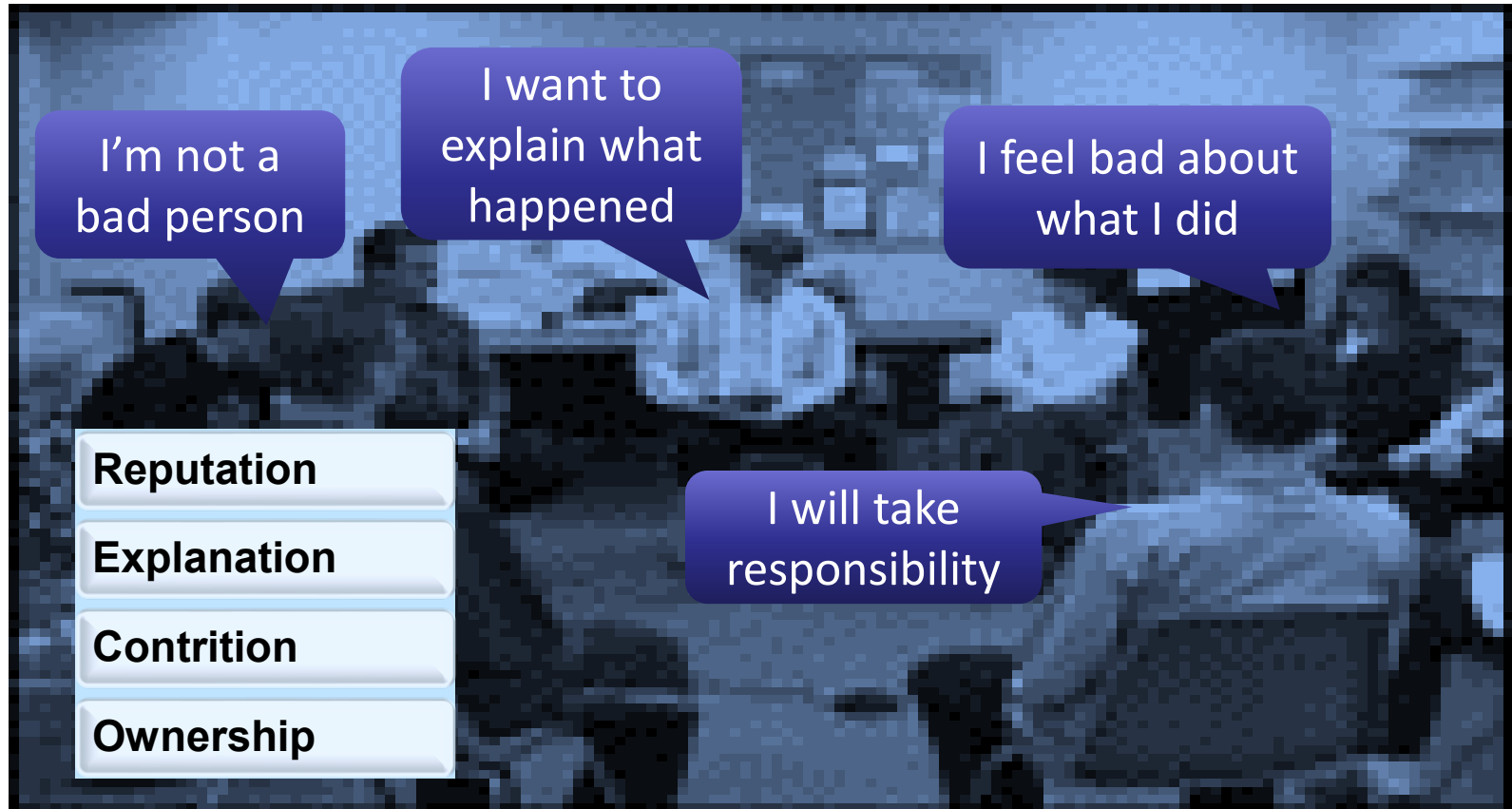
Restorative Justice

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

Achieving Support and Accountability

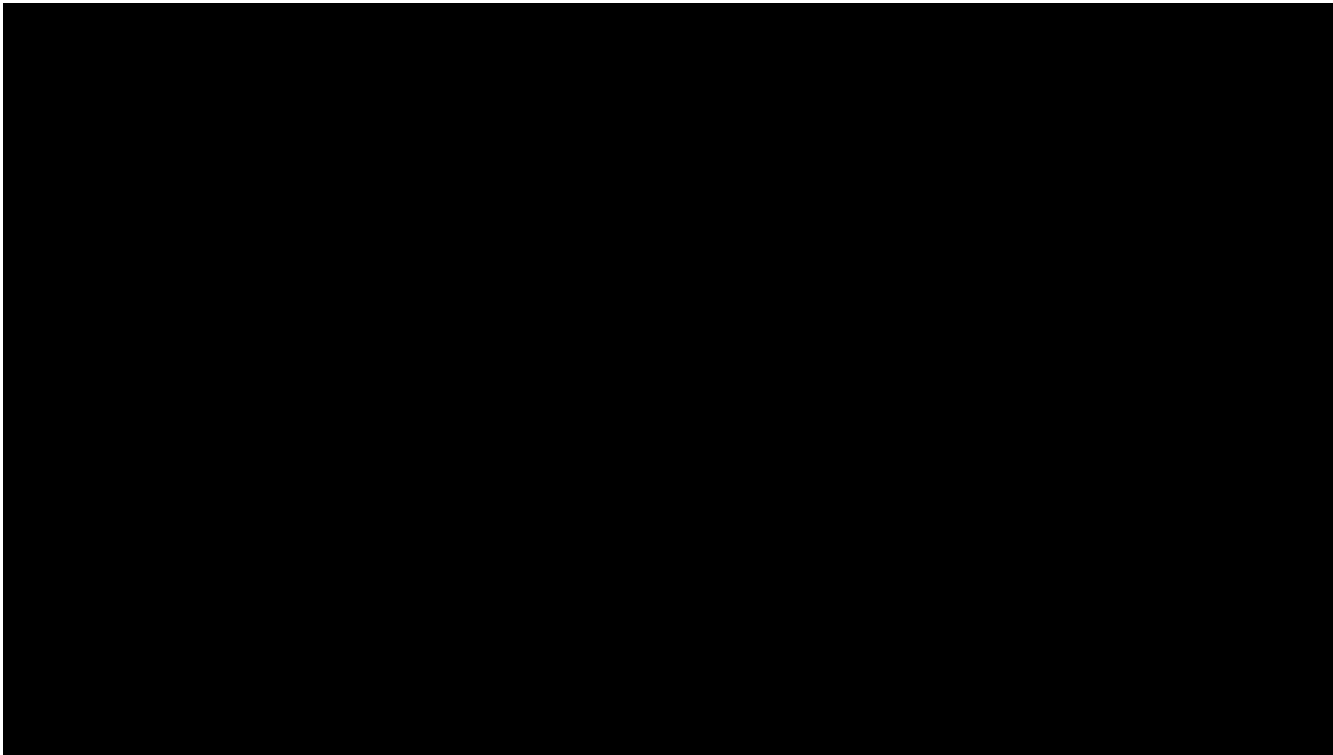


Why Do People Who Cause Harm Participate?



Apology

Survivor Voices: What is Justice?



<https://inmywordsmovement.org/stories/>

MARIO BATALI™

As many of you know, this week there has been some news coverage about some of my past behavior.

I have made many mistakes and I am so very sorry that I have disappointed my friends, my family, my fans and my team. My behavior was wrong and there are no excuses. I take full responsibility.

Sharing the joys of Italian food, tradition and hospitality with all of you, each week, is an honor and privilege. Without the support of all of you — my fans — I would never have a forum in which to expound on this.

I will work every day to regain your respect and trust.

-mb

ps. in case you're searching for a holiday-inspired breakfast, these Pizza Dough Cinnamon Rolls are a fan favorite.



Apology Criteria

What Happened

- Detailing the harm

My Role

- Acknowledgement of responsibility

How I Feel

- Expression of remorse

What I Won't Do

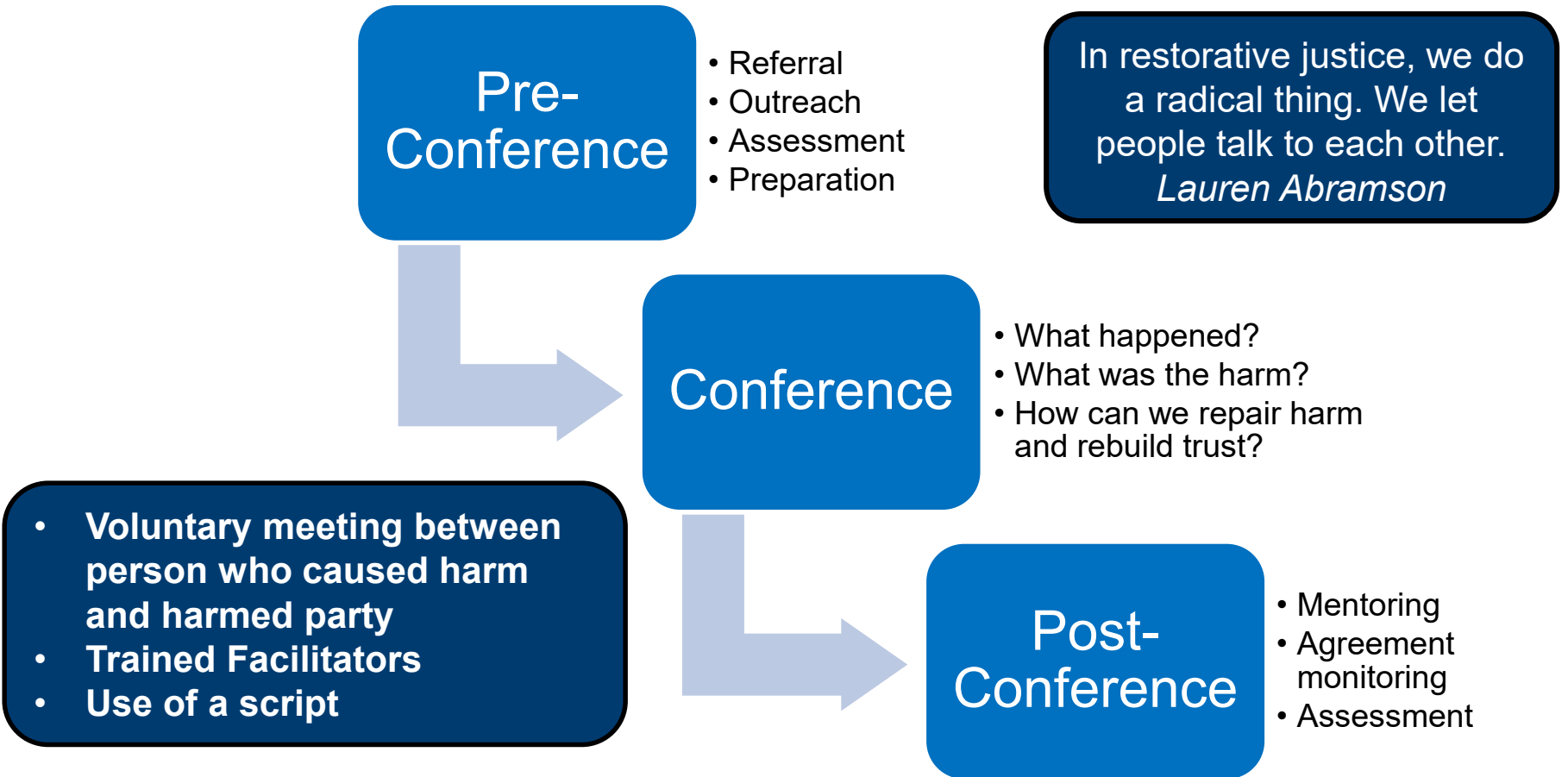
- Steps to preventing reoffending

What I Will Do

- Amends for the harm caused

Restorative Dialogue

Conference Process



What can be done to repair the harm?

Emotional/ Spiritual Harm

Acknowledgement

Apology

Material/ Physical Harm

Repair

Restitution

Recovery

Communal/ Relational Harm

Community
Service

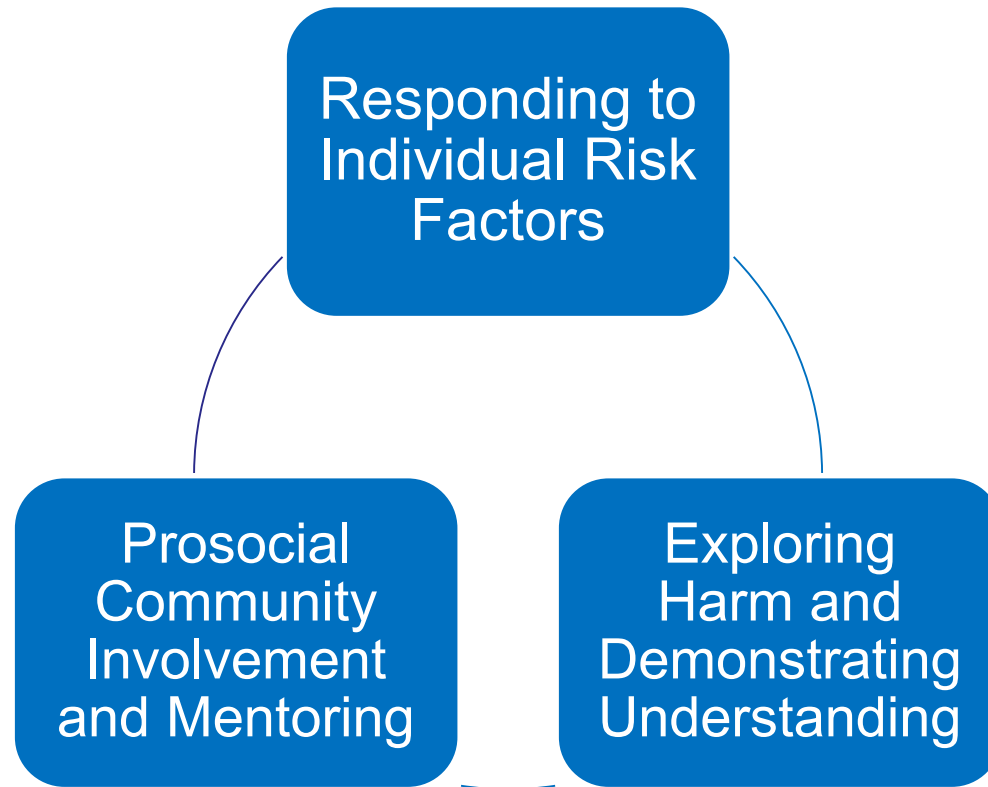
Reintegration

Inflamed Structural/ Historical Harm

Social Justice

Systems Change

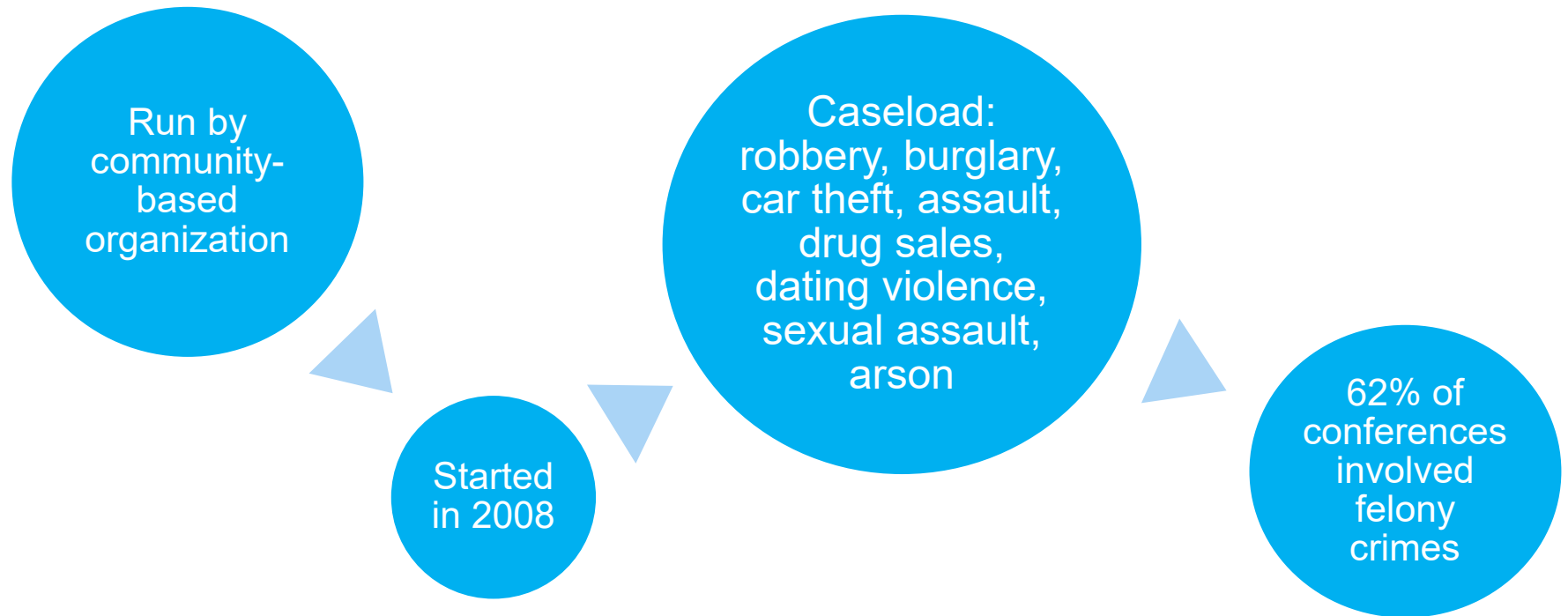
What can be done to rebuild trust?



Evidence

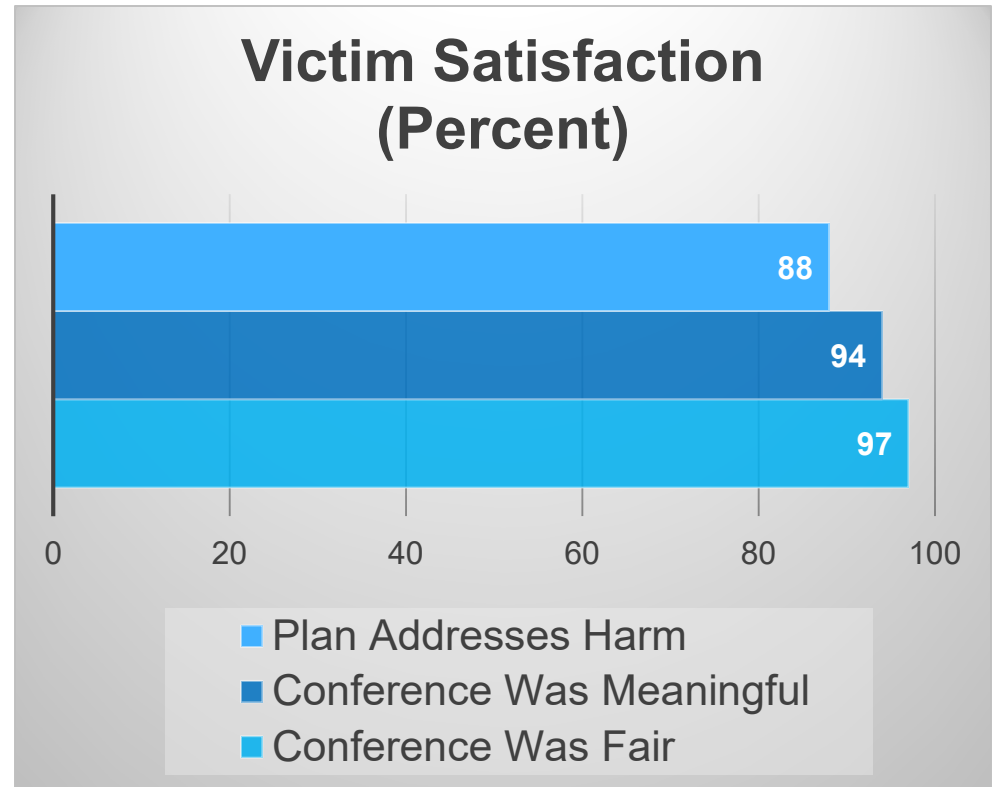
Does it work?

Randomized control trial of youth conferencing in Oakland (Baliga et al 2017)



Does it work?

Randomized control trial of youth conferencing in Oakland (Baliga et al 2017)



How to Get Involved

(details on webpage)

Sign up for one of our Google Groups

- ❑ Campus RJ (General Interest in RJ in Higher Education)
- ❑ Campus PRISM (RJ and Campus Sexual Harm)
- ❑ RJ and Bias
- ❑ RJNCC (RJ Network of Catholic Campuses)
- ❑ Rx for RJ (RJ for Education in Health Professions)
- ❑ RJ for K-12 Educators

Register for Webinars and Trainings

- ❑ Campus Restorative Justice Across Student Affairs
November 13-15, 2019
University of San Diego
- ❑ AAMC Webinar: Restorative Justice for Academic Medicine (RJAM): Effectively Responding to Harm and Mistreatment in the Learning & Workplace Environments

Extra Slides

Why RJ Works: 3 Theories

Neuroscience

- Mutual understanding and empathy through firing of mirror neurons

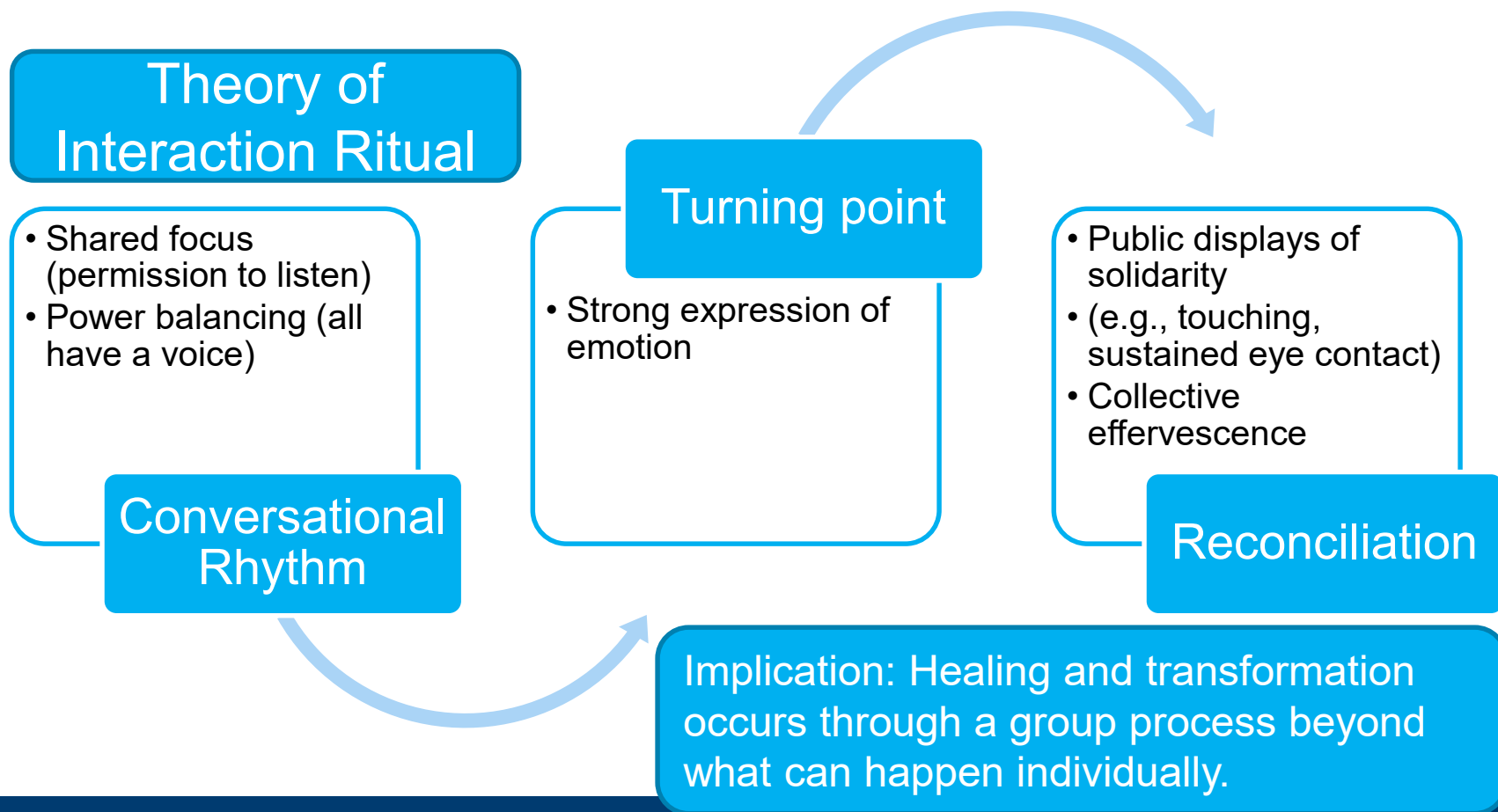
Psychology

- Armour and Umbreit (2018)
- RJ dialogue/storytelling transfers pain from victim (healing) to offender (moral understanding)

Sociology

- Durkheim: “Collective Effervescence”—strongly shared emotion moves people from isolation to unity
- Randall Collins’ Theory of Interaction Ritual

Why RJ Works: 3 Theories



“Successful RJ Rituals”

Rossner and Bruce (2018): 34 Australian CJ Conferences

Consensus	Divergence
Offender clearly describe the incident, acknowledging their role.	Offender is unable to describe events in a logical and consistent narrative format, either due to anxiety, poor communication skills, poor memory, or lack of remorse.
Offender expresses remorse and actively takes responsibility.	Offender is not explicit in expression of remorse.
Other participants, particularly offender supporters, condemn the offender’s actions while at the same time allowing for complexities in the narrative to be raised and discusses.	Other participants, particularly offender supporters, aggressively defend or make excuses for the offender’s actions, or do not allow him/her to take responsibility.
The victim, or a participant who directly represents them, is able to articulate the harm caused by the incident.	The victim does not express specific harm, or the participants understate or overstate the harm.
The harm is acknowledged by all present.	

“Successful RJ Rituals”

Rossner and Bruce (2018): 34 Australian CJ Conferences

<p>Stage 1: Exploring what happened</p>	<p>Stage 2 Consensus</p>	<p>Stage 3 Consensus</p> <p>Mythical (<i>n</i>=8)</p> <ul style="list-style-type: none"> • Engaged and active • Invested in creating a meaningful outcome • Solidarity and emotional transformation <p>Civil (<i>n</i>=13)</p> <ul style="list-style-type: none"> • Polite agreement • Compliant offender • ‘Going through the motions’ 	<p>Stage 3 Divisive</p> <p>Draining (<i>n</i>=4)</p> <ul style="list-style-type: none"> • Lost momentum and cohesion • Bored, antsy, deflated
<p>Stage 2: Identifying Harm</p>	<p>Stage 2 Divisive</p>	<p>Salvaged (<i>n</i>=4)</p> <ul style="list-style-type: none"> • New focus on ‘workable’ outcome • Sense of teamwork distracts from differences 	<p>Divisive (<i>n</i>=5)</p> <ul style="list-style-type: none"> • Unresolved issues reemerge • Unable to agree on outcomes

RESTORE

“The RESTORE Program of Restorative Justice for Sex Crimes”

- Mary Koss 2014 *Journal of Interpersonal Violence*
- 2003-2007
- 22 cases, 109 participants
- 50% of cases, participants were acquaintances
- 46% of cases, offender was drinking before offense

Demographics

- Survivor/Victims
 - 73% female
 - 36% aged 18-25
 - 88% white
- Offenders
 - 100% male
 - 50% aged 18-25
 - 77% white
 - 14% college students
 - No offenders with prior history of sex offenses, IPV, or other violence

RESTORE: Motivations to Participate

Survivor/Victims

- Consent Rate
 - 63% felonies
 - 70% misdemeanors
- Making offender accountable
- Understand what happened
- Say how I was affected
- Hear an apology
- Prevent reoffending
- Put this behind me
- Take back my power

Offenders

- Consent Rate (after survivor/victim consent; must have accepted responsibility)
 - 90% felonies
 - 100% misdemeanors
- Taking responsibility to make things right
- Explain my side
- Apologize
- Participate in an alternative to court

RESTORE: Conference Experience

Agree/Strongly Agree	Survivor/ Victims	Offender s
Felt safe	100%	95%
Felt listened to	100%	100%
Felt like I was (NOT) blamed	100%	79%
Was treated with respect	100%	100%
Satisfied with redress plan	100%	100%
The conference was a success	100%	100%
Felt justice was done	83%	94%
Would recommend RESTORE	100%	100%

RESTORE: Post Conference Outcomes



Redress Plan Completion

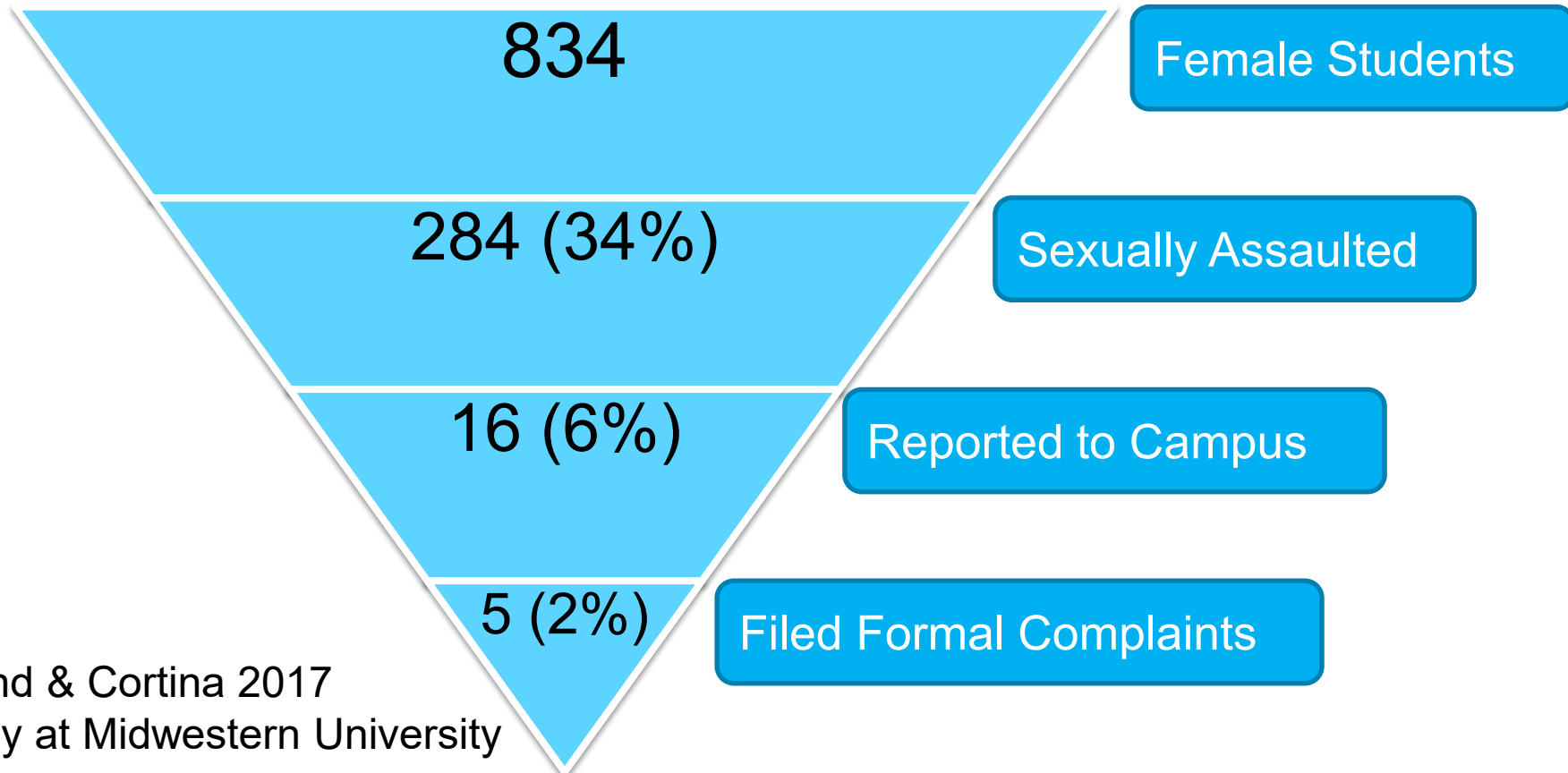
- 66% felony cases
- 91% misdemeanor cases



Comparison Group

- 75% closed without any consequences
- (13% of reported rape cases lead to court convictions in the U.S.)

Student Reporting and Adjudication: Is it different for faculty?



Holland & Cortina 2017
Survey at Midwestern University

Controversial Cases

Rochester Professor at Center of Harassment Controversy Will Return to Teaching

By Katherine Mangan | APRIL 05, 2018



Heather Ainsworth for The Chronicle
T. Florian Jaeger

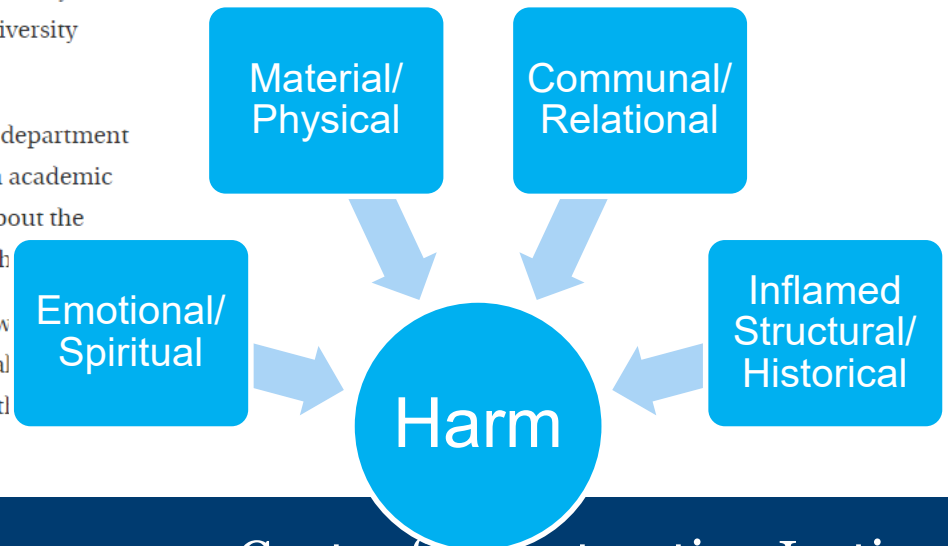
A professor at the University of Rochester who was largely exonerated of violating its sexual-misconduct policies but was found responsible for "unprofessional and inappropriate behavior" years ago will return to teaching in the fall, the university announced.

T. Florian Jaeger, a tenured professor in the department of brain and cognitive sciences, has been on academic leave this semester while questions linger about the university's handling of complaints against him.

The controversy has caused deep divisions within the department. It led to the departure of several former colleagues and to the resignation of the university's president, Joel Seligman.

"He made near-constant derogatory comments about the appearances and bodies of my classmates, some of whom he had been in or would be in a sexual relationship with."

— **Celeste Kidd**, professor



What do victims want? (Herman 2005)

To matter and
have a voice

Acknowledgement
from offender and
community

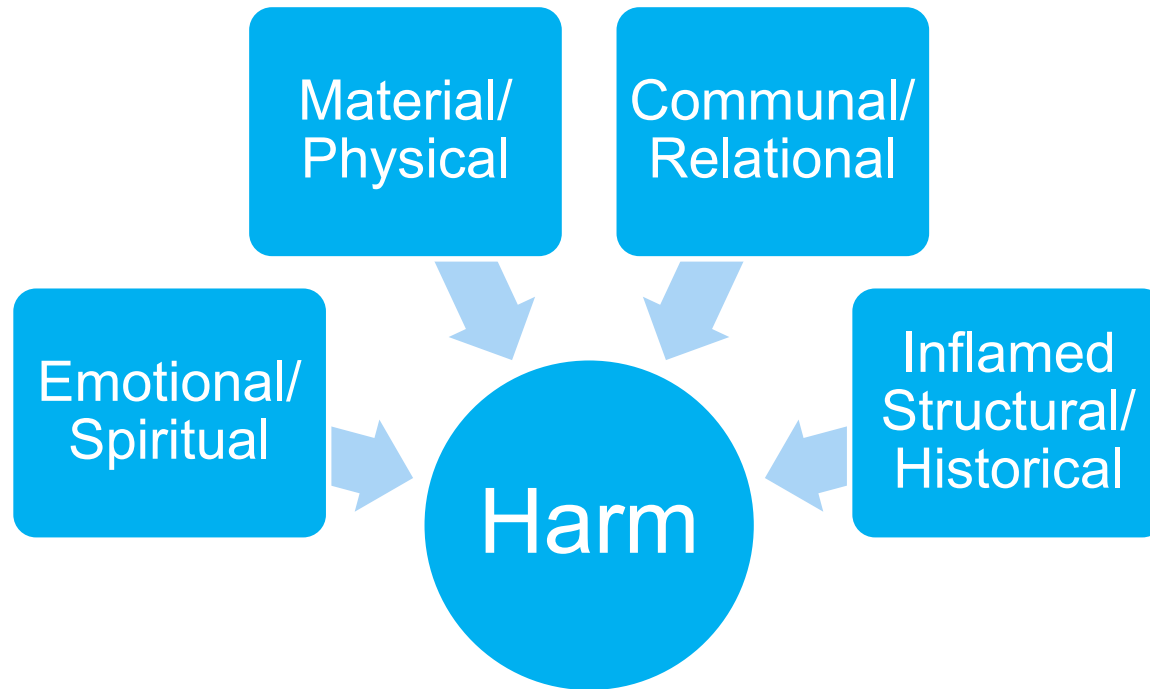
Vindication:
Community
expression of
disapproval

Sincere apology

Accountability:
Harm must be
recognized

Safety:
Misconduct must
not be repeated

Types of Harm



Beyond Face-to-Face: Still Meeting Needs

Video
Conference

Video
Exchange

Writing
Exchange

Victim
Impact
Statement

Surrogate
Participation

Victim
Support
Circles

Meeting Victims' Needs

