

**BASIC INFORMAL  
RESOLUTION  
TRAINING –  
RESTORATIVE PRACTICES**

**July 2023**



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RESTORATIVE PRACTICES TRAINING (BASIC)

**Your Presenters**

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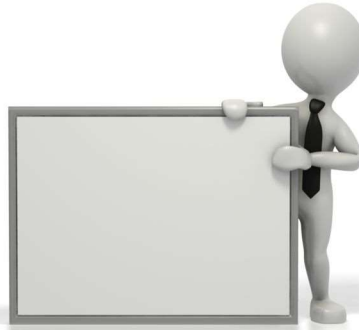
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## Advisory Notices



## Advisory Notice #1

This training material is provided for public review in accordance with federal law. The material may be utilized only for non-commercial educational and training purposes with the user assuming all risk for utilization of any content herein. Commercial utilization of this material is strictly prohibited.





## **Advisory Notice #2**

The presentation handout is intentionally text-heavy in order to serve as an ongoing resource for all civil rights informal facilitators in The Texas A&M University System. Please annotate the document as needed to better ensure that this material is meaningful for you.



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## **Advisory Notice #3**

The presenters are not providing legal advice; the presenters are compliance officers and informal facilitators and are offering compliance guidance as provided for under System Regulation 08.01.01. System regulations are subject solely to the interpretation of the System Offices.



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## **Advisory Notice #4**

The training program includes material under the current System Regulation 08.01.01, previews some of the changes coming under the next regulation and demonstrates areas where we will be transitioning to new practices prior to the implementation of the new regulation.



## **Advisory Notice #5**

Please note that the material being addressed in this program may involve explicit language that some may find offensive or triggering. Nothing is done in this training for “shock value” but will be consistent with the real-world language and details that we are confronted with in civil rights compliance work. If you find yourself reacting negatively, please step away to the degree that you need to, and please seek appropriate assistance if necessary.



## Ground Rules



## Ground Rules

1. We intend to start and end on time. Please be prompt.
2. There will be a sixty (60) minute lunch break both days and ten-minute breaks each morning and afternoon.
3. Please minimize distractions (cell phone, email, internet) to focus on the presentation.





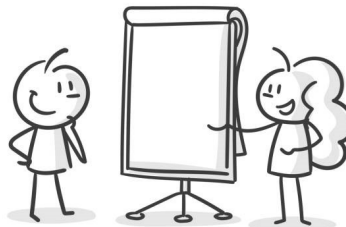
## Ground Rules

4. We will provide opportunities for questions but ask you to keep track of questions that you have and be sure to ask any unanswered questions before the end of the training program.
5. Each person who will facilitate restorative resolution processes on behalf of a system member or in the System Offices must pass a post-test following the completion of this program.

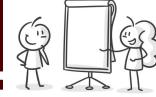


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## Learning Outcomes



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## Learning Outcomes

As a result of completing this training, attendees should:

1. Be able to define restorative practices and distinguish them from other models of informal resolution.
2. Be able to define the steps of the restorative conferencing process.
3. Be able to aid parties in identifying harms caused as the result of actions taken by one or more parties.



## Learning Outcomes

As a result of completing this training, attendees should:

4. Be able to define anger, identify its effect on the informal resolution process, and identify means for working through anger as a part of the facilitation process.
5. Be able to define the process of developing a written agreement that will meet the needs of the parties (complaint, respondent, community, and member)





## Day One Agenda

1. Introduction
2. Defining Restorative Practices
3. Demonstration Video (<https://youtu.be/L5cSlyfukV4>)
4. Overview of the Restorative Conference Process
5. Step One: Pre-Conferencing
6. Identifying Harm
7. Revisiting You/I Statements
8. Step Two: The Restorative Conference
9. Identities, Privilege, and Conflict



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## Introduction of Post-Test

We are providing a twenty-question test that we will be utilizing to test your knowledge following the training program. Please keep this document at hand throughout the training and make notes as needed.

Instructions for completing the post-test will be provided at the end of the training program. In order to serve as a restorative practices facilitator in the civil rights process, you must score at least an 80% on the post-test.



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## Defining Restorative Practices



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### Four Selected Conflict Resolution Methods

- o Degrees of formality and structure



- o All of these methods are voluntary methods of conflict resolution that require parties who are acting in good faith



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## Informal Resolution: Practice

### Overview of the Process

#### Reporting & Intake

1. Closure
2. Supportive Measures
3. Emergency Actions
4. **Informal Resolution**
5. Formal Resolution

#### Investigation

1. Dismissal / Closure
2. **Informal Resolution**
3. Adjudication

#### Adjudication

1. **Informal Resolution**
2. Decision
3. Appeal

**Post-Adjudication:** Informal Resolution can be utilized to complement the formal resolution process once a case has been adjudicated.



## What are Restorative Practices?

- **Restorative practices** are those that bring the complainant, respondent, member, and other related affected parties together to discuss how each person and the community have been affected by the actions of the respondent and jointly determine the sanction outcomes. Restorative practices are a voluntary, structured process where a trained multipartial facilitator fosters an environment for open communication between the parties.





## What are Restorative Practices?

- **Restorative practices** have their roots in indigenous communities and religious traditions (Gregory et al., 2016a; Zehr, 2015) where the concept of justice relies on an assumption that everyone in a community is relationally connected to one another and to their community.



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## What are Restorative Practices?

- **Restorative practices** aim to repair any harm done to an individual, while also repairing any damage done to relationships, and to the community. People are encouraged to take responsibility for their actions and show an understanding of the consequences of their actions. Restorative practices should not simply be a punishment, but as with any sanction should be focused on intended learning outcomes, repairing harm and/or making whole, and protecting the welfare of the community.



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## Conditions for Restorative Practices

- Acceptance of responsibility by the respondent (for violations and/or harm)
- Voluntary participation by all parties
- Good faith exercised by all parties
- Privacy
- Safety
- Self-Determination
- Qualified Facilitator (trained, experienced, multi-party, non-directive, and not invested in parties, content, or outcome)



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## Prohibitions for Restorative Practices

- Denial of responsibility by the respondent and/or an intent to minimize the harm(s) caused by their actions
- Cases in which there is a student complainant and an employee respondent (sex-based)
- Cases involving (non-college) minors
- Restorative Practices do not require a complainant to do anything as the result of an agreement; this includes no requirement to forgive a respondent for their behavior



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## **Types of restorative outcomes for 08.01.01**

1. No formal agreement
2. Written agreement (enforceable)

For our process, restorative agreements are adjudicatory in nature, requiring acceptance of responsibility by the respondent, an agreement of one or more violation(s) in response to the complaint, and involve the development of sanctions by the parties involved in the restorative process. These sanctions are then enforced by the member.




## **Types of restorative processes for 08.01.01**


1. Restorative Conferences
2. Restorative Circles
3. Restorative Panels
4. Re-entry conferences/circles/panels




RESTORATIVE PRACTICES TRAINING (BASIC)



# Defining Restorative Practices



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# Demonstration Video

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*Let's discuss the video...*

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RESTORATIVE PRACTICES TRAINING (BASIC)



**Overview of the Restorative Conference Process**

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RESTORATIVE PRACTICES TRAINING (BASIC) 

## The Restorative Conference Process

Pre-  
Conference

- Explanation of Process
- Acknowledgement of Violations
- Address Questions

Conference


- Tell Stories and Identify Harm
- Address What is Required to Repair, Resolve, and Restore
- Determine Sanctions
- Develop and Sign Agreement

Outtake

- SECO Review
- Enforcement
- Follow-up
- Re-integration

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RESTORATIVE PRACTICES TRAINING (BASIC) 

## Overview of the Restorative Practice Process (C/C)

Pre-Conference Meetings

- FRPS1: Respondent statement (and Q/A)
- FRPS2: Respondent Supporter Statement (and Q/A)
- FRPS3: Complainant statement (and Q/A)
- FRPS4: Complainant Supporter Statement (and Q/A)
- FRPS5: Secondarily Harmed Party Statements (and Q/A)
- FRPS6: Identification of Desired Outcomes
- FRPS7: Identification of Sanctions
- FRPS8: Preparation of Agreement

Outtake

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# The Restorative Conference



# Step One: Pre-Conferencing





## **Step One: Pre-Conferencing**

Purposes of pre-conference meetings:

- Meet with Complainant, Respondent, Member, and Any Supplemental Harmed Parties to review the restorative conference/circle process
- Ask each to come to the conference/circle having thought about the following questions:
  - What harm has been caused?
  - What effect has the harm had on individuals and the community?
  - What can be done to repair the harm, resolve the actions that lead to the harm, and restore relationships and/or trust while ensuring the well-being of the community?



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## **Step One: Pre-Conferencing**

Purposes of pre-conference meetings:

- Answer questions and/or concerns that the participants may have
- Establish a clear understanding of the violations for which the Respondent is assuming responsibility
- Sign agreement to participate in the restorative process



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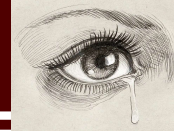


# Pre-Conferencing



# Identifying Harm





## Identifying Harm

What is Harm?

- Conduct that causes physical damage
- Conduct that causes psychological and/or emotional damage, in the form of threats, fear, distress, or alarm
- Conduct that unfairly deprives (or threatens to deprive) one of property, interests, rights, or privileges
- Conduct that encourages or causes self-harm



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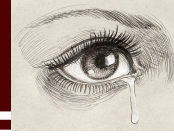
## Identifying Harm

Primary Harmed Party (Victim)

- What was the immediate effect of the conduct?
- Were there additional negative effects? What were they?
- What has happened since?
- How has this incident affected you overall?
- Is there anything you would like to ask the Respondent?
- Is there anything else you would like to share at this time?



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## Identifying Harm

### Primary Harmed Party Supporters

- How did you find out initially about what happened?
- What did you think when you first heard?
- What has happened since?
- How do you feel about the incident now?
- What do you see as the harmful consequences of this incident?
- Is there anything else you would like to say at this point?



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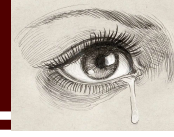
## Identifying Harm

### Secondarily Harmed Party

- How were you immediately affected by the conduct?
- Were there additional negative effects? What were they?
- What has happened since?
- Is there anything you would like to ask the Respondent?
- Is there anything else you would like to share at this time?



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## Activity

### Identifying Harm

- Working with a partner, develop one to three immediate forms of harm that you might expect from the noted behaviors. Next, identify one to three forms of secondary harm that might result from the same behavior.
  - o Harassing private comments on the basis of race made by text
  - o Harassing drawings making fun of someone's gender identity publicly posted on the person's residence hall door
  - o Stalking a former dating partner by regularly showing up in places they visit for over a month
  - o Forcefully pulling a dating partner's hair when they try to exit a parked vehicle during an argument
  - o Nonconsensual sexual penetration of a dating partner while the complainant is incapacitated



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## Activity

### Identifying Harm

- What harms?
  - o Harassing private comments on the basis of race made by text
  - o Harassing drawings making fun of someone's gender identity publicly posted on the person's residence hall door
  - o Stalking a former dating partner by regularly showing up in places they visit for over a month
  - o Forcefully pulling a dating partner's hair when they try to exit a parked vehicle during an argument
  - o Nonconsensual sexual penetration of a dating partner while the complainant is incapacitated



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# Identifying Harm



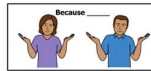
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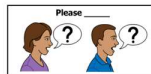
Tell the person how you feel.



Tell the person what they did to make you feel that way.



Tell the person why you feel that way.

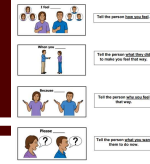


Tell the person what you want them to do now.

# Revisiting You / I Statements



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## Revisiting You / I Statements

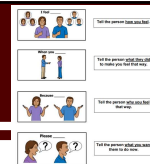
Affective statements are a means for communicating to another person how they have affected you by their behavior. They can be offered when someone does something that harms you or makes you uncomfortable in some way.

### Example:

I feel (state the feelings) when (identify the behavior) because of (state the harm caused). What I'd like is (state the means for repairing the harm and/or setting expectations for future conduct).



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## Revisiting You / I Statements

Prompts for parties to communicate harm:

- Tell us how this incident has harmed you
- Tell us how you have been dealing with this and what challenges it has presented for you
- Tell us what actions of the respondent have harmed you the most and how they have harmed you
- Tell us how you would have preferred to have been treated in this situation



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## You / I Statements



## Step Two: The Restorative Conference





## Step Two: The Restorative Conference

### Scripted Process:

#### Opening Statement

1. Begin with Introductions of the Facilitator(s), Complainant, Respondent, Advisors, and Other Parties in Attendance
2. Thank you for your attendance here today. At today's conference, we will be focusing on the [incident] that happened on [date]. We will focus on what [first name of person(s) responsible] did and its impact on others. Once we have learned more about what happened, we will identify what harm was caused and how it might be repaired. We will also focus on what can be done to reassure us that the behavior will not be repeated. In order to encourage free and open communication, we ask that people use language that is not blaming by nature, but instead focus on the effects of the behavior we will be discussing.



## Step Two: The Restorative Conference

### Scripted Process:

#### Opening Statement

3. This conference is voluntary. We do not have to reach an agreement today, and if we do not, the case may be referred back to the formal complaint resolution process. I am hopeful that we will reach an agreement and commend each of you for your willingness to participate.
4. Additionally, this conference represents a private process for those involved, and we encourage you to respect the privacy of everyone involved in this conference. We will not discuss the details of what takes place in this session with unrelated parties and will only share whether or not participants participated in good faith, except in the event of a subpoena.





## **Step Two: The Restorative Conference**

### Scripted Process:

#### **Opening Statement**

5. Our basic ground rules today include listening to what is being said by others, speaking only the truth as you know it, treating others with courtesy and respect, and participating as provided for. By following these conditions, the process will create an environment in which everyone can speak freely and fully about how they feel about what happened.
6. As a facilitator, my job is to ensure that everyone here has a voice. Sometimes we will have open dialogue in which everyone can participate as they wish; at other times we will go around the circle inviting each person to offer their perspective. When we do, a person can always pass if they do not have anything they want to say at that time.
7. Can we all agree to abide by the ground rules as outlined?



## **Step Two: The Restorative Conference**

### Scripted Process:

#### **Identifying Harm**

1. We will start the conference by asking everyone to tell us about what happened from their perspective. We will start with the person(s) responsible and then hear from their supporter(s), and then hear from harmed parties and their supporters.
2. To the Respondent:
  - A. [Name], You have already admitted your involvement in this incident. Before you tell us about what happened, is there anything you would like to say?
  - B. Please tell us what happened and how your involvement led to harm.





## **Step Two: The Restorative Conference**

### Scripted Process:

#### **Identifying Harm**

- C. Please tell us what was going through your mind at the time of the incident.
- D. How did you feel about what happened right after? How do you feel now?
- E. Who do you think has been affected by this? How have they been affected?
- F. What would you do differently or similarly today if presented with the same circumstances and choices?
- G. Is there anything else you would like to say at this point?



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## **Step Two: The Restorative Conference**

### Scripted Process:

#### **Identifying Harm**

- 3. To the Respondent's Supporters:
  - A. [Name], how did you find out initially about what happened?
  - B. What did you think when you first heard?
  - C. What has happened since?
  - D. How do you feel about the incident now?
  - E. What do you see as the harmful consequences of this incident?
  - F. Is there anything else you would like to say at this point?



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## **Step Two: The Restorative Conference**

Scripted Process:

### **Identifying Harm**

4. To the Harmed Parties:
  - A. Thank you for your patience.
  - B. Please tell us what happened from your perspective and what it has meant for you.
  - C. What was the immediate effect of the conduct?
  - D. Were there additional negative effects? What were they?
  - E. What has happened since?
  - F. How has this incident affected you overall?
  - G. Is there anything you would like to ask the Respondent?
  - H. Is there anything else you would like to say at this point?



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## **Step Two: The Restorative Conference**

Scripted Process:

### **Identifying Harm**

5. To the Harmed Party's Supporters:
  - A. How did you find out initially about what happened?
  - B. What did you think when you first heard?
  - C. What has happened since?
  - D. How do you feel about the incident now?
  - E. What do you see as the harmful consequences of this incident?
  - F. Is there anything else you would like to say at this point?



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## Step Two: The Restorative Conference

Scripted Process:

### Identifying Harm

6. To the Respondent:
  - A. [Name], you have had a chance to hear how the incident has affected everyone, is there anything you would like to say at this time?
  - B. If the Respondent chooses to offer commentary, allow parties to respond if desired.



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## Step Two: The Restorative Conference

Scripted Process:

### Repair, Resolve, and Restore

1. We have all spoken about the harm caused by this incident and are now at the stage of identifying what can be done to make things right. The questions we now seek to address are:
  - A. Can the harm inflicted by this incident be repaired?
  - B. Can the complaint be resolved in a manner that meets the needs of the complainant, the respondent, and the university/agency?
  - C. Can we regain confidence in the respondent's ability to be a responsible and trustworthy member of the community?
2. Please remember our focus is on finding solutions. We are not here to decide if [Respondent] is a good or bad person, but to figure out if and how the harm can be repaired, and trust rebuilt.



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## **Step Two: The Restorative Conference**

Scripted Process:

### **Repair, Resolve, and Restore**

3. To the Respondent:
  - A. Looking at the harms identified, what do you think can be done to repair each harm?
  - B. What else can you do that can demonstrate you can be a positive member of our community?
4. To the Complainant:
  - A. Looking at the harms identified, what do you think can be done to repair each harm?
  - B. What else would you need to see from [Respondent] for you to feel confident in their ability to repair this harm?



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## **Step Two: The Restorative Conference**

Scripted Process:

### **Repair, Resolve, and Restore**

5. To Other Parties:
  - A. Looking at the harms identified, what do you think can be done to repair each harm?
  - B. What else would you need to see from [Respondent] for you to feel confident in their ability to repair this harm?
6. To the Complainant:
  - A. We have identified the following options as possible means for repairing the harm caused by the Respondent in this case (provide list). What options have you heard that you would consider to be an acceptable outcome in this case?



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## **Step Two: The Restorative Conference**

Scripted Process:

### **Repair, Resolve, and Restore**

7. To the Member:

- A. We have identified the following options as possible means for repairing the harm caused by the Respondent in this case (provide list). What options have you heard that you would consider to be an acceptable outcome in this case? Are there outcomes that are prescribed by The Texas A&M System that we need to be aware of?

8. To the Complainant:

- A. Based on what we have heard from the university/agency, does this affect the outcomes that you would like to see?
- B. Develop list that are jointly acceptable to Complainant and Member



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## **Step Two: The Restorative Conference**

Scripted Process:

### **Repair, Resolve, and Restore**

9. To the Respondent:

- A. Based on what you have heard from the Complainant and from the university/agency, would you be willing to agree to these outcomes in good faith?
- B. If all parties agree on the outcome, move to Closing. If parties do not agree, define areas of disagreement and utilize impasse skills to see if an agreement can be crafted. If yes, move to Closing. Otherwise, terminate the conference.



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## Step Two: The Restorative Conference

Scripted Process:

### Closing

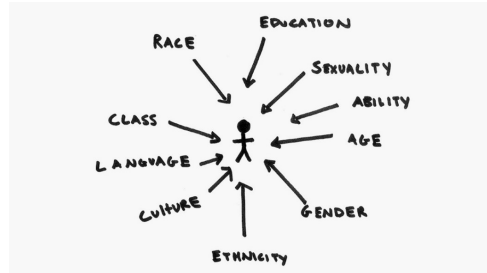
1. I want to again commend each of you for being willing to attend today's conference and want to also congratulate you on the development of an agreed-upon resolution. This agreement will be documented and sent to the A&M System Ethics and Compliance Office for approval. Once approved, the document will be emailed to each of you and will immediately go into effect. This resolution will resolve any university/agency formal complaints related specifically to the harm caused by the conduct discussed here today. Please understand that this resolution is enforceable by the university/agency and any failure to abide by the agreement reached will result in disciplinary process for failing to abide by the process. The Office of (name) will be reaching out to follow up once the agreement is approved. Thank you all for your efforts today.



## The Restorative Conference



## RESTORATIVE PRACTICES TRAINING (BASIC)



## Identities, Privilege, and Conflict

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## RESTORATIVE PRACTICES TRAINING (BASIC)



### Identities, Privilege, and Conflict

In mediation training, we explored what comprises culture, and how an individual's combined cultures help establish who they are; this is referred to as the intersection of their various roles and identities that creates a sense of self.

In restorative practices training, we will now examine how some of our identifying cultural characteristics bring privileges to us, while other identities may lend themselves to disadvantage or oppression. The purpose of understanding this is to understand how the identities of parties may encourage or discourage their participation in the informal resolution process.

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## RESTORATIVE PRACTICES TRAINING (BASIC)



## Privileged Groups

- Greater access to power and resources
- Make the Rules
- Define what is normal, “right,” the “Truth”
- Assumed to be leader, smarter, competent...
- Given the benefit of the doubt
- Often unaware of privileged group membership and privilege
- Less aware about uninclusive and discriminatory treatment of marginalized group
- Are more comfortable with members of marginalized groups who share similar behaviors, appearance, and values to them
- Hold to privileged group cultural beliefs, often without examination
- Collude, and if challenge, risk being ostracized/punished
- Focus on “how far we’ve come”

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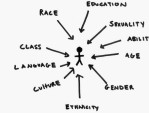
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## RESTORATIVE PRACTICES TRAINING (BASIC)



## Marginalized Groups

- Less access to power and resources
- Often seen as less than, inferior, deficient...
- Often assimilate, collude, abide by the rules, try to fit in...
- Track the daily indignities they experience; very aware of oppression
- Punished if challenge the status quo
- Have their truth and experiences questioned and often invalidated
- Know more about members of privileged groups than privileged group members know about them
- Often struggle with finding a balance between who they are and who they are told they need to be to be “acceptable”
- Often struggle with finding their voice and speaking up to challenge
- Focus on “how far we need to go”


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RESTORATIVE PRACTICES TRAINING (BASIC)


## Key Concepts


- Not always about numbers
- Visible and Invisible; Innate and Chosen
- Multiple Group Memberships
- Not always about individual behaviors or feelings
- You didn't ask for it and you can't give it back

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RESTORATIVE PRACTICES TRAINING (BASIC)



## Key Concepts

### Dynamics of the Status Quo

Privileged Group members focus on:	Marginalized Group members focus on:
Individual Acts	Patterns
Victim	Systems/Culture
How far we have come	How far we need to go
Intent	Impact

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## RESTORATIVE PRACTICES TRAINING (BASIC)



## Triggers in Informal Resolution

1. PLEs (perfectly logical explanations)
2. I'm not (racist/sexist/homophobic, etc.) but...
3. That happens to me/my group, too...
4. I know someone who...and they don't agree with you...
5. I don't see it that way; therefore, it doesn't really happen...
6. That doesn't happen to me...(so it doesn't exist)
7. Don't you think that...
8. You're overreacting...you're too sensitive...
9. He/she's a good person...they never meant to do that...
10. That was not my intent! You misunderstood me!

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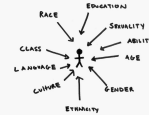
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## RESTORATIVE PRACTICES TRAINING (BASIC)



## How to handle during Informal Resolution

- Recognize and shift to specific behaviors and specific people; focus on how people want to be treated
- Own your own group memberships and recognize how you may be perceived as a facilitator
- Intentionally use discretionary power (multi partiality)
- Recognize differential impact across group membership
- Demonstrate distinguishing behavior
- Move beyond “vs.” and “either/or” thinking to “both/and”
- Anticipate and engage cumulative impact

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## RESTORATIVE PRACTICES TRAINING (BASIC)



## Activity

1. See the handout defining 22 forms of privilege and marginalization
2. For each category, note if you find your membership to be in the privileged or marginalized group
3. For each area in which you enjoy privilege, can you identify one benefit of group membership that you take for granted?
4. For each group area in which you identify as marginalized, can you identify one thing done by members of the privileged group that might serve as a trigger to feeling marginalized?
5. In pairs, share at least one example of both #3 and #4 with your partner.
6. As partners, using those areas you have identified for yourselves as marginalized, identify one thing that a privileged party might do in the informal resolution process to a marginalized person that might have a negative ability on their ability to reach a mutual resolution.

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## RESTORATIVE PRACTICES TRAINING (BASIC)



## Activity – Processing

- For each area in which you enjoy privilege, can you identify one benefit of group membership that you take for granted?
- For each group area in which you identify as marginalized, can you identify one thing done by members of the privileged group that might serve as a trigger to feeling marginalized?
- As partners, using those areas you have identified for yourselves as marginalized, identify one thing that a privileged party might do in the informal resolution process to a marginalized person that might have a negative ability on their ability to reach a mutual resolution.

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# Identities, Privilege, and Conflict



SEE YOU TOMORROW!



## RESTORATIVE PRACTICES TRAINING (BASIC)



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## RESTORATIVE PRACTICES TRAINING (BASIC)



## Day Two Agenda

1. Managing Anger in the Process
2. Determining Outcomes
3. Role Play #1
4. Role Play Processing
5. Addressing Impasse
6. Role Play #2
7. Role Play Processing
8. Step Three: Outtake
9. Conclusion / Q&A

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## Managing Anger in the Process



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## Managing Anger in the Process

What is Anger?

Anger is:

- A physical or psychological defense against something
- A response to not getting what we want
- A response to our belief that we are being violated in some way



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## Managing Anger in the Process

How should a facilitator respond to anger?

- Check your own emotions and don't get angry; maintain calm voice and body language
- Let party "talk themselves out"; sometimes a party needs to purge feelings before they can move forward
- Acknowledge the anger (VALIDATE)
- Restate/reframe to eliminate toxicity and focus on issues
- Ask probing questions to get at source of anger
- Move on to another subject (if possible)
- Take a short break
- Point out costs of not moving past anger
- Terminate the session and return to the formal process



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## Activity

Working with a partner, respond to the following displays of anger in a restorative conference:

- A respondent, who has been getting agitated since the mention of a suspension as a sanction by the complainant says, "The Complainant says they don't want to ruin my life, but now the truth is coming out."
- A complainant says angrily, "This bitch has been stalking me for months and I just want it to stop!"
- A respondent, while being confronted for behavior that happened while they were intoxicated yells, "I don't have a fucking alcohol problem!"
- A complainant yells, "I know you want to talk about feelings, but he fucking raped me!"



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# Managing Anger



# Determining Outcomes





## Determining Outcomes (Sanctions)

1. Outcomes are first and foremost driven by the wishes of the parties (Complainant, Respondent, Affected Parties, Member)
2. Civil Rights related behaviors (misconduct on the basis of a protected class) must result in outcomes that are consistent with expectations published in System regulation 08.01.01
3. Aggravating and Mitigating factors can increase or decrease the inactive sanction with the concurrence of the member
4. Active sanctions (as noted in the regulation) are driven by desired learning outcomes determined by the parties



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## Determining Outcomes



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## RESTORATIVE PRACTICES TRAINING (BASIC)



## Role Play #1

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## RESTORATIVE PRACTICES TRAINING (BASIC)



## Role Play #1

- We need:
  - 2 Facilitators
  - 1 Complainant (Assistant Director for Housing Operations)
  - 1 Respondent (first-year student)
  - 1 Resident Assistant (junior student)
  - 1 Assistant Chief of the city fire department

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## Role Play #1 (Student Conduct Violation)

- Scenario:

It is early November. The respondent is a first-year student who lives in the West Lake Residence Hall, a seven-story co-educational building which houses approximately 225 freshmen and sophomores. Last Friday night at about 3:00 a.m., the fire alarm went off and all the residents had to evacuate the building while emergency responders checked the building and investigated. No fire was found and after thirty minutes outside in the unseasonably bitter cold the residents were allowed to return to their rooms.

The next day campus police arrived at the room of the respondent, telling them that the security footage from the night before had been viewed and the police saw someone of the respondent's description pulling the alarm that morning on the fourth floor, the same floor where the respondent lives. The respondent went to the campus police station to be interviewed, where he later confessed to being the person responsible for pulling the alarm.



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## Role Play #1

- Let's process the role play...
  - Process for Facilitators?
  - Process for Participants?
  - What went well?
  - What challenges existed (if any)?
  - How did the facilitators address those challenges?



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## Addressing Impasse



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## Addressing Impasse

### Tools for Impasse in the Restorative Setting:

- Restate / Reframe / Validate
- BATNAs, WATNAs, and MLATNAs
- Remind the parties of any “yes set” they have forged thus far
- Remind the parties it is not a failure to return to the formal process if an agreement cannot be reached
- Take a break
- Call out the area of disagreement and ask for ideas on how to bridge the gap between the parties – then provide silence for the parties to think about their positions and interests
- Terminate the session



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# Addressing Impasse



# Role Play #2







## Role Play #2 (Civil Rights Case)

- We need:
  - 2 Facilitators
  - 1 Complainant (junior student)
  - 1 Respondent (senior student)
  - 1 Office of Student Conduct Representative (staff)



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## Role Play #2

- Scenario:

The complainant is a junior who lives alone in an off-campus apartment near campus. Several weeks ago the complainant and respondent (a senior graduating after one more semester) got together at the complainant's apartment for a movie night that the two had planned for several weeks. They wanted to watch both of the "Borat" movies together, as that was an area of mutual fandom for them. On the Saturday night of their movie night, the respondent arrived with the movies and a homemade borg, a gallon jug he said was filled with Fruit Punch MiO with water, vodka, and two packets of Tropical Punch Liquid IV. The complainant had prepared some snacks for the two and they settled in to watch the movies together. The two were drinking the borg concoction over ice in 16-ounce glasses, since the drink was a little warm from the respondent's twenty-minute drive to the complainant's apartment...



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## Role Play #2

- Scenario:

After the first movie ended the two paused so that the respondent could use the bathroom. After the respondent came back, the two began kissing consensually and engaged in some sexual petting over the clothes. The complainant laughed and told the respondent to slow down, then popped in the second movie while pouring and starting to drink a second glass of the borg drink. As the second movie got underway, the complainant felt warm and drank down the rest of the second glass, then pouring a third. But within minutes the complainant was disoriented and having a hard time seeing and hearing what was on the television. The two started to kiss again (a hazy memory of the complainant) before losing track of events. When the complainant was next aware, the two were both naked on the floor, a used condom was lying near them on the floor, and the complainant had pain consistent with sexual intercourse...



## Role Play #2

- Scenario:

The complainant noted "freaking out" at the moment and trying to rouse the respondent to get them to leave, but the respondent mumbled that they were too drunk to drive and went back to sleep. The complainant locked themselves in their bedroom and did not come out until the next morning, after they heard the respondent leave the apartment. After a week of contemplating the incident and talking with close friends, the complainant filed a charge of sexual assault with the civil rights office, but declined criminal prosecution. A formal investigation is about to get underway and the complainant has expressed a willingness to consider informal resolution, which the respondent accepted.





## Role Play #2

- Let's process the role play...
  - Process for Facilitators?
  - Process for Participants?
  - What went well?
  - What challenges existed (if any)?
  - How did the facilitators address those challenges?



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## Step Three: Outtake



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### **Step Three: Outtake**

Upon the completion of an agreement, the outtake process is comprised of the following:

- SECO Review and approval
- Issuance of final agreement to the parties
- Communication to referring civil rights/conduct office
- Administrative tasks attached to the agreement
- Issuance of survey to participants
- Follow-ups at predetermined times to ensure compliance with the agreement



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## **Outtake**



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**Final Q&A –**



**Post-Test –**





## Post Test –

Restorative Facilitators must pass the post-test (minimum score of **80%**) in order to be eligible to facilitate restorative practices.

The post-test must be completed by July 31, 2023.

Post-test link:

[https://tamusofficeofit.iad1.qualtrics.com/jfe/form/SV\\_9nayYI7spqXttFs](https://tamusofficeofit.iad1.qualtrics.com/jfe/form/SV_9nayYI7spqXttFs)

