

ENHANCING SAFETY PLANNING WITH TRAUMA-INFORMED RESTORATIVE JUSTICE

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LADDER CONSULTING LLC

RK Resolution

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

A photograph of a busy gym interior. In the foreground, a person in a green shirt is on an elliptical machine. Behind them, several people are on treadmills. The gym has a wooden floor and large windows in the background. A blue rectangular overlay is on the left side of the image.

LET'S
IMAGINE...

OVERVIEW

Safety Planning & Restorative Justice

WHY	Reports, Roles and Resources
WHAT	Definitions, Variations in Practice and Purpose
HOW	Implementation, Strategies and Support

WHY

- State of referrals
- Regulatory effects
- Compliance considerations, conflation
- Student needs
- Population-specific needs, intersectionality



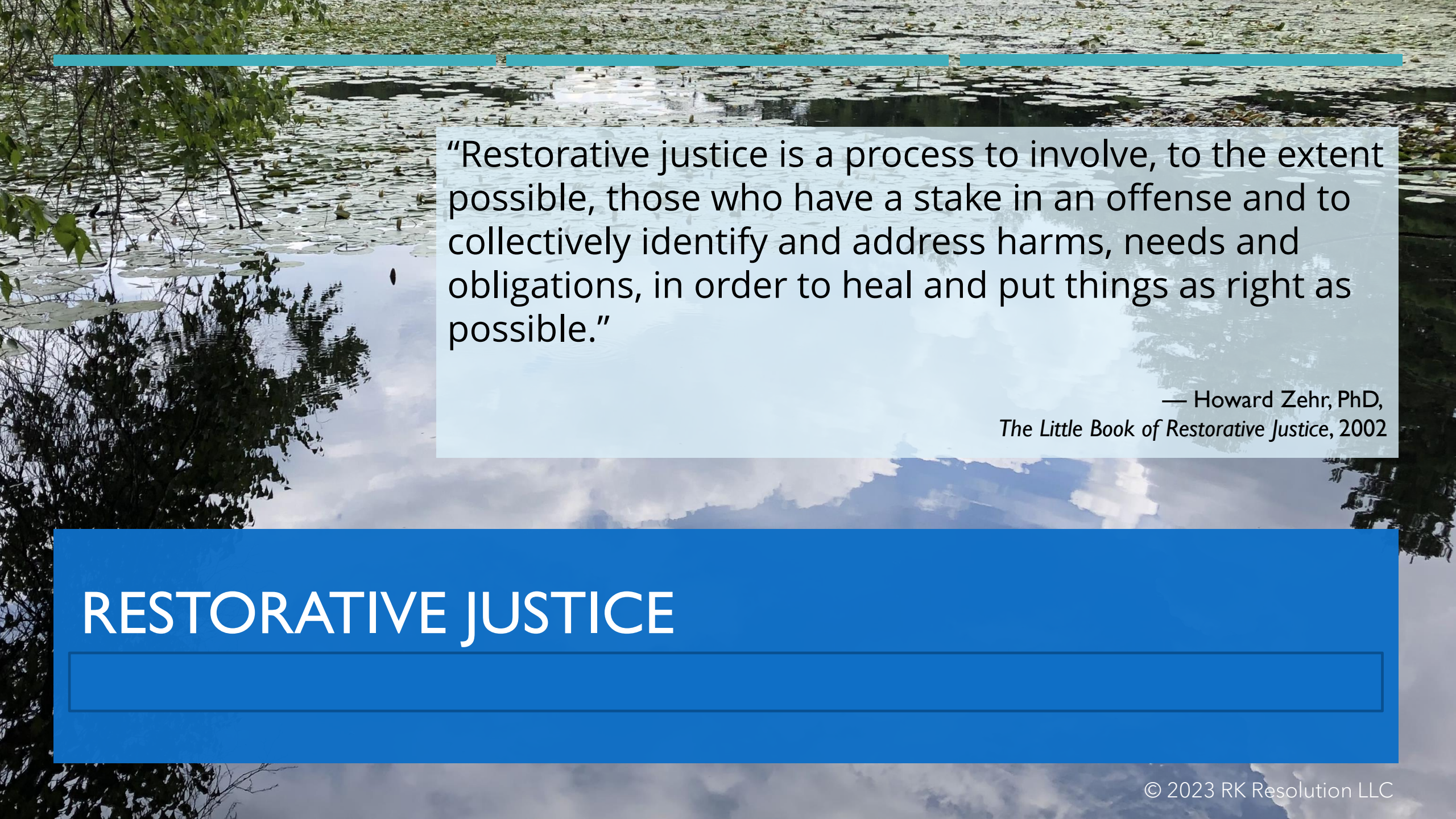
WHY SAFETY PLANNING?

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

A background image of a pond with lily pads and a reflection of a cloudy sky. A light blue rectangular box is overlaid on the right side of the image, containing text. At the bottom of the image, there is a solid blue horizontal bar.

“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

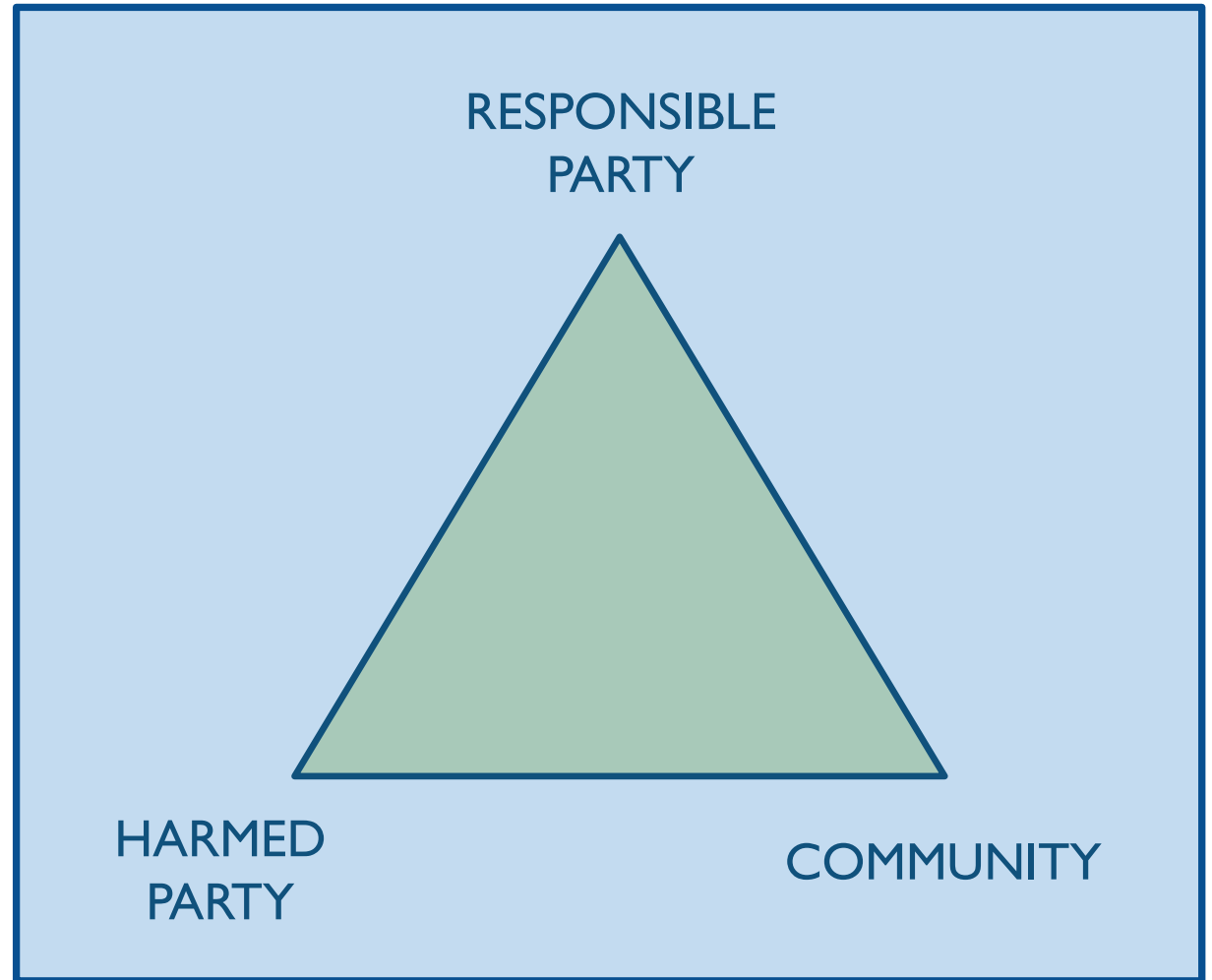
RESTORATIVE JUSTICE

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



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

A gravel path splits into two directions in a forest, symbolizing choice and definition. The path is surrounded by lush green vegetation and trees, with sunlight filtering through the leaves. A blue banner at the bottom contains the text.

JUSTICE CAN BE DEFINED IN MANY DIFFERENT WAYS



SAFETY PLANNING $\neq$ SUPPORTIVE MEASURES



Safety
Planning

Supportive
Measures

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.

SAFETY PLANS

SUPPORTIVE MEASURES

- 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

RJ FACILITATOR LENS IS DIFFERENT

Title IX Coordinator

Process oversight

Neutral arbiter

Programmatic oversight

Compliance (state, federal) law focus

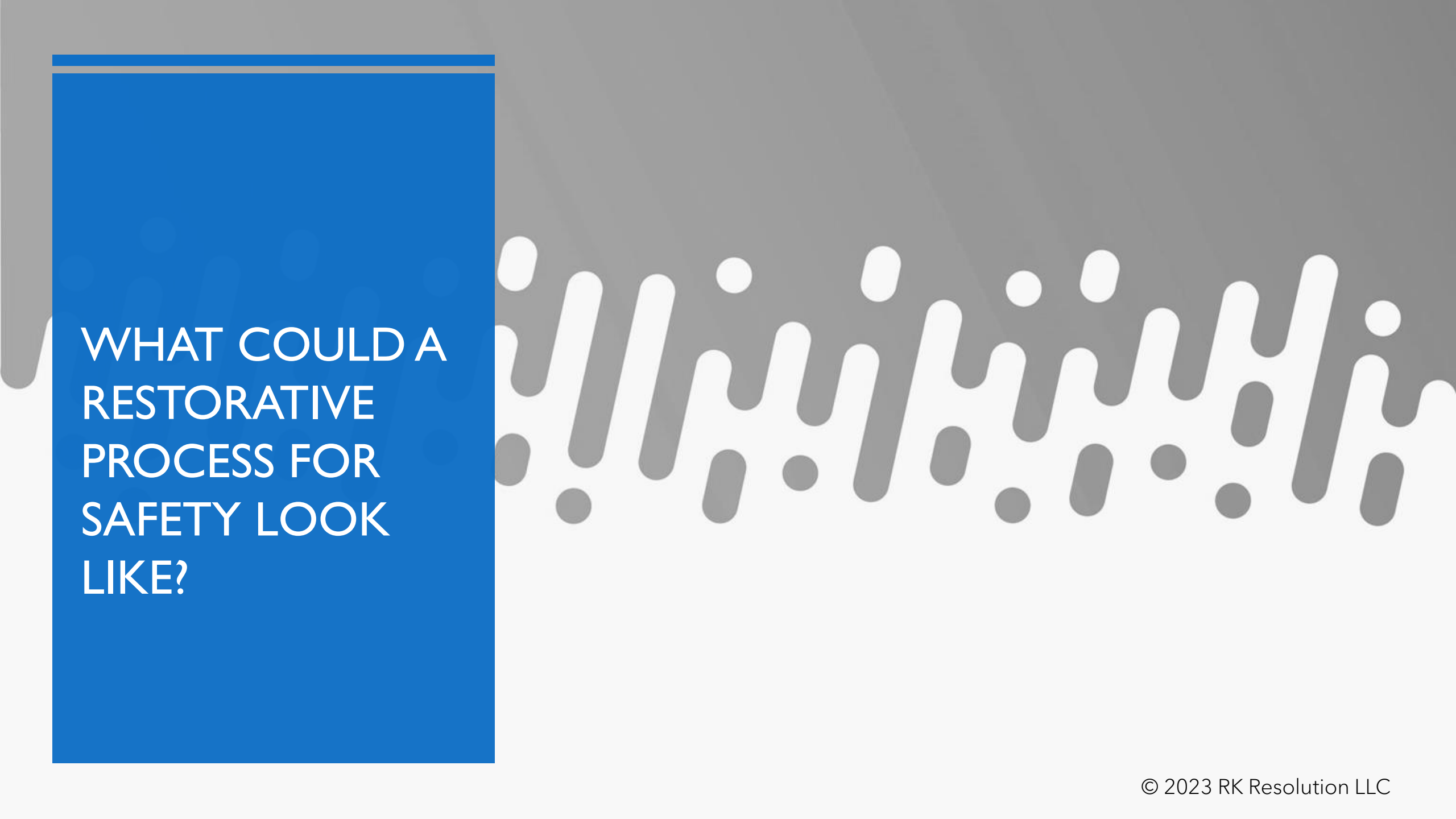
Restorative Facilitator

Multipartial lens

Broader focus than complaint resolution

Focus on establishing “right relationship”

Prioritizes reintegration



WHAT COULD A
RESTORATIVE
PROCESS FOR
SAFETY LOOK
LIKE?



RESTORATIVE PROCESS CONSIDERATIONS

Who is involved in decision-making?



What could the process look like?



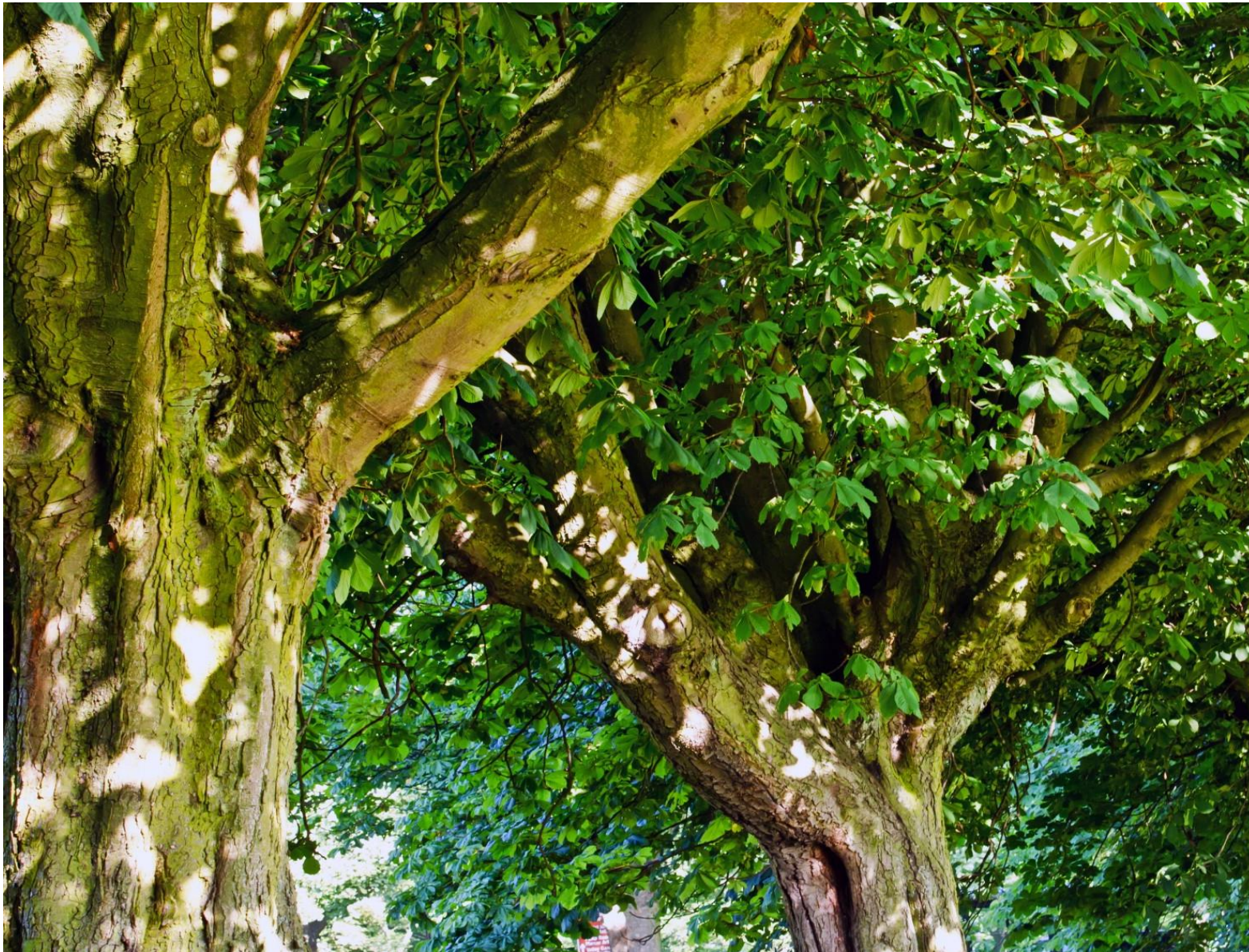
What is the role of advisors, advocates, attorneys?



How will agreement be monitored? Revised?

CONFIDENTIALITY AND INFORMATION SHARING

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



Rachel King
rking@rkresolution.com

Lindy Aldrich
aldrich@ladderconsulting.net