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Building Bridges & Inspiring Innovation: Restorative responses to sexualized violence & misconduct within the post-secondary environment

By Alana Abramson & Jennifer Jordan

When I became involved in restorative justice (RJ), I felt I had found my community. I was grateful to have many mentors like Liz Elliott to help ground me in the RJ philosophy. Over the past two decades, my community has expanded and just a few years ago I was thrilled to find someone at my university outside of the criminology department who was passionate about RJ. I was delivering a workshop on Sexual Harassment Awareness and Prevention that the Kwantlen Polytechnic University (KPU) Student Rights and Responsibilities Office personnel attended. Jennifer, her staff, and I clicked right away as it was evident we did our work from a place of shared values. Since then we have had many conversations about how victim/survivors could have voice and choice in their justice process. This theme is salient in the increasing body of literature relating to responding to sexualized violence in the post-secondary arena.

- Alana Abramson

I became involved with RJ when I began working in what was then called the Office of Student Judicial Affairs at KPU. KPU had instated an office to handle student non-academic misconduct in 2010. A subsequent program was developed that took, wherever possible, a non-punitive approach in response to non-academic misconduct by focusing on the holistic development of the student including educational and restorative opportunities to learn from the misconduct, repair harm and restore a positive relationship with the University. As such, alternative dispute resolution including the option for RJ is always taken into consideration as a viable means to address misconduct. Meeting Alana and others in the RJ community enhanced my commitment to this healing approach. In the last two years I was a member of a planning committee, organized by the Ministry of Advanced Education, Skills and Training, where KPU hosted and I co-emceed a Symposium called *Moving Forward Together: Building Capacity to Prevent and Respond to Sexual Violence on Campus*, I joined the planning committee for the National Restorative Justice Symposium, and began a graduate program in Conflict Resolution.

- Jennifer Jordan

There are a growing number of tertiary institutions that are exploring the role restorative justice (RJ) might play on campus. In 2013, David Karp noted that 22 institutions of higher learning in North America have incorporated RJ initiatives. Many of us working

within tertiary education are recognizing that RJ principles such as inclusive decision-making, active accountability, repairing harm, and rebuilding trust are essential to responding to harm, bias, and offensive conduct in a meaningful way. A case highlighting the use of RJ in universities made international news in 2014 when student harassment allegations within Dalhousie University's Faculty of Dentistry in Nova Scotia were addressed through an RJ process. The University of Victoria in British Columbia (BC) has utilized RJ to deal with non-academic student misconduct since 2011. RJ has various applications in post-secondary environments including:

- Facilitated dialogue between staff/students/faculty in response to misconduct and harm including sexualized violence
- Reintegration circles following harm on campus
- Circles or other dialog processes in response to problems/harm within student housing
- Restorative pedagogy as a way of teaching material through circles, dialogical processes, experiential learning, and storytelling

When BC enacted the *Sexual Violence and Misconduct Policy Act* in 2016, only one or two institutions had a policy specific to sexualized violence and misconduct. Post-secondary institutions undertook reviews and consultations in collaboration with faculty, students, and staff to engage a wide variety of perspectives and raise awareness about issues related to risk, consent, and reporting of sexualized violence. The resultant policy and procedures KPU created were similar to other institutions in that they were general and did not specifically articulate a RJ process. However, RJ was considered an option for victim/survivors as it relates to our university's stated responsibility to "offer support to Victims/Survivors, using a victim/survivor-centered/trauma-informed approach." At KPU, there is an understanding that a trauma-informed approach is one that aligns with careful, ethical RJ practice.

The needs of victims for information, validation, vindication, restitution, testimony, safety and support are the starting points for justice…Victims are empowered by maximizing their input and participation in determining needs and outcomes… Victims have the principal role in defining and directing the terms and conditions of the exchange.

- Zehr & Mika (1998)

In 2017, it became mandatory for all post-secondary institutions in BC to implement a stand-alone sexualized violence and misconduct policy. In developing this new policy, KPU intentionally linked any formal complaint process where the student is the Respondent to the Student Conduct (Non-Academic) policy and processes. As such, RJ approaches can form part or all of the response to incidents of sexualized violence and misconduct. Additionally, KPU expanded the portfolio and changed the department name to the Student Rights and Responsibilities Office (SRRO) which is the office responsible for both the Student Conduct (Non-Academic) and Sexual Violence and Misconduct policies.

RJ approaches have been offered in response to non-academic misconduct at KPU as a way to support those affected by sexualized violence to move their lives forward in a positive way. Language such as “restorative engagement” or “restorative approaches” are used and victim/survivors guide the process by determining what level of involvement will be most empowering and healing for them. Approaches rooted in the philosophy of RJ have the potential to level power imbalances, address the relational nature of sexualized violence and respond more meaningfully to human needs.

Those who practice restoratively with victims/survivors need not be experts on trauma nor ask victim/survivors specific questions about their traumatic experience. However, a trauma-informed approach to RJ would mean Facilitators:

- Operate with “universal precautions” by assuming that everyone they are working with have experienced trauma
- Work to “do no harm” or to “do no further harm”
- Acknowledge their own histories of trauma and exposure to direct and vicarious trauma and attending to proactive and on-going self-care
- Actively work with victim/survivors to avoid exposure to triggers and take care to address common fears about physical safety, recounting traumatic experiences, feelings of shame, worry about not being believed, or seeing the perpetrator
- Create physical and emotional safety through offering opportunities for victim/survivors to have voice and choice in any and all processes. Some examples of this might be:
    - Explaining any procedures that must be followed
    - Providing a menu of restorative processes (direct, indirect dialogue, exchange of letters/videos, surrogate, etc.)
    - Providing choice about if, how, and when to tell their story and level of participation in the justice process
    - Taking as much time as needed to prepare all parties for a restorative process
    - Acknowledging the difficultly of the situation, their response to it, and the emotions that arise

While RJ is not for everyone, information about this option and the availability of a trauma-informed approach should be available for all victim/survivors. While we are unclear of the extent to which these options are already being offered in BC universities and colleges, our goal for RJ week 2020 is to learn just that.

Although BC is home to many experienced and passionate RJ practitioners and advocates doing work inside and outside the legal system; it is unknown exactly what RJ initiatives are happening in BC universities/colleges. In response to this, we have built a network of people from post-secondary institutions in BC interested in or actively offering RJ approaches within the university/college setting. In the lead up to RJ Week 2020, we will be facilitating discussions with representatives from 19 different post-secondary institutions with the goals of raising awareness of RJ and promoting trauma-

informed, responsive practices. This inclusive and varied network which includes both university faculty and staff will support one another and build relationships, share promising practices, and, engage in collaborative training. We encourage other provinces and territories to engage in similar dialogues as this subfield of RJ and universities will certainly continue to expand.