



# IMPLEMENTING RESTORATIVE JUSTICE IN TITLE IX AND MISCONDUCT RESPONSE

April 21, 2021

**DAN SCHORR, LLC**

# OUR SERVICES

- Title IX, Civil Rights, and Misconduct Investigations
- Decision Makers and Hearing Officers
- Hearing and Process Advisors
- Trainings
- Policy and Program Reviews
- Interim Title IX Coordinator Coverage

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## DAN SCHORR

President  
New York



Dan Schorr is a former criminal prosecutor and municipal inspector general with more than 20 years of legal and investigative experience. He manages a variety of complex assignments, including investigations into sexual misconduct, Civil Rights, and fraud allegations at educational institutions, corporations, and government entities. In addition to specializing in Title IX investigations, Dan assists higher education and K-12 schools by conducting policy and program reviews, training personnel on all aspects of Title IX and Civil Rights compliance, and serving in hearing officer and decision maker roles. Dan is a pre-approved Sexual Misconduct Investigator for the United Educators ProResponse Expert Services Benefit.

## ALYSSA-RAE MCGINN

Vice President, Investigations  
Boston



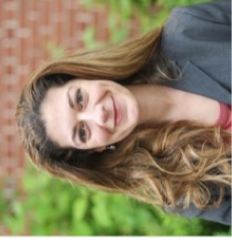
Alyssa-Rae McGinn has extensive experience leading a variety of complex investigations, with particular expertise in conducting investigations at educational institutions and corporations into allegations of sexual misconduct and identity-based harassment involving students, faculty, staff, and corporate leadership. Alyssa-Rae was previously a Senior Associate at Ankura, where she and Dan established the firm's Title IX and Civil Rights Investigations practice and grew it to assist institutions nationwide. Prior to Ankura, Alyssa-Rae was an Associate Director in Kroll's Business Investigations & Intelligence practice.

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## DR. RACHEL KING

RESTORATIVE JUSTICE PRACTITIONER



Dr. Rachel King has extensive experience in higher education, including as a Title IX Coordinator and student conduct administrator, and regularly facilitates restorative conferences in community and school-based programs. An experienced restorative justice practitioner, Rachel provides training to schools around the country on the use of restorative practices in addressing gender-based misconduct on campuses, including through the Department of Justice's Office on Violence Against Women campus grant program and for national organizations such as, It's On Us and the National Organization for Victim Assistance (NOVA).

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# WHAT IS RESTORATIVE JUSTICE?

*“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 right as possible.”*

– Howard Zehr, PhD, *The Little Book of Restorative Justice*, 2002

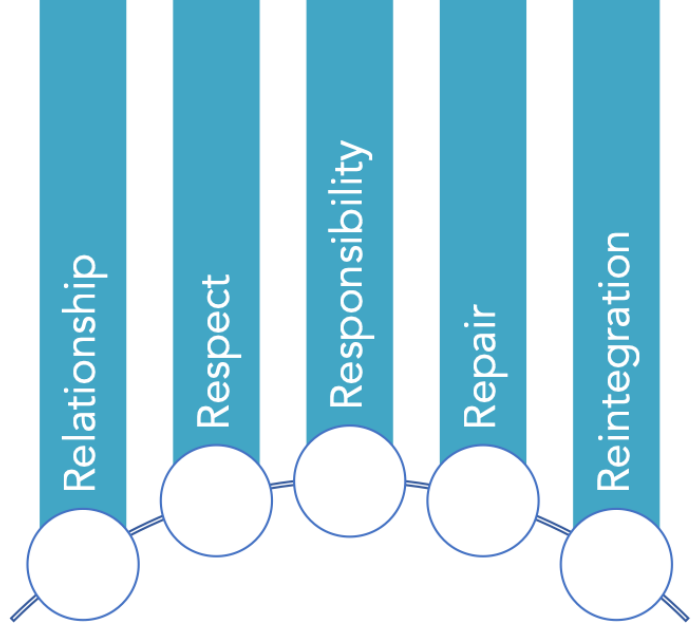
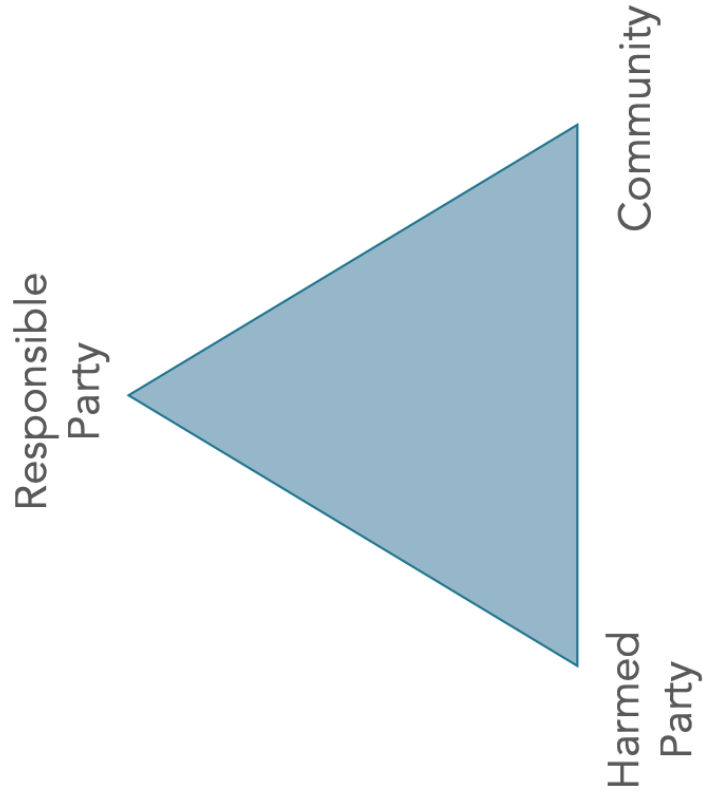
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# THE RESTORATIVE APPROACH

- The restorative approach:
  - Promotes healing
  - Addresses harms and needs
  - Relational
  - Provides accountability and support
  - Engages stakeholders

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# RESTORATIVE FRAMEWORK



Beverly Title, 2007

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# TWO APPROACHES TO JUSTICE

Conventional Justice  
System

Restorative Approach  
to Justice



# RESTORATIVE JUSTICE IN TITLE IX

- Title IX regulations allow “informal resolutions”
- Regulations require “informal resolutions” be offered:
  - After formal complaint
  - When dictated by your policy
  - Any time during the investigation or hearing
  - Without pressure
- When is restorative justice appropriate?

# GENDER-BASED VIOLENCE AND JUSTICE

- When implementing restorative justice in response to gender-based violence, consider:
  - Campus or community reporting climate
  - Prevalence of victimization and perpetration
  - Student demand for alternative resolutions
  - Compliance with law and policy
  - Disparate impact
  - Intersectionality

# RESISTANCE AND COMMON CONCERNS

- Participation pressure
- Safety risks
- Lacking in accountability
- Retraumatizing and/or revictimizing
- Confidentiality and legal considerations

# RESTORATIVE JUSTICE IS NOT...

- Mediation
- One-size-fits-all
- Therapy
- Forgiveness or amnesty
- An easy way out
- “Informal”

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# THE TITLE IX AND CIVIL RIGHTS

PODCAST



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WEEKLY EPISODES  
AVAILABLE ON ALL  
STREAMING SERVICES

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