

**RESTORATIVE MEDIATION CONFERENCING
PROFESSIONAL DEVELOPMENT
JORDAN SCHOOL DISTRICT
OCTOBER 12 – OCTOBER 13, 2021**

**GAYLE THREET
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**RESTORATIVE PRACTICES
TERMINOLOGY AND PHILOSOPHY
AND HOW IT FITS WITH TITLE IX**

Restorative Practices: The What is it?
RCA – RELATIONSHIPS, COMMUNITY, ACCOUNTABILITY

A mind shift in thinking and practicing building relationships, holding students accountable for their actions and repairing harm.

It is about building relationships from the core of the school for all students.

We are working to repair harm and for students to see what their behavior has truly done to others through the lens of a connected school climate.

RESTORATIVE PRACTICES APPROACH IN SCHOOLS

Empowers students to solve conflicts through:

- Mediations
- Circle work in classrooms and counseling offices
- Small group efforts
- Teacher-to-teacher conflict resolutions
- Teacher-to-Administrator conflict resolutions

Any experience that leaves a person feeling hopeless, helpless, fearing for their life, survival or their safety. The experience can be real or perceived.



TRAUMA

RESTORATIVE QUESTIONS FOR THE COMPLAINANT

- What did you think when you realized what happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

RESTORATIVE QUESTIONS FOR THE RESPONDENT

- What happened?
- What were you thinking at the time?
- What have you thought about since?
- Who has been affected by what you have done? In what way?
- What do you think you need to do to make things right?

MEDIATORS – WHO YOU ARE

- Power balancers
- Neutral 3rd party
- No dual roles (therapists, counselors, lawyers, doctors, clergy, etc.)
- Process facilitators
- Communication facilitators
- Option generators
- Clarifiers
- Reality checkers
- Resource expanders

MEDIATORS RESPONSIBILITIES

- Balance the physical setting and the process
- Make the rules of participation understandable and equal to everyone
- Conduct in language easily understandable to all
- Level the playing field/balance of power
- Ensure the fairness of the process for participants
- Create a safe place for dialogue to happen between complainant and respondent

MEDIATORS RESPONSIBILITIES (continued)

- Ensure dignity of the people involved
- Ensure dignity of the issues (so that solutions can be possible)
- Ensure process must not victimize anyone
- Balance your control of the process with the ownership of the process (complainant/respondent have the ownership of the process)
- Safeguard confidentiality of the mediation

MEDIATORS – WHO YOU ARE NOT

A mediator is not:

- A Judge
- An advocate
- A counselor or therapist
- A seeker/finder of truth or blame

■ Mediators:

- Have no authority over the complainant or respondent
- Have no ability to reward or punish

MEDIATION – WHAT IT IS

- Definition – informal resolution and is a mutual agreement between the complainant and respondent to settle a dispute through compromise.
- Difference between mediation and arbitration
- Mediation is voluntary
- Mediation can be stopped at any time – by the mediator or participants
- Two team members can be present if possible.
- Ground rules for the mediation (set by participants – complainant/respondent)
- Setting for the mediation - Face-to-face/zoom, etc.

MEDIATION IS NOT...

- About truth
- To determine blame or guilt
- To search for right answers
- To create justice
- Fixing people
- Setting them straight, curing them

SETTING UP THE MEDIATION (BEFORE THE MEDIATION TAKES PLACE)

- How to start preparing for the mediation getting the call from your Title IX Coordinator
- Things to anticipate (as much as possible)
- The first phone call or communication
- Calls to respondent and complainant – what to say
- What the complainant and respondent can anticipate seeing/hearing at the mediation

YOUR ROLE AS A MEDIATOR Before, During and After the Mediation

BEFORE THE DAY OF THE MEDIATION

- ▶ The meetings and calls with the respondent
- ▶ The meetings and calls with the complainant
- ▶ Setting the stage for the mediation for both participants – what they will see and hear through the mediation.
- ▶ Letting the complainant/respondent know what your role is and is not before the mediation.
- ▶ Letting the complainant/respondent know that the mediation will allow them to determine their solution to the issue
- ▶ Letting the participants know that mediation can be stopped at any time.

YOUR ROLE DURING THE MEDIATION

See slides for mediator responsibilities

YOUR ROLE AFTER THE MEDIATION

- Write up the agreement to be signed by both participants
- Follow up after the mediation

THINGS THAT CAN NEGATIVELY IMPACT YOUR ROLE AS A MEDIATOR

- ▶ Words you use (you should, you will, you ought to, I think you would be..., etc.)
- ▶ Talking too much
- ▶ Adding your personal stories, being flippant or not taking the process seriously
- ▶ Giving suggestions or advice
- ▶ Solving the problem for the participants
- ▶ Finding their solutions – “Here’s a solution I know it will work. I’ve seen it be successful before.”

THINGS THAT CAN NEGATIVELY IMPACT YOUR ROLE AS A MEDIATOR (continued)

- ▶ Implicit Bias
- ▶ Cognitive Bias – thoughts, beliefs, and ideas about something or someone.
- ▶ Affective Bias – emotional reactions to different types of people
- ▶ Behavioral Bias – actions toward certain people

THINGS THAT CAN POSITIVELY IMPACT YOUR ROLE AS A MEDIATOR

- Meet. Greet. Seat.
- Stating confidentiality
- Checking for physical seating safety
- Participants can easily hear each other
- Participants setting ground rules for the mediation (including mediator rules of stopping the mediation, etc. after participants set the ground rules)
- You as a mediator being neutral to both participants

THINGS THAT CAN POSITIVELY IMPACT YOUR ROLE AS A MEDIATOR (continued)

- Opening statements about mediation (what it is and what it is not so all parties hear this at the beginning of the mediation)
- Define when a caucus might be used
- Required reporting (physical abuse, child abuse incapacitated abuse)
- Agreements between complainant and respondent – Mediator types up to sign – using participants own words
- Asking open-ended questions

UNINTERRUPTED TIME

Critical to set this up:

- “Uninterrupted time is your time to state the problem/problems without interruptions from anyone” (including the mediator)
- “If your uninterrupted time or the mediation becomes disrespectful or violent, I will stop the mediation. If at anytime either of you cannot go forward with the mediation, you can stop it.
- Administration then takes it to the next level – whatever that means in protocol.”

ASK QUESTIONS TO GENERATE OPTIONS (some examples)

- What brings you here today?
- What would you like to see happen?
- What is most important to you?
- What do you need to help you decide?
- What do you think the other party needs to hear from you?
- What do you need from the other party?
- If you were in the other party’s shoes, what would you think? How might you feel?
- If you were in the other party’s shoes, what might you want to happen?

ASK QUESTIONS TO GENERATE OPTIONS (some examples continued)

- ▶ Is there anything you want to add?
- ▶ What do you want the other person to know about the issue?
- ▶ What do you want the other person to hear about this issue?
- ▶ Will you say more about...?
- ▶ If there is common ground between you, what do you think that might be?

Important to ask the Complainant and the Respondent at the end of the mediation

- ▶ How will you deal with rumors about this mediation?
- ▶ What will you say to your friends about the mediation?
- ▶ What will you say to the other person's friends about the mediation?
- ▶ If a teacher asks you what happened in the mediation, what will you say?
- ▶ What will you do when you see each other in the hall, classroom, cafeteria, gym?

REFERENCES

- ▶ Jordan Equity and Compliance, New Title IX Regulations, 2021
- ▶ Conflict Resolution Program, Department of Communication, Michelle Haws, University of Utah
- ▶ Building Skills to Successfully Mediate Title IX Sexual Harassment Cases Welcome & Faculty Introductions Senior Program Manager Rabia Khan Harvey, M.Ed., MSHR rabia@academicimpressions.com 2020
- ▶ Building Healthy Relationships Across Virginia: A Facilitator's Guide for Teen Dating Violence Prevention, Virginia Sexual and Domestic Violence Alliance, vsdvalliance.org
- ▶ Title IX Informal Resolution, Works International, Inc. 2020
- ▶ Sample Mediator's Opening Statement by [Robert A. Berlin](#)