

New Year, New Informal Resolution Process

Maureen Grewe, Director of Student Conduct and Academic Integrity, University of South Carolina

Kat Yoffie, Coordinator of Residential Student Conduct, University of South Carolina

Land Acknowledgement:

We want to acknowledge that we work and live on the traditional and Native land of the Congaree Tribes. The Congaree people were a small tribe who suffered heavy losses via tribal feuds and smallpox. After fighting against the colony of South Carolina in the Yamasee War of 1715, over half of the Congaree were killed or enslaved. Those remaining moved further north to join the Catawba. Today, the Catawba Nation is the only federally recognized tribe in the state of South Carolina. The Congaree National Park and the Congaree River are vital parts of Columbia.

Abstract:

Informal resolution can be a powerful tool for students and universities as they navigate interpersonal violence concerns. With institutions facing more scrutiny when it comes to how they respond to potential violations, having a solid informal resolutions process is a critical aspect for institutions. This presentation will showcase informal resolution best practices and participants will walk away with tangible materials to bolster their resolution offerings.

Learning Outcomes

As a result of attending this session participants will be able to:

1. Evaluate their current informal resolution offerings and explore ways to adapt to changing regulations and campus climates.

2. Apply training strategies and principles of restorative justice to successfully facilitate informal resolutions and mediations.

3. Utilize provided letters, scripts, handouts, and resources to aid participants in future informal resolutions adapted to their campus needs.

4. Demonstrate the value of collaboration and campus partnerships in utilizing advocacy



Outline

I. Introduction – 5 minutes

- a. Polls
- b. Small group breakout discussion

II. Literature Review – 3 minutes

- a. Restorative Justice principles
- b. Connection to ASCA knowledge and skills

i. Technology

ii. Resolution Management

iii. Internal and External Partnerships

III. Informal resolution structure and demographics at UofSC– 3 minutes

- a. Data review
- b. Process charts

IV. Letters and Maxient/database usage– 2 minutes

V. Partnership with TIX/OCR- 5 minutes

VI. Partnership with Respondent Resources and SAVIP- 5 minutes

VII. Pre-Meeting- 10 minutes

- a. Agenda
- b. Logistics
- c. Goals
- d. Prep-Form
- e. Admission of harm or responsibility

VIII. Informal Resolutions - 10 minutes

- a. Script
- b. Advisors

IX. Adversary Satisfaction



How did we get here?

2011 DCL letter prohibiting informal resolutions for sexual assault cases

2020 rules with allowing cross examination and more opportunities for informal resolutions

Provides complainants to select a process that aligns with their interests and meets respondents' needs for process protects

Allows for more flexibility and can be tailored to student needs

Mediation, restorative justice and arbitration as dispute



USC Snapshot

- 34, 731 Total students
 - 6,100 First year students
- Urban Environment
 - Columbia, SC (Capital City)
- SEC football
- Downtown bar district



USC Background: Informal Resolution

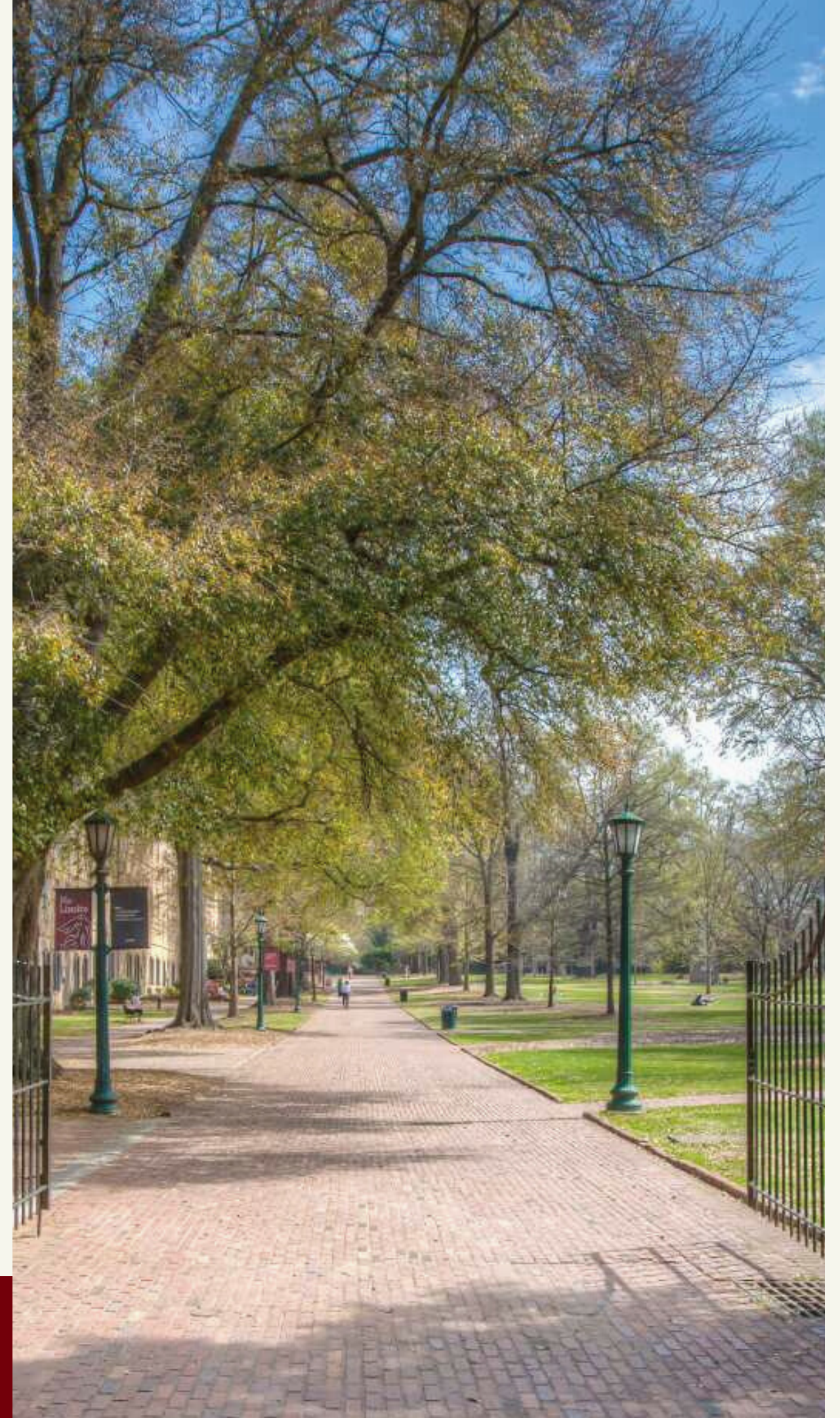
Lack of interest in formal process; few options available

Equal Opportunity Programs Office dissolved, new Office of
Title IX and Civil Rights created with AVP

Conduct staff and others tasked with temporary roles

Creation of mediation process and informal resolution

Live hearings occurring with outside firm

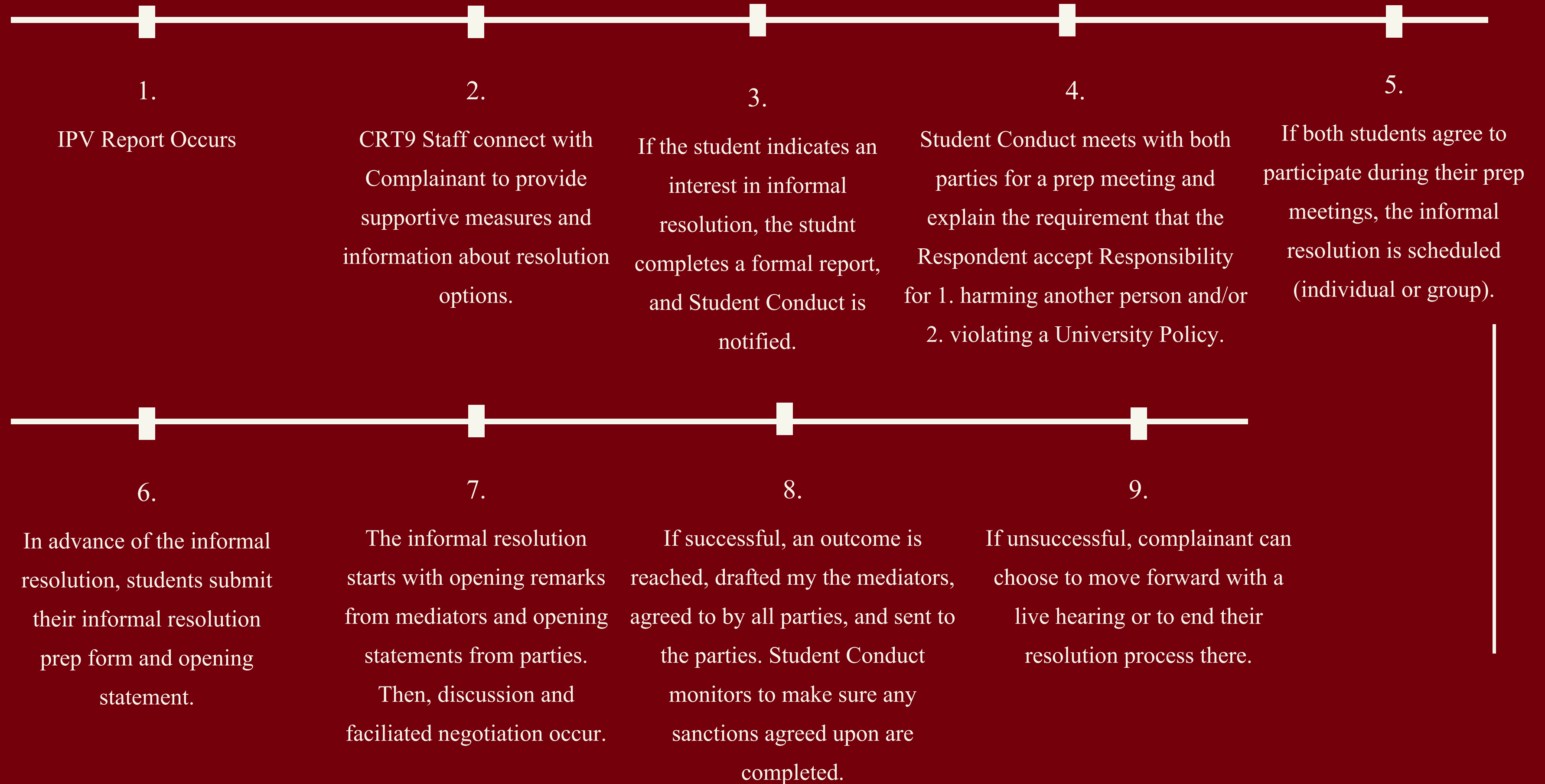


Letters and Maxient Usage

- Prep Meeting Letters sent to both the Respondent and Complainant, providing a date and time for the meeting via Microsoft Teams.
- Mediation Logistics letter sent after prep meetings, explaining which type of mediation was selected, the date and time of the mediation, and the link for the meeting.
- IR Layouts used to create the Informal Resolution Prep Form and is linked in the logistics letter
- CRF Submitted for both parties to track the outcome of the resolution, sanctions (if any) also tracked through Maxient. Outcome letter sent to the parties.



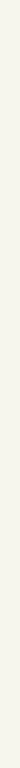
Informal Resolution Process





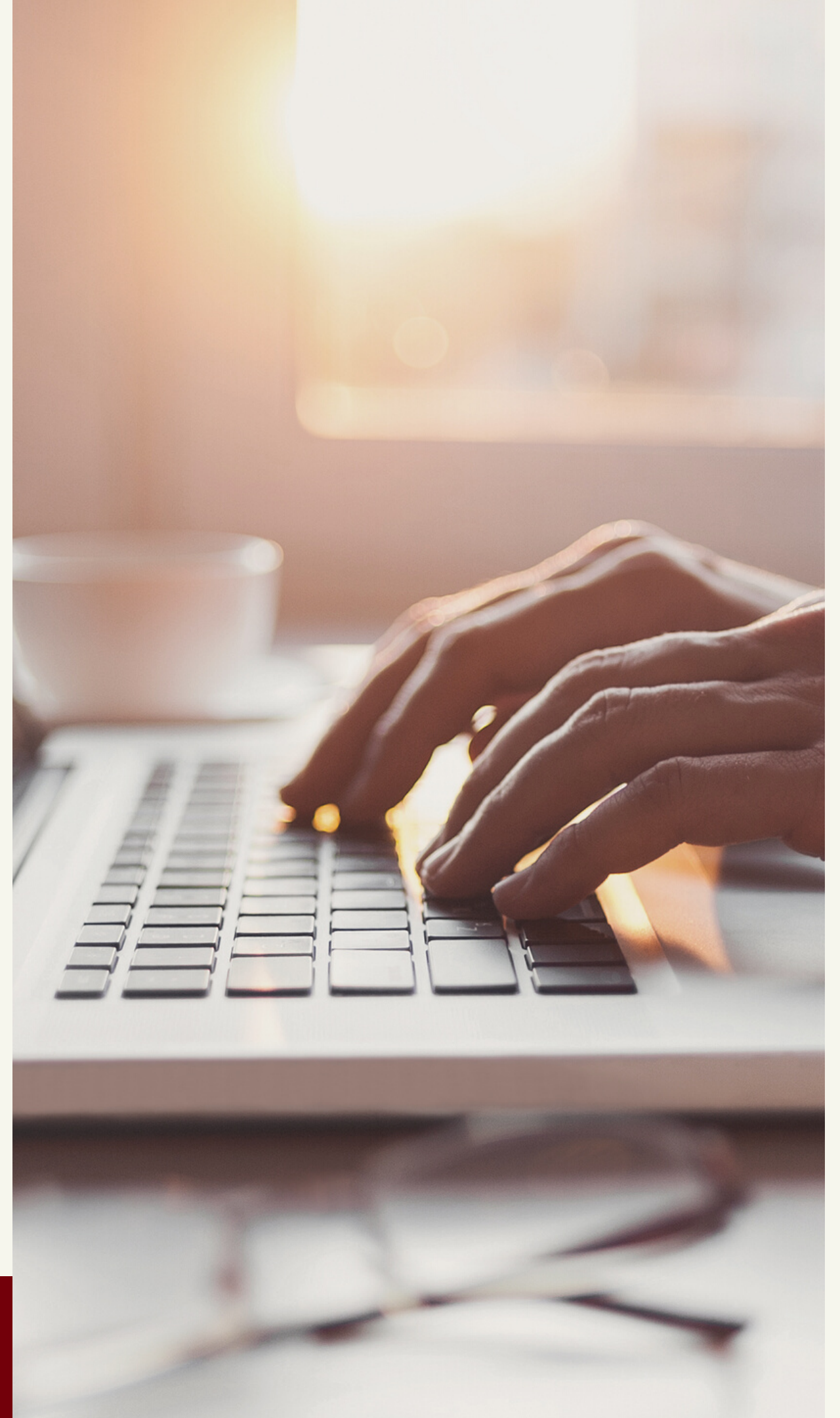
Informal Resolution Logistics

- Continuum of Care Meetings
- 2 Mediators
- Individual v. Group Resolution
- Maxient and Virtual Meeting Platform (prefer Blackboard for this process)
- Informational Packet distributed to students (and advisors, if applicable)
- Resolutions and Sanctions tracked through Maxient



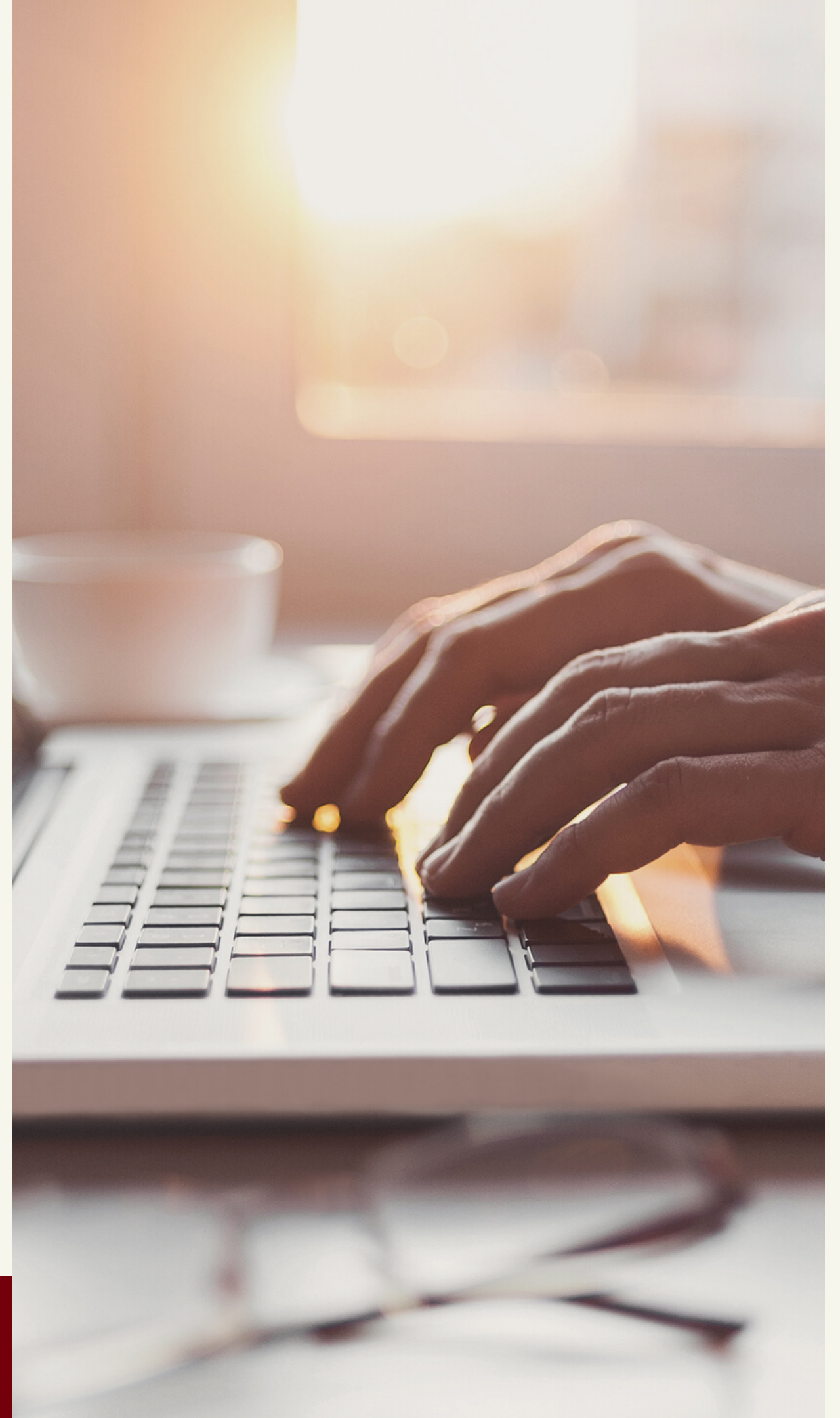
Pre-Mediation Steps

- Agenda
- Logistics
- Goals
- Prep-Form
- Admission of harm or responsibility



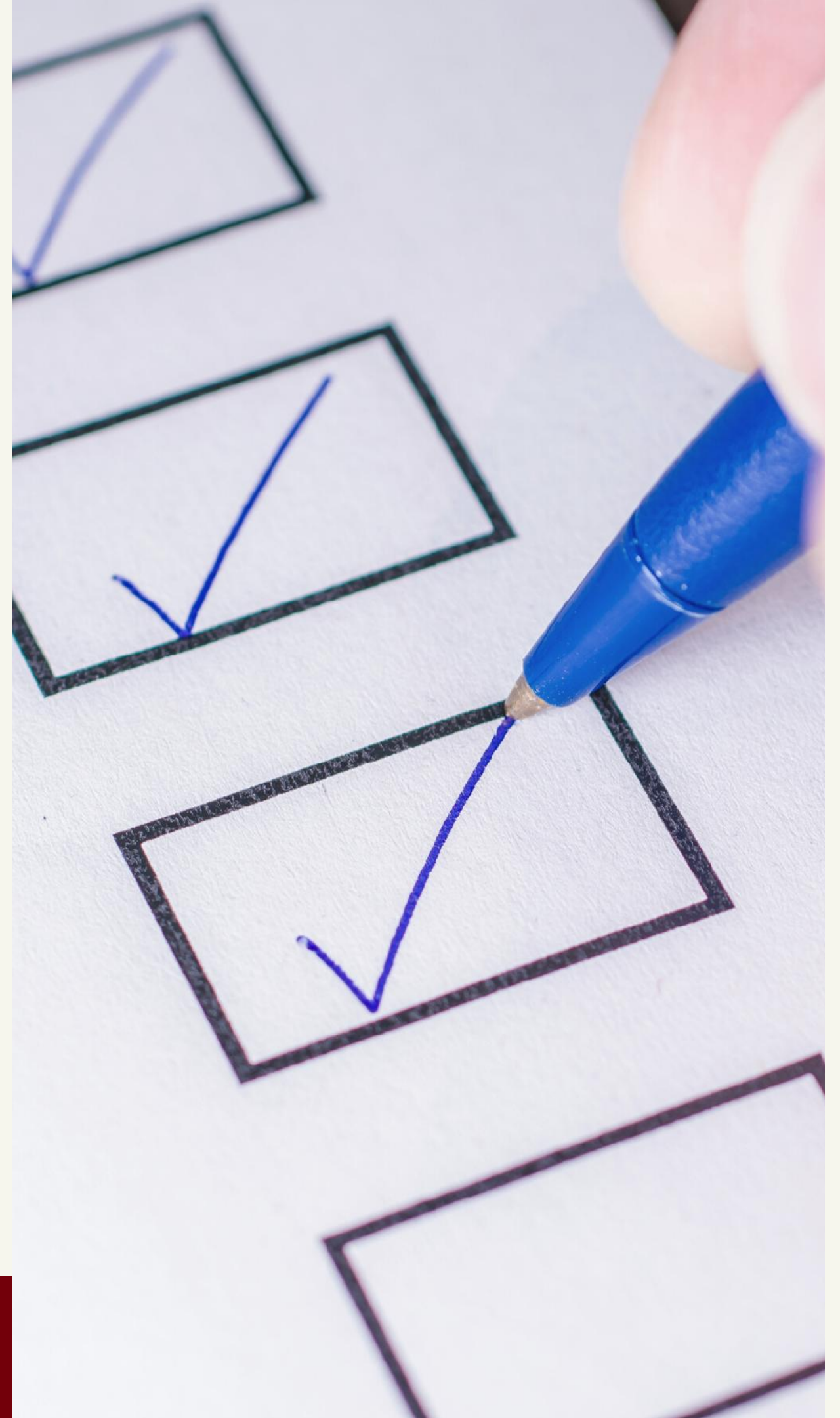
Informal Mediations

- Script
- Advisors
- Advocacy Sanctioning
- Logistics
- Outcomes



Resources and Handouts

- [Google Drive Informal Resolution Materials](#)



Background Information

Enable additional features by logging in. [↗](#)


Your preferred name:

Your pronouns:

Your phone number:

Your email address:

Case Number:

 [Learn more](#)

Interests

Through this form you will explain what your hopes, wants and needs are and your goals in engaging in mediation.

Please articulate what you hope to gain by participating in mediation. This can be anything that you feel would help you gain the best possible outcome through mediation. *(Required)*

Please articulate what you need to gain by participating in mediation, including your basic needs to feel as though mediation was successful. *(Required)*

Please list any possible outcomes that you would like as a result of participating in mediation. *(Required)*

What is your best alternative outcome? *(Required)*

Do you want this form shared with the other student prior to the mediation? *(Required)*

- Yes
- Yes, only if the other party will share the same information
- No

I have read and reviewed the university's policy (EOP 1.06) on informal resolution. I understand that the goal of mediation is to come to a facilitated resolution and I agree to comply with the requirements outlined in the university policy. *(Required)*

- Yes, I agree and will comply
- No, I do not agree and do not want to participate in mediation

Supporting Documentation

Photos, video, email, and other supporting documents may be attached below. 5GB maximum total size.

Attachments require time to upload, so please be patient after submitting this form.

Choose files to upload

Choose Files

Email me a copy of this report

Submit report

Mediation Prep Document

Student Interpersonal Violence Informal Resolution Potential Outcomes @ UofSC

Mutual Opportunity to be Heard

The students will have the opportunity to share their experiences and the impact that it has had on them.

Educational Essay

An essay can be assigned to help students reflect on the incident and gain a better understanding of the complex issues related to interpersonal violence.

Responsible Relationships On Campus

This online course helps students understand the principles that make up a healthy relationship regardless of the duration of the relationship. Students will review multiple issues as they relate to romantic relationships on campus including consent, conflict, substance use, stages of relationships, objectivity versus a relational perspective and many more. Students who complete this course will have learned insight into how they need to manage themselves within the short and long term relationships they experience. The cost of this course is \$100.

Counseling Assessment

An intake assessment with a agency (Counseling & Psychiatry, Insights or LRADAC) regarding substance use or healthy relationships (assessments cannot be for general concerns, but for specific skill building). Compliance with any recommended treatment is expected.

No Contact Directive

A no contact directive prohibits a student from interacting with another student. This is inclusive of social media and third party contact. For more information visit: <http://bit.ly/29Rr2Zp>

Conduct Probation

Probation is a warning period. If additional violations occur during this time more severe sanctions can be utilized, including suspension.

Restriction

The student is restricted from certain buildings (especially if they are non-academic) of campus, student organizations and university sponsored events.

Housing Removal or Relocation

If removed from university housing, a student is no longer allowed to live in any university facility for the duration of their career at USC. This includes 650 Lincoln and the Greek Village. Additionally, students can be allowed to remain living in university housing, but relocated to another residence hall.

Suspension

The purpose of a suspension is to separate the student from the institution so, that upon their return, they will have a renewed commitment to make positive choices and decisions moving forward. Additionally, it allows for separation between the students involved in the case. Suspension is at a minimum one semester.

***Outcomes must be agreed to by both parties to become finalized.

Sanctions Handout

Overall Benefits of Informal Resolution

- Frees parties from constraints associated with legal processes
- Allows flexibility for who participates and how they participate
- Places the dispute in the hands of the parties
- Enhances the capacity of individuals to communicate effectively
- Allows parties to choose resolutions that would not be available to them in a court
- Educates parties about the others' interests and needs
- Expands parties capacity to understand the other and sometimes develop an understanding or more positive view
- Faster and more accessible process
- Empowers parties to achieve outcomes tailored to their situations
- Less likely for litigation

Key Takeaways

- There is no one size fits all process for sexual misconduct
- Sometimes parties simply want to be heard
- Mediation and alternative resolution can be a successful path to resolution for many concerns
- Mediation isn't a perfect process and doesn't always work
- Formal resolution is still an option until a signed agreement
- Parties are often more satisfied with an outcome they helped design
- Mediation can be a forum for parties to take ownership of mistakes and develop future plans



KAT YOFFIE

keyoffie@email.sc.edu

MAUREEN GREWE

grewe@mailbox.sc.edu

Questions?