

Formal Investigation or Restorative Justice Process:

	<u>Formal Investigation</u>	<u>Restorative Justice (RJ) Process</u>
Focus/Goals	Whether a University Policy was violated, and if yes, what sanctions are appropriate.	Focuses on harm that occurred and/or impact on others, and how to repair harm, restore trust, and prevent recurrence.
What does the process look like?	Two university investigators meet with parties separately, collect and consider all information, write an investigation report with recommended sanctions. If both parties do not agree with the investigation report the case will move into an automatic Hearing.	Facilitators meet with involved parties individually to determine the appropriateness of RJ, and prepare all for the conference or shuttle diplomacy process. The conference/ shuttle diplomacy follows a formal order in which all parties share what happened from their perspective, how they were impacted, and what actions are needed to repair harm.
Do I have to be in the same room with the other person?	Typically, no, however parties can pose questions of one another and challenge information presented.	Yes or no. RJ Circles can bring everyone together in one room, or the process can be facilitated through shuttle diplomacy.
Who else participates in the process?	The investigator, respondent, complainant, and any witnesses (each interviewed separately). Involved students may bring a support person of their choice to any meetings/proceedings.	The respondent, complainant, 1-2 Facilitators, support persons, and potentially others impacted or representing impact.
Who makes the decision?	The investigators will write an investigation report and deliver that report to the Director of Equity and Title IX Coordinator. For Equity matters an opportunity to be heard will be determined. For Title IX matters a Hearing Panel will determine sanctions based on responsibility. Sanctions are based on which policy was violated and precedent.	All parties involved (including those impacted and the respondent) have a voice in the resolution. Each person contributes suggestions for solutions that the responsible party needs to complete in order to repair harm and restore trust. Decision is reached by consensus of all involved parties.
What kind of questions would be asked?	The investigator has a duty to apply consideration and appropriate scrutiny to all information brought forward to determine whether the preponderance of evidence indicates that a policy violation did or did not occur. Expect questions about details, timelines, etc.	Each party is asked to speak from their own perspective and experience. The goal is toward mutual understanding of all viewpoints, not deciding which viewpoint is "correct."
Can a person be found not responsible? If so, what happens?	Yes. A student must be found "responsible" for a policy violation for any sanctions to be assigned/enforced by the university. If the student is found "not responsible," the University can make recommendations, but can't actually require/enforce those.	No. The process starts from a foundation of acknowledging that some harm occurred and engages all parties to participate in deciding how that harm should be repaired.
How are outcomes recorded and enforced?	All information is maintained in students' individual conduct records, including the finding and sanctions. University administrators enforce completion of sanction, assigning additional sanctions if students are delinquent or noncompliant with sanctions/expectations.	All information is maintained in students' individual conduct records, including the agreement reached by the RJ process. The university enforces completion of the agreed-upon outcomes, assigning additional sanctions if students are delinquent or noncompliant with sanctions/ expectations. This is no different from the conduct/investigation/hearing process.
What happens if someone withdraws from the process?	The University typically makes it's best effort to determine responsibility based on what information is available.	The process will revert back to the appropriate conduct/investigation/ hearing process.