

Dr. Karen Willi...: And so this isn't an anonymous situation. Most of the time it's happening in the context of some relationship, whether it's an acquaintanceship or whatever. And so attending to that dynamic can be an important factor, for somebody to feel like we've helped them resolve the issue, right? We've come to some meaningful resolution.

Courtney: I'm so excited about my guest for this episode, Dr. Karen Williamson. Karen's the director of the Sexual Assault Prevention and Awareness Center, also called SAPAC, at the University of Michigan. She's also served as a Title IX coordinator at Swarthmore College and was the founding director of the Gender and Sexuality Center at Carleton College, where she also served as a deputy Title IX coordinator. Karen has a master's degree in women's studies, in counseling, and student personnel psychology. She holds a PHD in organizational leadership policy and development from the University of Minnesota. Completed in 2017, her dissertation addressed the limitations of the student code of conduct response to sexual misconduct and the possibilities of restorative justice.

She co-founded Campus PRISM, which stands for Promoting Restorative Initiatives for Sexual Misconduct, and is a restorative justice facilitator, trainer, and consultant. You will hear all of that background brought to our conversation where we touch on everything from what it looks like on the ground right now for Title IX coordinators, to trauma, to restorative justice, to visions for Title IX coordinators and campuses beyond compliance with Title IX. Karen is fantastic. I've had the opportunity to work with her, and I am so excited for her to share her wisdom with you on this episode.

Hey Karen, and welcome to the podcast. I say this to all my guests, but I really mean it, I'm super excited to have you on because I know you have so much great information you are going to share with our listeners.

Dr. Karen Willi...: Thank you so much, Courtney. It's wonderful to be here.

Courtney: Yeah. So you and I have had the opportunity to work together and talk, which is what led me to want, of course, you to be on the podcast. Talk to me where I always start. Let's go to the beginning of your journey in this space and how you came to be in the position that you're now in.

Dr. Karen Willi...: So the beginning of my professional journey really started at Carleton College, where I first started as a hall director and their first ever LGBT advisor. So working with lesbian, gay, bisexual, and transgender students as an advisor. And within a couple of years, I knew right away that that wasn't going to be a sustainable option. And so, we worked with a couple other folks on campus and came up with this idea of this Gender and Sexuality Center. So in 2001, we opened the Gender and Sexuality Center at Carleton College, and I was there for 15 years. And chunk of years through my beginning, I think probably around 2006, 7, we ended up adding sexual violence prevention education for students to the portfolio of the office and started doing comprehensive sexuality

education, bystander intervention, and survivor support. And it was really when we added survivor support that I started working as an advisor to students going through our sexual misconduct process.

I started facilitating the group of staff advisors for both complainants and respondents through the process that I really got up close and personal with a campus adjudication process. And it was at that time where I thought, "Wow, I think we need to have some attention on this process, and I think we could do a better job, basically." That was pre Dear Colleague Letter 2011, and I just really thought that we were not attending to the harm that was actually happening to our students, and we weren't responding in a way that was values congruent with how we responded to other harm. It was really a legalistic response and didn't seem to be grounded in more of our community harm and individual harm and focus on education. So it was really perplexed and that's really the moment my career turned towards looking more at how are schools responding to sexual misconduct.

Courtney: Okay. And then from there, where did you go in your career?

Dr. Karen Willi...: Yeah, so I was at Carleton until 2014 and eventually became a deputy Title IX coordinator there for prevention, and then went to Swarthmore College where I was the Title IX coordinator for three years. And you learn a lot. I learned a ton. It was an extraordinary experience to be on the ground as a Title IX coordinator and leading from a multiple lens approach, and it was wildly educational for me, and I'm really grateful I had that opportunity. I was there for three years and then I came to the University of Michigan in 2017.

Courtney: So I want to first say that I'm so impressed you remember all the years in your career journey because I never can. People will say, "What year were you?" I'm like, "I don't know. I just know it was eight years." So I'm super impressed by that. So now you're in this position at University of Michigan, talk to me a little bit more about what that means, what that entails, what the office does, because it's a lot and the work you have been doing both at Michigan but then also with other campuses as a consultant and expert.

Dr. Karen Willi...: Yeah. So SAPAC, Sexual Assault Prevention and Awareness Center, has really a dual focus on prevention education for students and confidential advocacy and support for survivors. So there are four full-time staff working on advocacy and survivor support, mainly as case managers and advocates, who work with students faculty and staff on any of their needs on campus. So we help folks report to our Title IX office, we also help folks report to local police or whatever jurisdiction is appropriate to their report, and our advocates and case managers really offer just ongoing emotional support. So there's a lot of just confidential support available through our advocacy services. The other side of the office is really focused on peer education and student prevention education. So we have a fairly robust student volunteer program and we really focus our prevention efforts in a public health approach.

So for many years, we've had three main volunteer groups and we have about 200 volunteers. We have a primary prevention group focused on healthy relationships education, we have a secondary prevention group focused on bystander intervention, and we have a tertiary prevention focused on survivor support and ally support as well. In the last two years, we've added two additional volunteer groups, one focused on men and men's engagement in sexual violence prevention that's called Michigan Men, and our other group is called Grow and that's focused on graduate students and engaging graduate students across the institution. But the real focus is on peer education, working with student leaders to help them educate their peers.

Courtney: We have some listeners who are from a smaller school, who are probably listening to this and they're like, "Wow. That would be incredible to mobilize on my campus, but I can't figure out enough time in my day to create that." But you all have created a really great infrastructure for training and prevention that's student led and I think that's amazing. Any words of advice for folks that can't? Obviously their schools are not as big as University of Michigan for some grassroots efforts.

Dr. Karen Willi...: And most of my career, I've not been at institutions this large.

Courtney: Right.

Dr. Karen Willi...: So when I was at Carleton, I was director of the Gender and Sexuality Center, but I was the only full-time staff person. And I had a group of students who worked in the GSC as peer leaders, and it was a robust peer leadership group, and we also focused on these areas. Now, at that time, I didn't have a public health awareness, but intuitively, we did the same thing. We wanted to do healthy relationships education, bystander intervention, we wanted to do work on survivor support, and we also wanted to focus on just community standards around alcohol and parties and responsible hosting of events.

Courtney: Mm-hmm (affirmative).

Dr. Karen Willi...: Just as that community responsibility for making sure we were creating safe spaces for students. So for most of my career, it's just been I was always the solo person working with student leaders and phenomenal student leaders to do workshops and educational activities. We just happen to have professional staff attached to it here.

Courtney: But it's great that you've had both of those experiences, right? Because I have smaller clients who are like, "Well, that's great. It's a large state system school or large data institution. They have resources for days," and I always say well, but they also have more demand for resources. So a lot of what the larger schools say, really the smaller schools say and vice versa. The larger schools will say, "Well, the smaller schools are more nimble and they have less red tape," which is true. But anyway. So interesting to hear and just know that you've had

both of those experiences for those listening. And I'm sorry I cut you off. Anything else in particular about SAPAC, and its structure, and what you all do that you wanted to share?

Dr. Karen Willi...: We recently did a reorganization and I said, those are the two sides of the office, but there's been really a third area that has emerged in the last couple of years. We do trainings and workshops for faculty and staff as we have the capacity to do, but we've also recognized that after an incident happens, we get a lot of requests from student organizations, teams, different groups saying, "Now, what do we do? This thing happened in our community." And so we've actually added a third leg to our stools of response after an incident.

Now, we're not handling investigations or the official university response, but what does a student organization do? How do they move forward? So we have a person on our staff who's really focusing in on using circle process, restorative justice practice to really engage with groups to figure out how might they move forward. Because we know most incidents of sexual misconduct happen in some sort of community, a group of friends, a team, a floor, a department. And so, we've been working with groups to figure out what do they do? How do they move forward? So that's a newer emerging area for SAPAC.

Courtney: That alone, I think, in working with you has really put a light bulb in my brain because you're right, at the end of the day, you might have incident of sexual harassment or a sexual assault that occurs between two people, but there is still harm that's broader than those two individuals, and that, I think you called it ripple effect, through the community and then it's there for a long time. And then how do you address it to allow the collective to move forward? You said a floor or a department.

Dr. Karen Willi...: Exactly. And part of what we see is that we get contacted by leaders, can be faculty and staff leaders, or student leaders saying, "This happened in our community and we never want this to happen again." And so there's a real moment of motivation for, how do we get our community to have better information? How do we help people know what to do? So all of the tenants, right? In prevention. So how do we prevent it? How do we create respectful space? I've coined this new acronym that we've been using in our graduate workshops. And I call it CISA, in that everybody has a responsibility on campus in this acronym. One, create respectful spaces. So how can you do that? And after an incident, how can you more proactively create respectful spaces?

I is, how do you intervene? If you see something going down that might not uphold that respect, right? How do you intervene? That's a skillset. The S is support. How might I support people who've been harmed? And then A is ask. Who do I ask? And Asking for help, if you don't know what to do, right? So trying to empower more of a community based response. And what we see in is that communities do feel responsible, student orgs do feel responsible for their members, departments, teams, floors. And it's really after an incident where

there's an acute motivation to just make sure that A, to do an inventory of, "Was there something in our community that let this happen? And what did we miss?"

There can be a lot of feelings of guilt of, "How did this happen on my watch?" And some soul searching of, "How did this happen and how do I make sure this doesn't happen again?" So helping communities deal with that, those very real questions and not shut them down and foreclose those, those are very real issues. We're not there responding to the specific incident, right? We might do that work [inaudible] confidential advocacy, but it's that community reckoning piece that I think has the potential to really be impactful on a campus.

Courtney: Okay. So CISA, C-I-S-A. And now, I think that's really helpful to break down for people in terms that maybe can resonate with them. And when you talk about the circle process, restorative justice practice, to me that denotes a specific skillset for someone who's going to facilitate that. Am I correct?

Dr. Karen Willi...: Yes. And I think when I think about it, it's just a different... So I think of restorative justice as a philosophy and a set of practices, right? The philosophy is about attention to harm to people and relationships, and a set of practices that are involved with attending to harm to people and relationships. And I always say, part of the investing resolution processes on campus, and as a Title IX coordinator, I used to say this all the time, that the investigation process is about whether or not the universities policies were violated.

And I remember I would sit with harmed parties all the time and I would say, "You get to determine if your boundaries were violated. You get to make that determination. What the university is doing or the college is doing is investigating to see whether or not their policies were violated, and whether the institution can take action against a respondent if they violated these policies," and trying to just separate that out for people in right size, what an investigative resolution is. And I think part of my growing awareness was just the limitations of what an investigative resolution can do. We have to do it. It's the backbone of our policies and our processes. And sometimes it's the absolute right next step for people and it's a very important step. It just can't do everything. And I think that if we want to focus on attending to the harm to people and relationships, that's just a different toolbox.

Courtney: So it's like a different parallel track that's happening basically?

Dr. Karen Willi...: Yes. Yep. Yeah. It can be a parallel-

Courtney: A harm party could be on both, or only on one, or whatever. Yeah. Okay. Got it.

Dr. Karen Willi...: In the restorative frame, it made sense for me to then recognize community harm. Before I had that restorative frame, it was a little bit like, well, you are either a witness or you're not involved, and it's yours to deal with. And in a

restorative frame, when we're looking at harm to people and relationships, then it opened up this space of like, "Oh, I can see where there's harm all around," and we have different tools to deal with that.

Courtney:

So let's go to the restorative justice piece in general, the philosophy and the practices and unpack it just a little bit more if you don't mind. So, one thing that always makes me nervous is that, especially with the facts that the regulations and some guidance before the regulations opened up, schools can conduct informal resolutions in a Title IX grievance process even if it involves sexual assault, which is something we weren't doing before this Q&A that came out in 2017. And when that happened, our justice started being the buzzword, for lack of a better description in my mind, where all of a sudden everyone is like, "I'm trained on restorative justice practices or I can train you on restorative justice practices." And we talk about them and are training, but I am not an expert in those practices at all, and we say that constantly, because I just think that's so important.

And I talk to one person and their definition of restorative justice is different than someone else's. So can you break that down a little bit more on what is restorative justice and maybe highlight a little bit for the listeners of how it could be incorporated into informal resolution, if that makes sense... in a formal grievance process. I know we've talked about two tracks, the investigative process, and that's what I'm referring to, but then also the other, but some of that might be helpful.

Dr. Karen Willi...:

For many years, before those 2020 regulations, a lot of our schools had policies that allowed for something other than an investigative resolution, right? So when I was at Swarthmore, we called it remedies based resolution. And sometimes that was like, "I will have an educational conversation," right? With a respondent. So that has happened for a long time, right? And I think it was just not investigation, but, "Do something." And part of what I observed in my own doing of something was that I might have really good educational conversations with a respondent but it actually didn't do anything for the complainant because they didn't actually see their learning, or growth, or awareness, right? And I had had this restorative justice awareness for a while, but we were at pre 2020 and I felt limited in what I could do, right?

And I think you're absolutely right, there are different definitions. Because restorative justice can be a community based response, there aren't necessarily national standards for it. I think once someone becomes more aware of restorative justice, it can seem really obvious, like, "Oh yeah, of course we should do these things," but there are skills involved, and I think particularly for sexual misconduct. There are skills involved with doing this within a compliance standard, doing this with a trauma informed lens for all parties involved, and living to the values of a restorative practice. And that's where, for me, it comes down to understanding the ethics and the values of restorative justice. So voluntary, right? So this isn't coerced or forced for folks, this is a voluntary

response. In our Michigan policy, my colleague, Carrie Landrum came up with the term adaptable resolution.

And so that's what we call it in our policies. Some policies nationally will use alternative resolution. My former institution called it remedies based resolution, right? So at Michigan, we call it adaptable resolution as a non-disciplinary response, using a restorative philosophy. And it's designed to address the harm and repairing of harm. There are many different definitions of restorative justice, and it's part of why I always say it's a philosophy and a set of practices. And the practices are based on a lot of indigenous practices from around the globe. So circle process coming from a lot of indigenous communities in North, in South America, Central America, and there's a lot written on that and conferencing based on practices out of New Zealand with interactions between the Maori people and the criminal justice system basically of New Zealand of family group conferencings, the origin of conferencing.

So the indigenous origins of these practices is essential. So I think there is also a reluctance to put rules and standards around practices particularly when they're in an institution because these are peace practices that have been inspired and built upon by schools, communities, criminal justice systems, workplaces. And so I think there's this tension within restorative justice around doing standards, and I think that's where some of the... Anybody can say they're doing restorative justice. I remember like 10 years ago, I was still a PhD student at the university. Well, I was working full time, but I was working on my PhD at the University of Minnesota, and I took a course from Mark Albright, who was a long time restorative justice practitioner, researcher, writer, founder in the field.

And I remember him saying to me once that most of the time when people are against restorative justice, it's because they've seen it badly done. And that really resonated with me and has stuck with me. So I think it's a really tricky conversation because some people... I do a lot of trainings nationally. I've worked solo and with the University of San Diego Center for Restorative Justice on doing trainings in restorative justice for Title IX folks and others who are responsible for responding to sexual misconduct on campus. And there'll be some folks who have had hours and hours and hours and days and days and days of training and don't ever feel ready. And then there'll be some folks who went to a conference presentation and then feel ready, so...

Courtney: And I think that's what always scares me because people will say to us like, "Can you please do a training?" And I'm like, "No." Actually we refer them to you. Well, we have forever, even before I ever worked with you because of Betsy's work with Eric at Michigan too. And so that's what always makes me nervous because, as we've talked about, obviously being trauma informed too, you just don't want to cause more harm, ever.

Dr. Karen Willi...: Understanding how to respond to sexual misconduct is a skillset in and of itself, right? That is a lot of information and a skillset. Understanding Title IX and the

boundaries around Title IX regulations is a whole skillset. And then figuring out how to do this in a restorative way is also a skillset and a mindset. And so it just takes a philosophical shift. And when we used to do in-person trainings, we would do three full day trainings and it really wouldn't be... For an RJ 101, not even sexual misconduct, just RJ 101 training through three full days.

And it really wouldn't be until the end of day two when people would start to realize, "Oh wow, I didn't realize how many of my assumptions about justice, about responding to crime or wrongdoing, were really based in more of a carceral response, or a legalistic response that our gut responses are informed by what we see in the community. And it really wasn't until 16 hours into the training that people started to recognize, "Oh, I didn't even know I was swimming in these waters until I started understanding there's a different way of thinking about this."

Courtney: Well, and to that point, and maybe I'm diverging a little bit, but it's the same thought, there's so much pushback at the very beginning of... When we had the 2017 Q&A come out that said, "Okay. Yes, you can engage in informal resolution." Even in sexual assault cases, we're not going to define for you what informal resolution is, but I know a lot of schools have put in mediation as their informal... They want to be real specific, "Mediation is what we're doing for informal resolution in sexual assault or sexual misconduct, because that's what we do for other types of grievances." And I always, just being very candid, cringe at that because I don't think mediation is the right methodology in a sexual misconduct case. But since you're doing it, I know the answer to this. It's unfair. But would you agree though that there is a place for restorative justice practices in an informal resolution for even cases of sexual assault?

Dr. Karen Willi...: And I would say a couple of things to that. One, is that we know there are numbers of people who experience sexual assault on campus, and choose not to report, and use the investigative resolution process. And we've seen that for a long time, right? And so before the RIGs allowed it, part of what David Carpet, I would always speculate, is that there are a lot of folks who... Even as Title IX coordinator, right? I'd have people come to me, "I want this person to understand what they did was wrong and not do it again, but A, I don't want to get them in trouble. They might be another student of color at a predominantly White institution. I don't want them to get kicked out of school." There are going to be any number of reasons, why they won't go forward.

Courtney: Mm-hmm (affirmative).

Dr. Karen Willi...: And I think one school of thought would say, "We know best. They should file a formal complaint, and we should investigate this and have real accountability." Where another train of thought would say, "All right, if you don't want that form of accountability, what kind of accountability would meet your needs?" And this is the part where [inaudible] carries defining of restorative justice at

Michigan in terms of the adaptable resolution phrasing, "She always says it adapts to the needs of the parties."

And to me, this is the most empowering for harmed parties and for survivors, is for people to have a say in what happens to the harm they experienced. And restorative justice or adaptable resolution gives the victim of a crime or a policy violation, more agency in some of the next steps, right? Of, "This is what I need to harm to heal this harm." I know I've shared this with you before. My dissertation research, I interviewed Title IX coordinators, conduct folks, and advocates, and advisors, to students going through sexual misconduct processes. And one of the questions I asked them was, "What do the students want, who are filing complaints and moving forward? What are they looking for?" And overwhelmingly, the topic sentence and the phrase of the top was, "They want justice."

But when I would ask more about what does that look like, it was like 37 different things. It was, "I want them to learn and not do this again." Sometimes it was, "I want them to be suspended," or, "I want them expelled," or it's, "I want to hear an actual apology," or sometimes it's, "I don't want to hear anything from them, but I want someone else to have a conversation with them." And so justice was very specific to people and it wasn't just a punishment. Some people wanted that, but a lot of people didn't. And if they didn't want punishment, then it was like, then there was nothing. And so I think what a restorative response does is create the space to carve out a specific justice based on the needs of the parties. And to me, that felt like it had the focus on healing.

And I remember the very first hearing I sat through. I was an advisor for a student going through the process. She had actually dropped out of school and I was there. I read her statement as her surrogate in the room, and I remember my first time through this hearing, I was traumatized. I don't know what I was expecting, but I just remember leaving that room thinking there was no healing, there was no learning for the respondent. And everyone seemed traumatized, even my friends who were the staff people in charge of running this thing. And I just kept thinking, "There's got to be a better way to do this."

And that quickly moved to, "What if healing were our goal? First, what would the process look like? And then what if we added in education and meaningful behavior change? What would the process look like? And then make it compliant." So sort of flip it, right? Of, "What if healing were actual goal? What would the process look like?" And that was the question that I asked a dozen years ago that still really drives my work today of how do we actually create justice processes that are meaningful and healing for people who have been harmed?

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Courtney: All I keep thinking with my lawyer brain and my, "All we do is train on the regulations," is the regulations have done us some favors in the sense that you can explore informal resolution once you get to a certain point in the formal grievance process. So, okay, good. Let's open this up, and we've several clients who don't want to do any informal resolution. I think it scares them, but it can be such a useful tool and we see that even more in K12 than we do in higher ed, like you don't have to bind yourself to one thing, just give it the option like you're saying, be adaptable, put that option in your policy, and then you can decide how you want to build it out. And this idea of adaptability resonates me a lot as far as giving that agency to survivors.

On the flip side, we're also trying to fit all this into this compliance that's happening that institutions have to do and blend it. So, I mean, I see, and I know you see with some of the practices with offices that are over Title IX is trying to bring humanity back to those offices. Everybody went so compliance focused because they had to, because office for civil rights breathing down your neck, everything else. So you get very regimented and compliance focused. How can we now round that out with care and support and bring some humanity back to it? Which is not going to fix it all, but at least would be helpful. I know you have thoughts on that, so...

Dr. Karen Willi...: And it's more life affirming for the people who are doing this work.

Courtney: Yes. It is so hard.

Dr. Karen Willi...: I think the whole subset of coding from my data for my dissertation was all about how hard this work is. I had a Title IX coordinator that said, "My days are filled with fear, tears, and a lot of Kleenex." And there was just this subset of like, "I am relegated to use these tools that aren't meeting my needs," and staff and administrators really being desperate for different kinds of tools. And I see that a lot in these Title IX trainings that I am doing, is staff feeling like I am not meeting the needs, and honestly, feeling like I'm causing more harm, and feeling like I have to do something different because I'm actively causing harm. And that's not why I wanted to get into this work.

Courtney: We have school districts and we have higher ed.

Dr. Karen Willi...: Yeah.

Courtney: With school districts, by and large, you almost 99% of the time, people are put in the role of Title IX. They're like voluntold, "You're going to take this on, investigator decision," whatever it is. That happens also with our smaller colleges and universities. But then you have a lot of folks who are aspiring Title IX coordinators. I talk to them on the phone, they attend our training, but you never really get it until you're on the ground. And that attrition from both sides, from the ones that are voluntold and the ones who seek it out is mass exodus, like we see with healthcare and teachers right now because of COVID and everything else. And I don't know the solution. I know the RIGs aren't the solution, obviously.

That has not probably helped, but it is hard. And in the business, we're talking to all these schools. We see it on their faces, we see it in training on their faces, and we try to be cheerleaders. I mean, the whole mission behind my business is being another shoulder to carry that burden but also sometimes we feel bad for them. It's not to take away from the parties and what they're going through because that's a whole nother conversation or survivors in what they're going through because, obviously that's extremely important, but the people on the ground are also experiencing their own trauma.

Dr. Karen Willi...: They, 100%, are. And I think part of what we've seen of communities who are unhappy with processes, look to the Department of Education OCR for pressure on the schools, right? Do this better. And so there's this assumption that if you did this better and more compliant, it would feel better.

Courtney: Right.

Dr. Karen Willi...: And I feel like that's the giant disconnect of, this wasn't actually designed ever to make people feel better. This was a due process for state schools, right? And equitable process given and governed by neutral fact finders, right? So this was never designed to make people feel better. And I think that's the big disconnect, and that's what I saw, I think with the administrators that I interviewed, that they were proceeding, "If I was just more compliant, it would be better." And I think there was this ultimate realization of, "Oh my God, I'm going to be Uber compliant and that's not actually going to fit the problem."

Courtney: Yep.

Dr. Karen Willi...: And I remember doing an in-person training about two and a half years ago for a group, and there were a number of Title IX coordinators in the room. And it was like a three day training specifically on RJ for sexual misconduct, and we did a closing round. And one of the Title IX coordinators who had been a little bit unclear about how she felt about this was a little mistrustful. In our closing

circle, she just broke down into tears and she could barely speak. But what she got out was, "I finally feel hope."

Courtney: Mm-hmm (affirmative).

Dr. Karen Willi...: And it was just palpable in the room that she cared for her community. She was really trying to do a good job, and felt stuck, and she felt like I am... She was allowing herself to feel hopeful and you could see all these cases driving these tears, right? Of where she feels like she failed people or she harmed people.

Courtney: Yeah.

Dr. Karen Willi...: And I've always had a side fantasy of running retreats for Title IX coordinators for them to off load all of their vicarious trauma, because they carry a lot of it.

Courtney: It's desperately needed. I think it would be a fantastic side gig, side hustle because you have so much time on your hands, I know. But I say it all the time, the mushy part of me, I wish we could do more from a self-care standpoint as a company because A, we need the folks that are on the ground doing the work and doing it well to stay.

Dr. Karen Willi...: Yes.

Courtney: And they're not. And attrition only exacerbates the problem because when a new crop comes in new people have to be trained. That institutional knowledge is lost, gaps happen. All the things. So we need them to stay but they feel like their hands are tied, and that's hard. And I always say the picture that wants to be painted... Look, humans make mistakes, right? Institutions have made mistakes. Don't misunderstand. However, the picture that's painted of the Title IX administrator, investigator, decision maker is just not reality of what we deal with on the ground. These are well-meaning administrators who want to do the right thing by everyone involved and are doing their best. But like you said, even if they're perfect and they're doing it all wonderfully, no one's going to come out of it feeling good.

Dr. Karen Willi...: When I was coming up in this field, I remember my first boss, Tina, student at Carleton, long time ago, said "Stay away from sexual misconduct," and clearly I did not do that, because she said-

Courtney: You did the exact opposite.

Dr. Karen Willi...: [crosstalk] the exact opposite, which I think it must be related to my sign like I'm going. I have a calling, whatever.

Courtney: Yeah.

Dr. Karen Willi...: But for many years, the phrase you hear around is no one wins, right? People toss us around,

Courtney: Lose-lose.

Dr. Karen Willi...: And when I got to Swarthmore, my new office was this renovated house. We painted the wall in the living room, chalkboard paint. And I put on the top of that wall, we can do this well. And I was like, "We are never, again, going to say, 'No one wins,' because we can't lean into that."

Courtney: Got to change the narrative. Yeah.

Dr. Karen Willi...: "We have to change the narrative. For our own health and wellbeing, if we are stuck in a system where we feel like no one wins, that just is going to breed distrust and just that isn't life affirming for our community, but we can do this well, meaning..." I meant all of it. We can do good policy development, we can do compassionate investigations, we can do meaningful intakes with folks where they feel cared for, they feel seen, they feel like their needs matter, and are being attended to, right? That we have meaningful, effective and productive prevention education, that we have meaningful and effective support resources for anybody impacted, right? But we can do this well, was just like, "We have to have a bigger vision for how we do this work."

Courtney: I love that. I hope those listening are listening to this because it goes to another thing I get on my soapbox [inaudible], which is that the role of a Title IX coordinator is a leadership role. Even if it's at a small school and you're it, at the end of the day, you are there as a resource and support for a team, even though your team might be faculty members who serve as adjudicators or staff who are serving as investigators, not everyone has full-time investigators and all that, you're still like a leader setting the tone. And I don't think that's in any real job description that I've read or it's not put out there enough. And so people get into it and they're like, "Whoa, I never thought about that."

And so you and I have had this conversation about... We've talked about it briefly, but I want to expand on it here, like what should be the vision of a Title IX office? In a perfect world, we're pointing out all the problems of course, how do we fix it? And I know we're not going to have the answers on how to remedy it all, but some thoughts there.

Dr. Karen Willi...: Yeah. Part of the reason I wanted to be a Title IX coordinator is because I wanted to do that leadership. And I remember when I was interviewing, I was talking to the search firm and I was like, "Are you sure I should apply? Because don't you want an attorney? And I'm not. I've got a lot of education, but I don't have a J.D."

Courtney: You were surrounded by attorneys on a daily basis. She might as well have an honorary J.D. at this point, I know.

Dr. Karen Willi...: And they said, "We really want somebody who will lead with the vision and education." And I was like, "Well, that I can do."

Courtney: Mm-hmm (affirmative).

Dr. Karen Willi...: And I kept thinking to myself, "Well, we can also outsource legal advice."

Courtney: Mm-hmm (affirmative).

Dr. Karen Willi...: And we did. And most schools do anyway. I'd done a lot of different Title IX trainings. And I remember one of the trainings I did with Peter Lake where he described his four areas and that the spirit of Title IX is to reduce and remove barriers to education based in sex discrimination. I felt like, "Okay, that I can lead on." And in my mindset, it meant we had to have policies, and as the Title IX coordinator, I felt like it was my job to lead these things out and to make sure they were done, right?

So policies that were compliant with federal and state regulations and that reflected the values and ethics of the institution, that we had clear procedures on how we would respond if something happened, and that people were trained up to respond compassionately and appropriately and compliant with our policies, that we had significant prevention education across the board that was tailored to meet specific needs of communities, and it wasn't a one size fits all prevention education, and then there was support for all parties who are involved and impacted, and that we had an educated community on what it meant to support people so that your confidential resources had a certain level of training, but other people also knew how to respond. So for me, as a Title IX coordinator, I felt like it was my responsibility to lead, to make sure those things all happened, and that we had to have compliant investigations and adjudications, but I didn't necessarily have to do all of those things, but I had to make sure they were done.

Courtney: Right. Exactly.

Dr. Karen Willi...: But that was because of what my background and my bigger system approach to the issue. But I can see why somebody can get so mired down in the details of what needs to happen, that you can lose that bigger picture perspective. I think just my personality, I'm always looking at the bigger picture. It's just how I'm wired.

Courtney: Well, and lawyers are not wired that way. They're not trained that way. And as a lawyer, I mean, there are lots of fantastic Title IX coordinators that have a J.D. and there's lots of great skillsets that come with that, that can help in that role or in an investigator role, but it's not the only skillset. In fact, today someone called me from a law school, that is a client, and said, "Do I have to be a lawyer? Do I have to have passed the bar to be a Title IX investigator?" And I was like, "No." My big mythbuster in all of our investigator training is you don't have to

have a law enforcement background, you don't have to be a lawyer. Sometimes, in fact that's worse. I mean, because you're trained a certain way. So J.D. is not mission critical, can be great, and there are lots of people with J.D.s that do have bigger vision and are doing a great job. But I think you're right, sometimes it's also like it becomes so regimented, for lack of a better word, I guess, and regulated, and all the things.

Dr. Karen Willi...: And I think the more litigious it gets, the more institutions sees up and there's more of a fear based response. And it's assumed that if you put a lawyer in that position, they'll keep you out of court, right? They will have the information. And they might, right? Have that kind of information, but it is a different skillset and mindset.

Courtney: And what I can tell you is, and you know this, you could do everything right and still not say out of court in this area right now, and probably for a long time. It's just the reality of it.

Dr. Karen Willi...: Yes.

Courtney: But I do think too, and this is my own speculation and I have no research on it, that the 2011 Dear Colleague Letter and the posture of the Office for Civil Rights after that really did drive this fear, "You don't want to be under our investigation, and so we're going to do all these things not because it's the right thing to do, even though a lot of it probably is the right... We don't want sexual assault obviously on our campuses, we've got to just get all this done in order to not be under the watchful eye of OCR and now to not be sued." And we really shy against fear tactics in our business. I can't stand them. However, unfortunately, with leadership, sometimes that's the only thing that resonates to get the funding that's needed, to then do this bigger vision work, unfortunately.

Dr. Karen Willi...: Yeah.

Courtney: Another soapbox of mine. Yes.

Dr. Karen Willi...: You asked me to speak on mediation. Do you mind if I go back to that for a minute?

Courtney: I would love to. Yes.

Dr. Karen Willi...: Handful of years ago, a bunch of us wrote a report. I think in 2015, we called it the PRISM Report, the Promoting Restorative Interventions for Sexual Misconduct. And then we did a follow up paper on the differences between mediation and restorative justice. And that's all up on the university of San Diego PRISM web page.

Courtney: Okay.

Dr. Karen Willi...: And part of the thing with mediation. Now, I want to say there are lots of different kinds of mediations. So mediation isn't just one thing, right?

Courtney: Right.

Dr. Karen Willi...: But I think in general, people assume mediation is like a neutral mediator and then there's a conflict that you're going to help the parties work out. And restorative justice starts from a different point. It starts from A, sexual misconduct is not a conflict, right? I think that's the first thing.

Courtney: Immediately when you said that, I was like...

Dr. Karen Willi...: Right?

Courtney: Yes. Light bulb.

Dr. Karen Willi...: It's not a conflict, it's a harm. And so the starting point for restorative justice is generally an acknowledgement that harm has happened and has been done. And so, there isn't debate on, "did this thing happen or not?" It's, "This thing happened and we're going to work to repair it." So it's a very different starting point.

Courtney: No, I think it's a fantastic point. Again, you articulate things that I think and observe, and I can't always put into words, but that's perfect. There are a lot of schools that... It's like, mediation is what they know and that's what they want to do because they are typically human resource professionals. And so where there is workplace conflict, mediation can work as a conflict resolution strategy, but you're right. I mean-

Dr. Karen Willi...: This is why I don't use ADR either. Right?

Courtney: Right.

Dr. Karen Willi...: Alternative dispute resolution. The sexual assaults advocate community was just like, "No, thank you. This is not a dispute. This is not a conflict. This is a harm that has happened, right? And we need a process that acknowledges that that has happened. So that's why I steer away from that language. And I was just working with the school who really wanted to use ADR language. And I was just like, "It's risky because A, it's not accurate and you're going to off a lot of people by using that language," because the starting point a might foreclose you from doing anything more because you're calling it dispute or you're calling it a conflict.

Courtney: So you've talked a lot about, there is a specific skillset needed and involved in RJ and you talked about the trainings you've had that span over days back when we did...

Dr. Karen Willi...: Yes.

Courtney: Back in the in person days, which feels like 50 years ago, but really was just two years ago, and all that good stuff, and the work you've been doing. So I know you go out and you do this training. So if someone's listening to this and they're like, "Okay, I want to dig more into this," where do they go?

Dr. Karen Willi...: A couple places. I think that University of San Diego has a new certificate program for higher ed administrators just in the basics of restorative just general. And I think that's a great place to start to get really an understanding of that philosophy and the basic practices. And they also will do trainings occasionally for campus sexual misconduct. People can also reach out me directly and there are other folks-

Courtney: And we'll put that info in the show note.

Dr. Karen Willi...: There's another organization called Ampersand. They're not higher ed specific, but Alissa Ackerman and colleagues started a group just last year and she's a criminal justice professor, but they started a group called Ampersand to train facilitators in doing restorative justice for sexual offenses. So they would be a great group also to look at.

Courtney: Fantastic. All right. So we've covered a lot. I feel like there's more, but I can't think of what it is top of my mind right now. We're recording this before the holidays, a lot of these, and I feel like this week has been nutty. But is there anything we're missing? Do you have any parting words for... Now that you've served in these different roles, clearly you've left the Title IX coordinator role, but we've talked about vision for Title IX coordinators and that, looking at that bigger vision. Any other parting words there? And then also anything else we need to touch on with respect to... I'm obsessed with your way of describing and explaining why people are not happy at the end of a process even if they "win". So maybe just a little bit more about that, because I think it's a nugget that would help Title IX coordinators in the back of their minds, is they're working through these university processes.

Dr. Karen Willi...: Yeah. One thing to that point, I would say that I think it's just important for us to right size what an investigative resolution is supposed to do. And when we overemphasize reporting as the main institutional response, we are actually not attending to the harm in all the ways that we can. We're responding to it in one way through a university or college accountability process for a respondent. And so really it's then between the university and the respondent, and this has nothing to do with the harm party other than basically they're a witness. And so they might get a suspension or an expulsion, but it's going to be dragged out. And I think oftentimes people get really surprised that they don't feel better after that process, so how we help people acknowledge and understand that that's one process.

There's a book called Parallel Justice that's all about how do we help people who've been harmed by crime, put their lives back together? They might have real material needs, social needs, employment needs. That's the mosaic of things that we can do to actually help somebody become whole again, which is the language that a lot of the folks in my dissertation research used. My goal, I want to make people feel whole again. That's a different process than our investigative resolution.

But if our institutional response and our institutional... The posters that are all over, the language that our leaders use solely focuses on reporting, we're setting ourselves up because reporting won't necessarily meet those needs. So I try to encourage leaders and others to say, "We need to also front and center say, 'We're here to support you.'" There's confidential support, there's this kind of support, and reporting is one way. It's not the only way, it's one way. So I think that's from me trying to figure out how to right size that adversarial justice process, that investigation process that's crucial, and important, and a backbone, but it can't do everything we need it to do and we need to do.

Courtney: Yeah. When you say right size, which is a much better term, I always think of is managing expectations, which is a much more limited term. It's a hard conversation to try to have with folks who maybe are not ready to hear it and they're experiencing trauma and everything else. So I think you're right. I know you're right. The overall messaging top down for institution wide, being broader.

Dr. Karen Willi...: Yeah. And if we only have that, that's a really hard conversation to have.

Courtney: Right. If that's the only avenue.

Dr. Karen Willi...: I had a call today from a Title IX coordinator who'd gone through my trainings a few years ago. And she said, "I have a case where we went through an investigative resolution, this person was suspended for a year and they're coming back, and now they're accepting responsibility, and they want to make an apology." And she said, "The respondent has asked for a restorative conversation." And she's like, "Can we do that?" And I was like, "Well, yeah. You're not responding to a policy violation anymore, you're responding to a human need, and that exists outside this other process." And so for me, that's about reentry, the community. That's a community response. And so we talked it through and I said, "It's still about responding to the harm. Now they can accept responsibility for that harm." And so the first step would then be to approach the harmed party and say, "Are you interested in a conversation? Or you're interested in receiving an apology letter?" And if they say, no, it's done. But you can have that process. It's not either, or, it can be both, and, right?

Courtney: This both, and I know you... I mean, obviously we've talked a lot lately. You say both. I had to go Google it.

Dr. Karen Willi...: Yeah.

Courtney: I mean, honestly, I was like, "okay. I keep hearing this" and not just from you, but I listen to Brene Brown and everything else. So explain to the listeners what both, and mean.

Dr. Karen Willi...: I was a hall director many years ago, and I remember in my first hall director training, they were like, "Yep, you're going to be responding to a lot of roommate conflicts and you need to remember that the first story you hear is the first story you here. It may not be the complete story." And that was this like, "Okay." And people can have wildly different interpretations of the same thing. And I really started using this... I had an Ampersand in my office when I was a Title IX coordinator to just remind me of, "Yes, this person's story that they're telling me is their experience, and another person within the same situation might have a very different story." And I remember Carrie, who I worked with at Michigan, recounted this story where she was working with a student and it was a respondent, and he was saying things like, "That is not what I meant and just that was not what happened."

And Carrie eventually just said, "Is it possible that that could be her experience? Where she did not give consent, and she did not feel like consent was given, and she felt harmed. Is it possible that that could be her experience, but that wasn't your experience or your intention, but that she could have experienced it that way?" And it was this powerful moment of learning for this respondent of like, "There is a possibility that two things can exist at the same time. Somebody could not mean to have caused harm, and they did cause harm, and somebody experienced harm. And that is real. And they still are allowed to have a process to address that harm that somebody else caused." And when we get caught in this, did you mean it? Was it intentional? Right?

Courtney: Right.

Dr. Karen Willi...: That we lose the core, the heart of the issue of somebody's hurt, and they're trying to do something to feel better. Every sentence I say I'm like, "There are exceptions to everything and there are just these egregious cases where people want a full on investigation and a meaningful finding of a violation." And yes, that is also part of the both, and right? That there isn't just one way to respond. And to be more responsive to the human needs in these processes, I think we have to have more options in the process. And which is why Carrie calls it adaptable. Because even the adaptable resolution cases, they're different. There's a shuttle conversation, shuttle back and forth between the parties, there could be a circle, or a dialogue, or a conference, or a combination of those things. It's not just one thing, but it's really designed around the needs of the parties.

Courtney: I think that is such a huge point because people wearing the Title IX coordinator hat who maybe don't come from that type of a background and maybe do have

more of a legal background or a criminal justice background, law enforcement, I should say, background, they do want to fit everything into a process. "I do this, and then I do this, and then we do that." And the informal resolution, we're trying to get people go away from that. You got to have flexibility. We say it all the time. Flexibility is key, which is why adaptable resolution is a great name because one will look completely different than the other even if you have very similar fact pattern that happen.

Dr. Karen Willi...: And most of the time in a lot of these cases, right? People know each other.

Courtney: Mm-hmm (affirmative).

Dr. Karen Willi...: And so this isn't an anonymous situation. Most of the time it's happening in the context of some sort of relationship, whether it's an acquaintanceship or whatever. And so attending to that dynamic can be an important factor for somebody to feel like we've helped them resolve the issue, right? We've come to some sort of meaningful resolution.

Courtney: So many good nuggets, Karen, so many. And I would encourage anyone to reach out and utilize your services for... I know you only have so much time in your life, but I've learned so much from you in the time that we've had together getting to work together, and it's just crazy full circle because, for so long, people would ask us about this and Betsy would refer them to... Is it PRISM?

Dr. Karen Willi...: PRISM. Yeah. Mm-hmm (affirmative).

Courtney: Yeah. I was having a moment or, "Hey, call Eric at Michigan because I know him and they're doing this amazing thing. They're really on the forefront of this work." And so I just appreciate you sharing all of this.

Dr. Karen Willi...: It was so wonderful [inaudible] conversation. Thank you so much.

Courtney: We could talk about much more, and like all my guests, I know we will, and I will have you back to expand on a lot of these concepts more, but thank you, and thank you for putting up with schedule changes and all of that, and for fitting me into this very busy time of year.

Dr. Karen Willi...: Absolutely. Thank you so much, Courtney.

Courtney: As I said, in my introduction of Karen Williamson, she has so much knowledge, and vision, and wisdom to impart and share in this space. And I hope that she has some tidbits that you can take away for those of you who service Title IX coordinators and leaders of compliance efforts on your campus or at your school district. Again, please connect with ICS through all of our social media platforms. And if you want to engage Karen for any of her services, we'll have that information in the show notes for you. As always thank you for tuning in to the Law and Education Podcast. Please like, rate, share, and review the podcast,

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