

**Year 3 Public Description of Work for  
Action Collaborative on Preventing Sexual Harassment in Higher Education**

**Duke University  
The Office for Institutional Equity Alternative Resolution Techniques  
(ART) Program**

**Relevant Rubric Area(s):** *Implementing Restorative or Transformative Justice and Alternative Means of Resolutions*

**Description of Work:**

*Background*

Duke's Office for Institutional Equity (OIE) administers Duke's *Policy on Prohibited Discrimination, Harassment, and Related Misconduct*, responds to reports of sexual misconduct, and adheres to a comprehensive reporting, investigation, and hearing process. An investigation is a common response to a report of sexual misconduct received by OIE, but it is not always the best path forward. Duke offers informal resolution to address this issue.

Duke's Office for Student Affairs offers adaptable conflict resolution for cases involving misconduct committed by students. Students may request to participate in a resolution through agreement, in which a student or student group agrees to accept responsibility for an alleged violation, mediation, or other practices based on restorative justice principles. Similarly, Duke offers alternative resolution for parties in Title IX cases, but only after a formal complaint has been filed. While Duke offers informal resolution for non-Title IX sexual misconduct cases involving faculty and staff, the process is not specifically designed to address climate and harm.

In Spring of 2021 OIE began the development of Alternative Resolution Techniques (ART). One of the internal objectives of Duke's OIE is to build connections between the compliance aspects of our work and Diversity, Equity and Inclusion (DEI) education and support. Additionally, OIE has been in an ongoing process of identifying ways to address reports of misconduct that are damaging to the culture and climate, but do not rise to the level of violating Duke's policy. OIE is also mindful of the scope of its work, including both the University and Health System, so it considered ways to capitalize on the intersections of expertise within OIE and collaboration with external partners who would also add to the capacity to address sexual misconduct through alternative resolution techniques.

ART is new to Duke in that it provides an informal and constructive avenue for faculty and staff to address harm resulting from sexual misconduct.

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### *Program Goals*

ART is implemented by trained members of OIE's DEI team. ART is designed to address climate concerns related to protected characteristics, such as sex or gender. The techniques are meant to resolve concerns between two parties or groups and support education and development when needed. OIE takes into consideration the desired outcomes of the harmed parties and Duke policies. These techniques aim to promote equity and reduce disparities in our community.

ART includes the following approaches<sup>1</sup>:

- **Restorative Practices**: These techniques involve groups or individuals who have been harmed by bias, discrimination, microaggressions or bigotry. Restorative practices attempt to repair, heal and create healthier relationships with other individuals, groups or departments. Both parties must be willing and accountable in these processes.
- **Harm Transformation**: Techniques that fall into this category are typically related to system changes. These approaches involve the input of the harmed individual or group but tend to address broader structural concerns. These instances might not involve another individual or harming party. The approach may involve a policy or practice change or an adjustment to a built space, for example.
- **Coaching and Leadership Development**: Coaching or leadership development is most appropriate in situations that involve opportunities for education, reflection and growth related to specific roles and influence in the Duke community. Units or groups can also engage in educational opportunities tailored to the needs of groups related to an incident of harm.

### *Next Steps*

- OIE will continue to address sexual misconduct matters through ART with internal OIE staff
- Formal invitations will be sent to members of the Duke community to be part of the ART network
- OIE will train ART partners on best practices related to facilitated discussions, restorative practices and coaching

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<sup>1</sup> Consistent with U.S. Department of Education's Title IX Regulations, ART is not offered in cases involving a student complainant and a faculty or staff respondent.

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- A communications plan will be implemented to share ART as an important new resource for resolving sexual misconduct matters

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# art

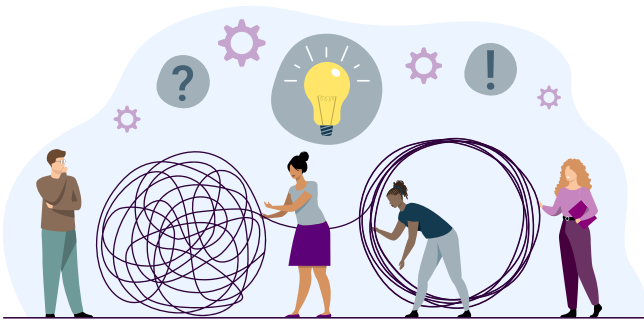
ALTERNATIVE RESOLUTION TECHNIQUES

The Office for Institutional Equity (OIE) handles reports of sexual misconduct, Title IX violations, and discrimination, adhering to a comprehensive reporting, investigation, and hearing process. At times, an investigation and/or hearing process is not an appropriate response for an issue that has been reported to OIE. In these instances, it may be best to engage an Alternative Resolution Technique (ART).

ARTs are carried out by the **OIE Diversity Equity and Inclusion (DEI) Team** and are designed to address a climate concern related to a protected class category. These techniques are meant to resolve concerns between two parties or groups and support education and development when needed. OIE takes into consideration the desired outcomes of the harmed parties and Duke policies. These techniques aim to promote equity and reduce disparities in our community.



## arts may be pursued via the following approaches



### restorative practices

These techniques involve groups or individuals who have been harmed by bias, discrimination, microaggressions or bigotry. Restorative practices attempt to repair, heal and create healthier relationships with other individuals, groups or departments. Both parties must be willing and accountable in these processes.



### harm transformation

Techniques that fall into this category are typically related to system changes. These approaches involve the input of the harmed individual or group but tend to address broader structural concerns. These instances might not involve another individual or harming party. The approach may involve a policy or practice change or an adjustment to a built space, for example.



### coaching, leadership development, and education

Coaching or leadership development is most appropriate in situations that involve opportunities for education, reflection and growth related to specific roles and influence in the Duke community. Units or groups can also engage in educational opportunities tailored to the needs of groups related to an incident of harm.

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