



Courts in the Era of #WeToo

MODULE 3: Leadership Strategies to Create & Sustain a Culture of Safety, Respect & Dignity [3 hrs.]

Segment A: Principles of Self-Awareness, Reciprocal Accountability & Emotional Intelligence [75 mins.]

- **Leadership Video & Discussion [10 mins.]**

Trainers will play video featuring Advisory Committee members discussing the importance of leadership and reciprocal accountability.

After the video, Trainers will ask participants:

- What additional steps can leaders in judicial environments (Judges & Courthouse Administrators) do to hold each other accountable?
- **Learning Points: Complex Reporting & Investigation Processes [10 mins.]**

Trainers will ask participants to reflect on the worksheet they completed prior to attending the training. They were asked to:

- Differentiate between reporting processes for judges v. line employees;
- Explore impacts of various HR / funding sources; and
- Evaluate reporting / accountability approaches for external actors (including anonymous reporting).

Trainers will pose the following questions to the large group:

- Did completing this worksheet reveal any strengths of or concerns for your judicial environment's reporting and investigation processes?
 - For participants who expressed concerns: What steps do you think can be taken to improve your judicial environment's reporting and investigation processes?
- **Activity: Hobson's Choices [30 mins]**

Trainers will read a script prompting participants to make various decisions. Participants will silently fill in their choices on a piece of paper. Trainers should re-state the content note:

- Content Note: This activity includes discussions of harassment and violence.
 - Be aware of your reactions and take care of yourself first.
 - Respect confidentiality.
 - Please discuss these issues from a place of empathy rather than judgment.
- A Hobson's Choice is defined as "an apparently free choice when there is no real alternative." This activity will explore impossible choices in the context of sexual and gender-based harassment.
- During this activity, you will assume the role of a single 28-year-old person with a 5-year-old child, who started an entry-level job in the Clerk's Office less than a year ago.
- Your supervisor has worked in the Clerk's Office for 21 years and is considered a national expert on court management who presents throughout the country.
- Choice One
 - About an hour into your work shift, your child's daycare center calls to say that your child is sick and needs to be picked up as soon as possible. You sneak a few calls to friends and family, but no one is available to pick them up. You have no choice but to ask your supervisor to leave

early for the day. Your supervisor says “sure,” but adds suggestively “but if you want to get paid for the time off, you’ll have to pay me back later.”

- Do you accept the supervisor’s offer and leave to go pick up your sick child?
- Choice Two
 - Your parents have agreed to take care of your child until they’re healthy enough to return to daycare. However, during your next shift one of your parents calls to inform you that your child has been vomiting for quite some time. Your parents do not have the physical ability to take your child to the emergency room or urgent care, and you cannot afford an ambulance.
 - As you try to sneak calls and texts to whatever friends and family you have in the area, your supervisor shows up angry that a long line is forming at the information window. You explain your emergency, and your supervisor says “sounds like you need somebody to take charge and take care of you. You can leave again and I won’t dock your pay, and how about I come over this weekend and take good care of you?”
 - Do you accept the supervisor’s offer and leave again to take care of your sick child?
- Choice Three
 - You learn that your child has a serious chronic condition and decide to use sick leave to take care of them. You do not return to work until the following Monday. Upon your return to work, your inbox is filled with unexpected and time-consuming work assigned by your supervisor, who has also left a note on your desk which reads “you owe me an apology for disappearing after I offered to take care of you last weekend.”
 - Do you contact your supervisor and apologize to them?
- For those who apologized
 - As your supervisor is departing at the end of the day, they drop an envelope on your desk. The envelope contains a gift card for one of the most exclusive restaurants in the area.

- For those who did not apologize
 - Your supervisor starts giving you the silent treatment. You begin to become subject to progressive discipline for minor lapses that were never an issue before.
- Choice Four
 - You unexpectedly receive a calendar invite for dinner with your supervisor at the restaurant for which they purchased the gift card.
 - Do you accept the invitation? Take into consideration whether or not you apologized, and what that means for your employment standing.
- For those who accepted
 - Your supervisor gropes you several times during dinner. When you can't take it anymore, you leave the restaurant and go home.
 - When you wake up the next morning, you discover a note left at your door by your supervisor. It reads, "Thanks for using your gift card to take me out to dinner last night. Don't worry. I won't report what you did."
 - You are terrified as to what might happen next.
- For those who did not accept
 - You receive a notice that the funding for your position has been terminated.
 - You now face imminent unemployment while caring for a chronically ill child.

Note: Reserve 1 – 2 minutes for participants to decompress after the exercise.

- **Discussion: Hobson's Choices [10 mins.]**

Trainers will ask:

- How did it feel to make these choices?
- What were the risks and consequences of certain choices?
- To what extent were your options influenced by your familial and financial situation?

- Did you feel isolated? What were your barriers to speaking up?
- What assumptions did you make about the supervisor's gender and sexual orientation? Would their gender and/or sexual orientation have made a difference in your choices?
- What would you have wanted from your workplace in order to have felt safe at work and remained employed?

- **Learning Points on Emotional Intelligence [5 mins.]**

Trainers will review the following learning points:

- Emotional intelligence is the capacity to be aware of, control, and express one's emotions, and to handle interpersonal relationships judiciously and empathetically.
- Listening, empathizing, acknowledging feelings, and self-awareness are key aspects of emotional intelligence.
- Empathy is generally the ability to sense other people's emotions, coupled with the ability to imagine what someone else might be thinking or feeling.
 - Affective empathy is the sensations and feelings we get in response to others' emotions; this can include mirroring what that person is feeling or just feeling stressed when we detect another's fear or anxiety.
 - Cognitive empathy or perspective taking is our ability to identify and understand other people's emotions.
 - (<https://greatergood.berkeley.edu/topic/empathy/definition>)
- Hobson's Choices was about building empathy.

- **Large Group Exercise on Empathy [5 mins]**

- Trainers will invite one participant to share with the large group an empathetic response they may provide – as a peer – if they became aware of what the Hobson's Choice victim was experiencing at any stage of their experience.
- Trainers will invite one other participant to present to the group an empathetic response – as an uninvolved supervisory figure

– if they became aware of what the Hobson's Choice victim was experiencing at any stage of their experience.

- At the conclusion of the presentations, other participants should be invited to suggest any approach that was not mentioned.

- **Individual Exercise: Self-Assessment [5 mins]**

- Self-awareness, as an aspect of emotional intelligence, includes anticipating triggers and confronting fears in order to respond to challenging situations in a mindful way.
- Trainers will ask participants to individually reflect on the following prompt and use a piece of paper to record their reflections. Take care to inform participants that – although they will be asked to report back their thoughts if they feel comfortable – the paper will not be collected in order to preserve their privacy.
 - Reflect on a time when you may have turned a blind eye or could have done more to support someone who has been wronged. What factors deterred you from taking action or doing more?

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Segment B: Judicial Environments as Community Models [75 mins.]

- **Small Group Visioning Exercise [25 mins.]**

Trainers will ask participants to convene into small groups and assign one of the following categories to each group. Small groups should collaborate to develop concrete actions - both short-term and long-term - that can be implemented in a judicial environment to improve:

- Awareness-raising and prevention
- Reporting processes
- Supports for victims
- Accountability for harassers

As this is a visioning exercise, participants should imagine a world where every judicial environment has sufficient resources.

Participants should also consider strategies that:

- Address power dynamics, particularly those specific to judicial environments;
- Identify and coordinate with relevant internal and external entities; and
- Develop a culture of leadership where judicial systems are community models.

Adapted from NCJFCJ's "Strategies to Enhance Responses" Worksheet.

- **Learning Points on Navigating Resource Scarcity [5 mins.]**

Trainers will review the following learning points:

- Now that you have completed an exercise that imagined a world where every judicial environment has sufficient resources, let's return to the real world: Judicial environments have different and often limited resources.
- In order to navigate resource scarcity:

- Evaluate and affirm your judicial environment's scope of available resources;
- Assess gaps and who is missing from the table; and
- Explore potential partners who are proximate to your judicial environment and are already providing related critical services, both well-resourced and less-resourced.

● **Resource Mapping Exercise [25 mins.]**

In order to better understand how to navigate both abundant and scarce resources, Trainers will ask participants to convene into small groups in order to:

- Assess what their judicial environment **needs** in order to implement strategies to prevent and respond to sexual and gender-based harassment. This assessment does not have to be exhaustive.
- Create a visual inventory of what **resources** are available to their judicial environment and community in order to meet the needs identified.

To complete this exercise, participants may use a flipchart or, if facilitating online, a whiteboard template.

Trainers should reserve **10 minutes** for small groups to report back, focusing on needs or resource gaps that their small group struggled to bridge, and inviting participants to offer suggestions.

● **Learning Points on Creating Community Collaborations [10 mins.]**

Trainers will review the following learning points:

- The term partnership and related terms such as collaboration, coalition, network, task group, work group, cooperation and others, are used to describe a wide variety of relationships and structures.
- Successful partnerships germinate from these common seeds: (1) A shared purpose; (2) flexibility and willingness to

collaborate; (3) complementary strengths; (4) agreed upon boundaries.

- Stages of Effective Partnership

- **Coordination**

- At this level, partners learn about the missions and stakeholders of other partners. They also learn about each partner's motivation for participating in a partnership. There is a lot of organizational independence. Self-interests and resources are defined. Coordination may include an exchange of information and materials.

- **Cooperation**

- Cooperation among partners brings increased understanding of target audiences and motivations to participate in a partnership. There might be a minimal agreement, and partners may still be defining their roles and contribution. There is usually a greater appreciation of resources and skills that the partnership can bring. Joint strategies start to emerge.

- **Collaboration**

- With collaboration, there is increased recognition of the values of each partner, trust, respect, a clear understanding of the benefits for each partner, and innovative ideas are presented to meet a common problem. There can be challenges, but they are usually well worth the effort to benefit stakeholders or the community. At this stage, partners are able to work together on a specific project to reach intended audiences, provide education, or develop a visibility campaign.

- **Partnership**

- There is a high level of trust and communication. Roles and responsibilities are well defined and

developed. There might be shared space and staff, shared authority and decision-making, and plans and agreements are in writing. There is a vision. Challenges continue especially in the area of funding streams and support.

- **Closing Discussion: Big Take Away [10 mins]**

Trainers will ask participants to individually reflect on the following prompt, and write their answers on an evaluation form. Take care to inform participants that – although they will be asked to report back their thoughts if they feel comfortable – they are not required to identify themselves on their evaluation forms in order to preserve their privacy.

- What are your top takeaways? Please share one or two things that you learned or insights you gleaned.
- What is one innovation you will consider proposing to your judicial environment in order to better prevent and respond to sexual and gender-based harassment?