



Campus PRISM

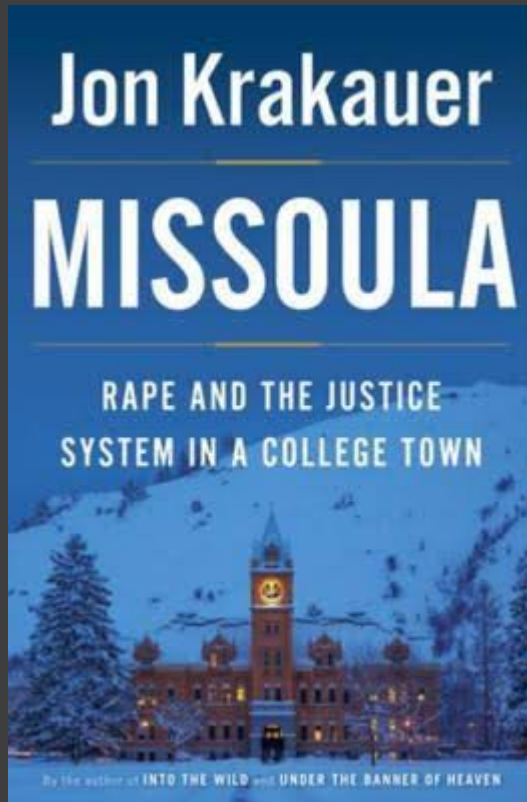
*Promoting Restorative Initiatives for
Sexual Misconduct on College Campuses*
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The Restorative Impulse



Allison Huguet



Beau Donaldson

“He promised me that he would get treatment for his drug, alcohol, and sexual issues,’ Allison recalled. ‘And I made it clear that this promise was the only reason I wasn’t going to the police”





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Promoting Restorative Initiatives for Sexual Misconduct on Campus

Guiding Questions: Can we develop processes that...

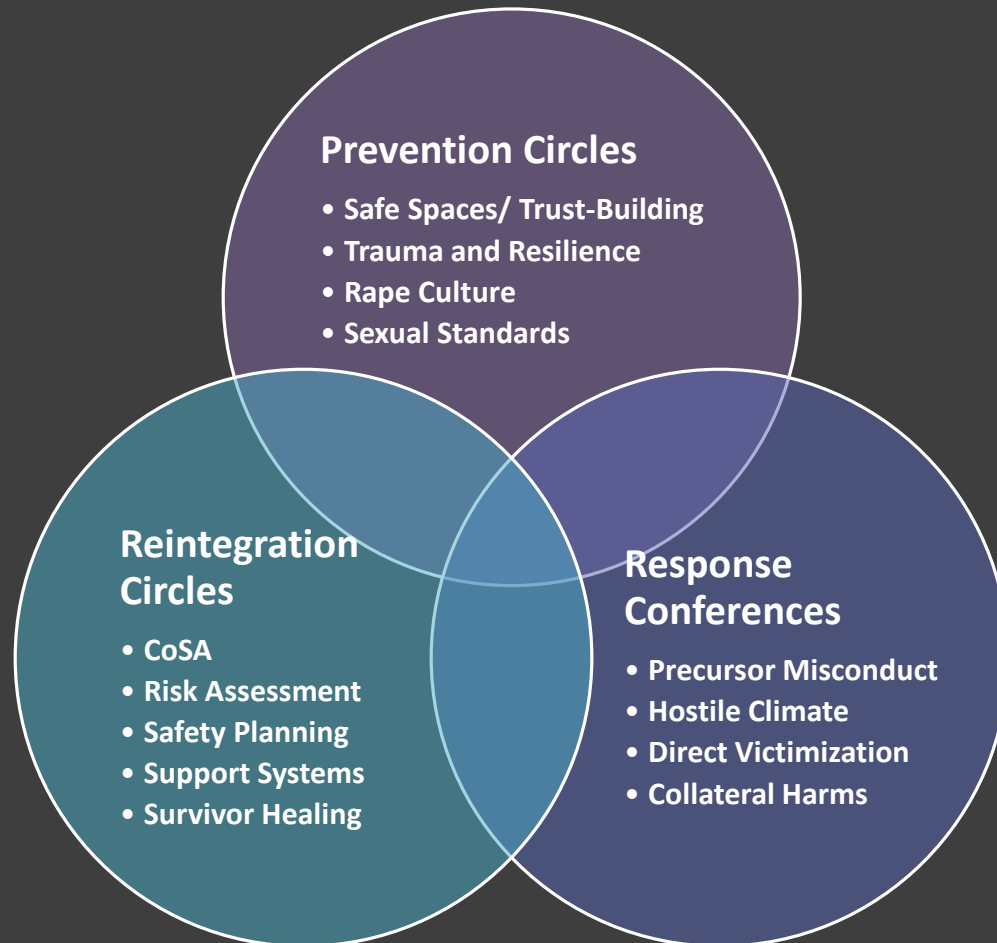
- promote true accountability and healing through a collaborative rather than adversarial process?
- reduce risk of reoffending and provide greater reassurance to survivor/victims and the community?
- can meet survivor/victims' needs for safety, support, and justice?

“Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.” Howard Zehr





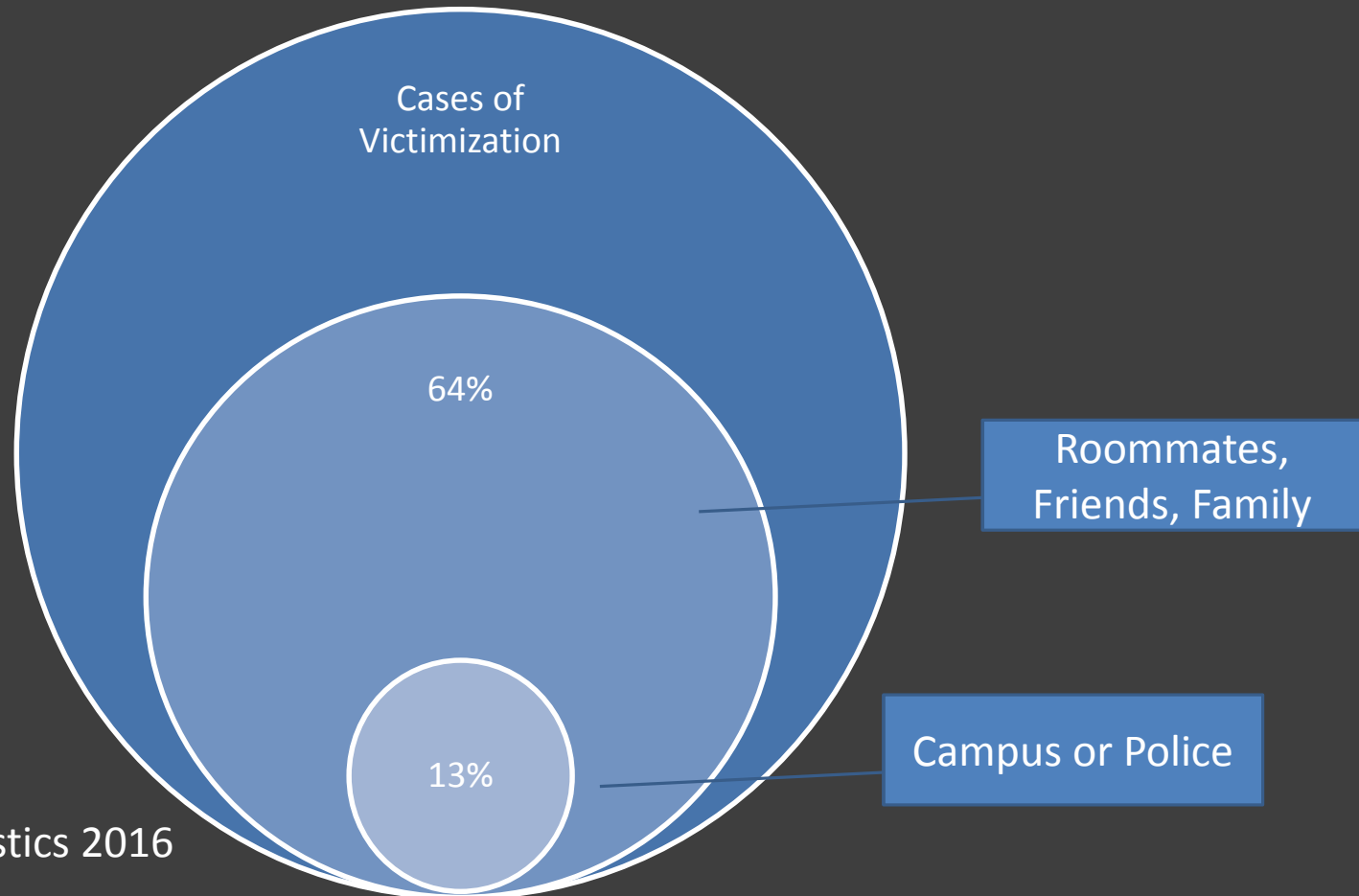
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How pervasive is campus victimization?

| Sexual and Gender-Based Victimization | (BJS 2016) |
|---|-------------------|
| Undergraduate females, self-report, 2014/2015 academic year | |
| Sexual harassment (unwelcome comments, gestures, exposure, sexting/photos/videos) | 28% |
| Sexual touching (unwanted, forced kissing, touching, groping) | 6% |
| Coerced sexual touching/rape (threats, promises, persistent pressure) | 8% |
| Rape (sexual penetration through force, threat of force or incapacitation) | 4% |
| Intimate partner violence | 6% |

How often is rape disclosed?



Bureau of Justice Statistics 2016



Crimes vs Violations

Crimes are addressed in the criminal justice system.

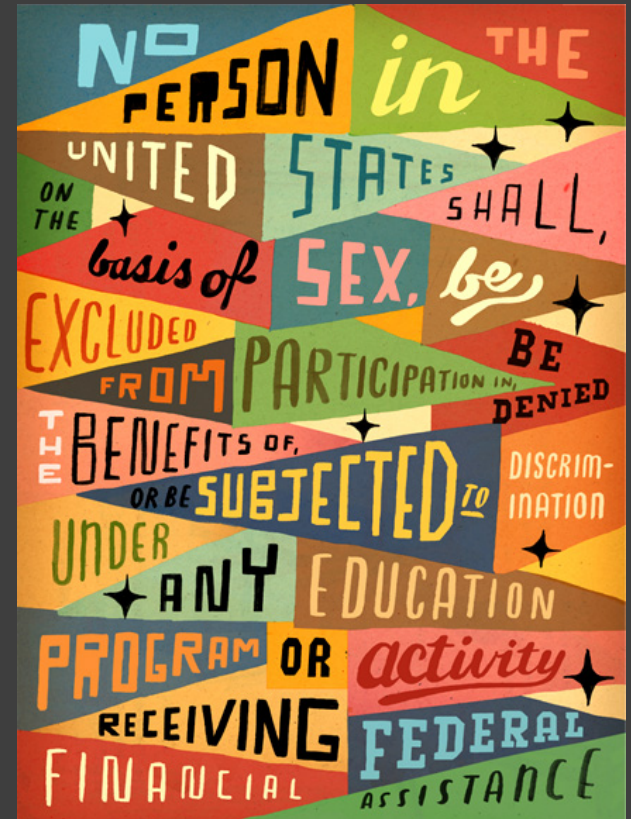
Violations are addressed through campus conduct systems, guided by Clery Act, VAWA, and Title IX.

Law: Title IX

- “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” 1972, 20 U.S.C. §1681
- “...the school is responsible for taking effective corrective actions to **stop** the harassment, **prevent** its recurrence, and **remedy** the effects on the victim”

Guidance: “Dear Colleague Letter”

- April 4, 2011, U.S. Department of Education Office for Civil Rights (OCR)
- Sexual and gender-based misconduct is a form of sex discrimination
- Preponderance standard of evidence
- Flexibility in resolution process, but must be fair and equitable



Positive Campus Responses

Pressure from OCR, national advocacy groups, and student activism →

- Updated SGBM policies and procedures
- More resources to Title IX Coordinators, investigators, victim advocates, prevention specialists, and conduct administrators
- Increased training of administrators, staff, faculty, student leaders
- Better partnerships with police, hospitals, rape crisis/domestic violence centers
- More prevention programming for students (about SGBM, campus policies, support services, bystander intervention, self-defense, etc.)
- Better data collection, reporting and research



Adversarial Process

- Conduct hearings as courtrooms
- Appeals, lawsuits, OCR complaints
- Word against word credibility
- Offender denial
- No witnesses
- Intoxication → impaired memory
- trauma → impaired memory
- Mediation disallowed



Outcome: The current justice process is highly divisive and fraught with uncertainty. Most survivor/victims opt out.

Question: Can we develop processes that promote true accountability and healing through a collaborative rather than adversarial process?

Adversarial Outcomes

Adversarial processes promote separation and isolation rather than reconciliation and reintegration.

- No-contact orders
- Weak risk assessment/treatment
- Expulsion displaces risk
- Transcript notations



Outcome: Separation-only sanctions may increase anxiety and risk.

Question: Can we develop processes that reduce risk of reoffending and provide greater reassurance to survivor/victims and the community?

Searching for Alternatives

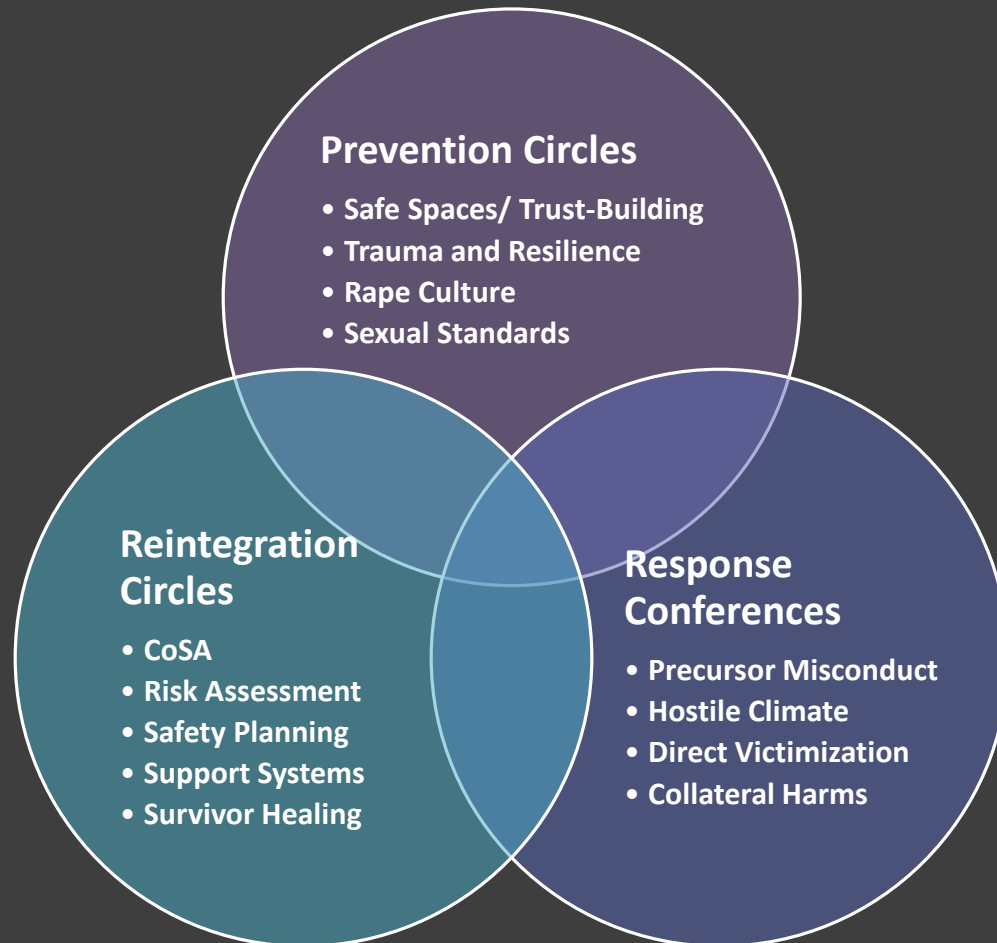
It's hard not to wonder now, from my perch of more than a quarter-century later, staring at the pinched look on my face in the photos from that rainy graduation morning, why there hadn't been a third option besides either pressing charges or doing nothing, neither of which felt like an appropriate reaction to what had happened to me in that bed.

Deborah Copaken Kogan, 2015





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Campus Climate

Rape Culture on Campus

- Attitudes that support men to “sexually take what they want, when they want it, regardless of consent”(Oudshoorn 2015)
- Pronounced in all-male fraternities and athletic teams
- Reinforced by pornography and fueled by alcohol
- Tolerated by “hook-up culture” that supports sex before dating or relationships and is primarily oriented towards male sexual gratification (Bogle 2008)
- See *The Hunting Ground* (video), *Missoula* (book by Jon Krakauer)



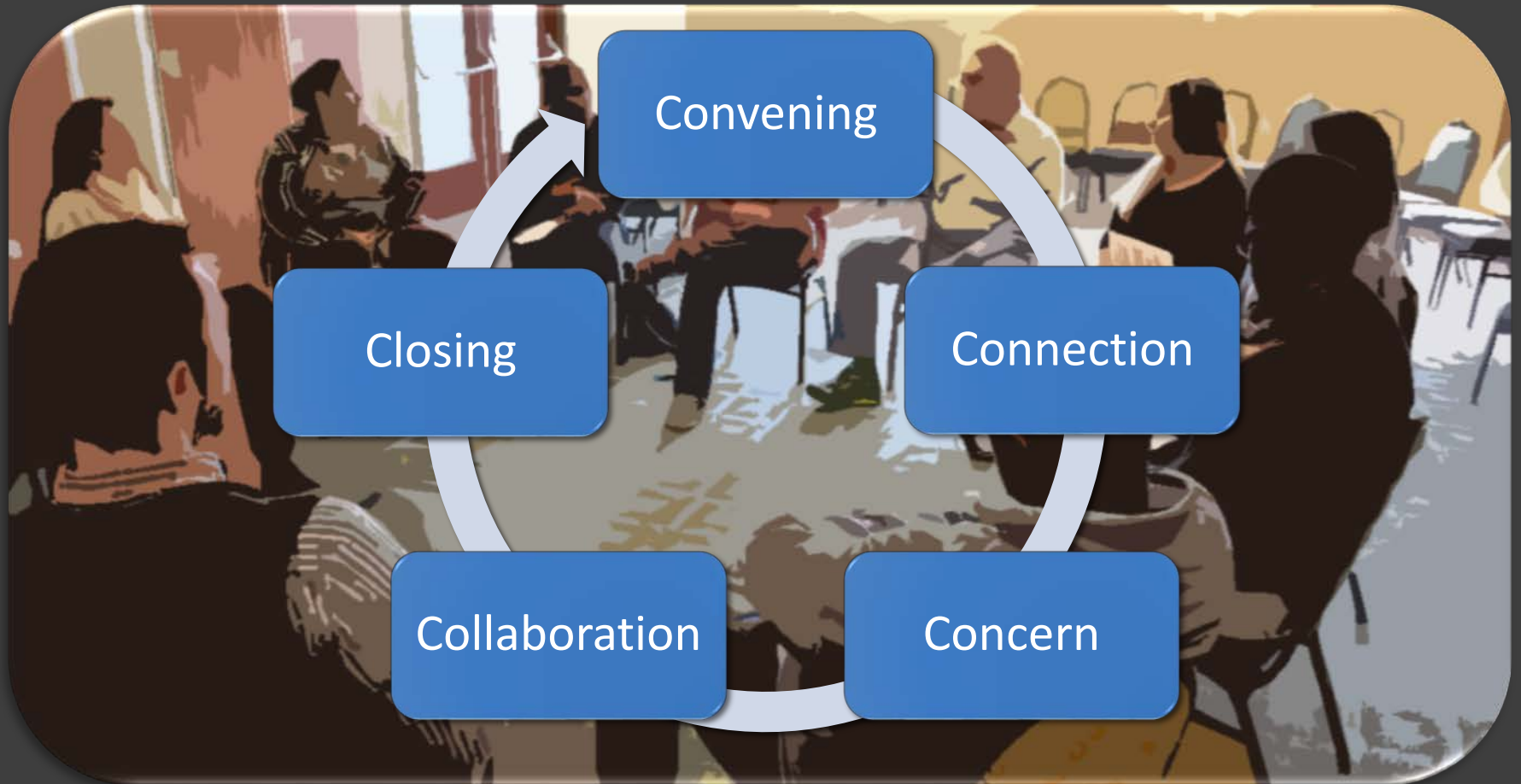
A Circle About Rape Culture

Elements of campus rape culture at Saint Mary's University 2013:

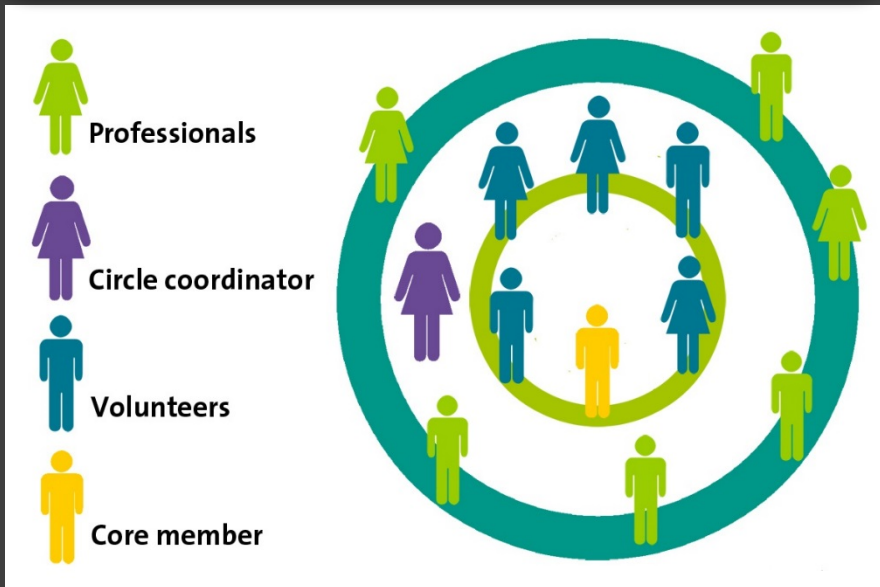
- Chant led by 80 student leaders, including student president
- Indoctrination of 400 new students during orientation
- Sanctioned space
- School tradition



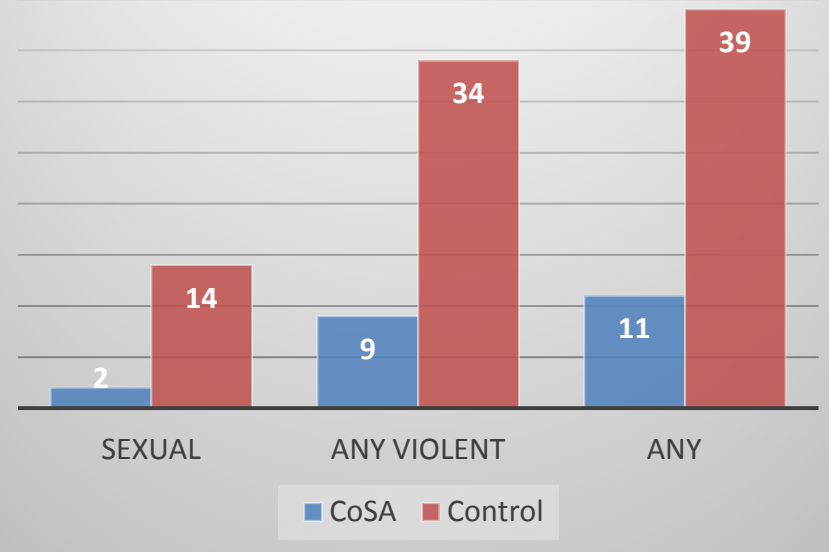
The 5 C's of Circles



Circles of Support and Accountability

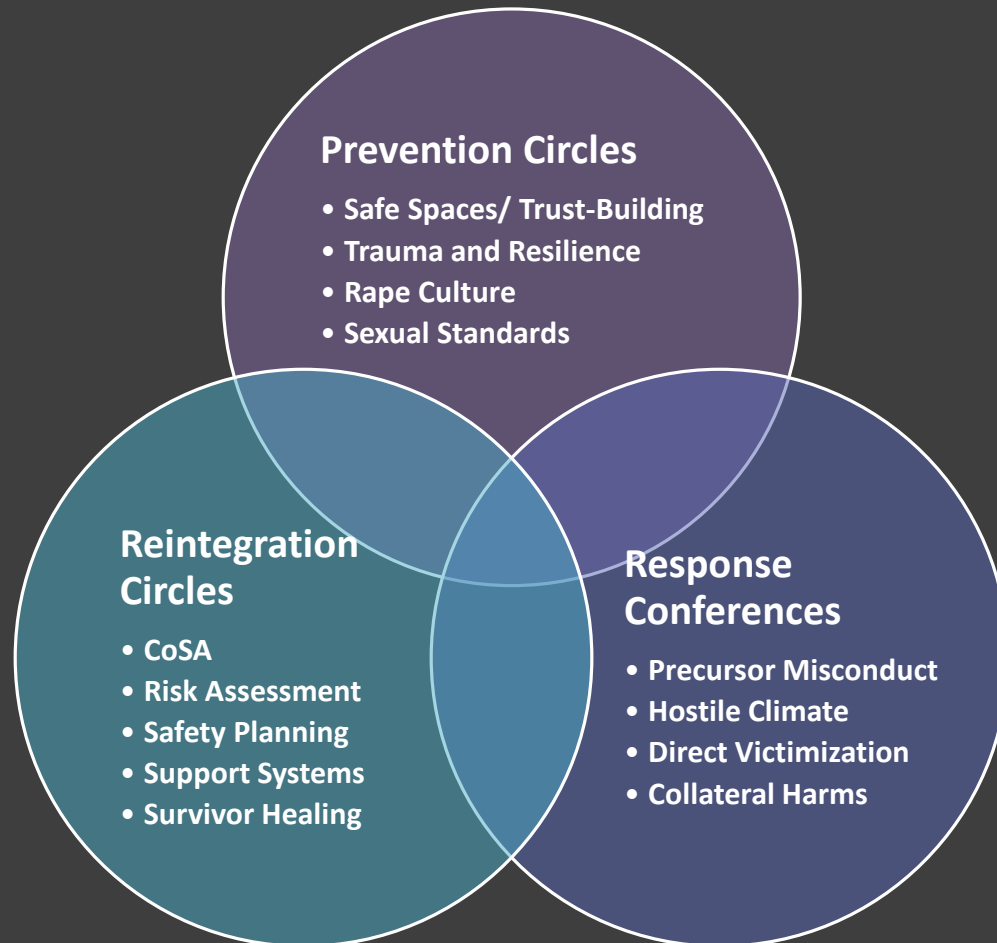


Recidivism (3 years)
Wilson et al. (2009)





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Meeting Victims' Needs

“Harms create needs. Justice is meeting needs. True justice is healing.”
Judah Oudshoorn

| | |
|------------------------------------|---|
| Safety and Care | • Providing physical and emotional safety. Building trust by creating safe, supporting relationships. |
| Support and Education | • Supports that foster resiliency. Education that clarifies the trauma experience. |
| Information and Options | • Understanding options for services and participation in the justice process. |
| Grieving and Expression | • Space for exploring the impact of offense. |
| Voice and Empowerment | • Telling their story. Having options for the healing process and influence on justice outcomes. |
| Believed, Absolved, and Vindicated | • Affirming their story, no victim-blaming, asserting the wrongfulness of the transgression. |

Question: Can we develop a process that can meet survivor/victims' needs for safety, support, and justice?



RJ Conference – The Basics

Key Elements:

- Voluntary, survivor/victim-driven
- Diversion or supplement to formal process
- Trained co-facilitators
- Preparation and assessment
- Includes offenders, survivor/victims, support people
- Post-conference support and supervision



Preconference



Conference



Agreement Mentoring

Questions guiding the process:

- What happened?
- What were you thinking at the time?
- What have you thought about since?
- What harm was caused?
- How can the harm be addressed?
- How can trust be restored?



RJ Conferencing for Sexual and Gender-Based Misconduct

Pre-Cursors to Sexual and Gender-Based Misconduct

- Alcohol violations
- Hazing
- Entitlement

Hostile Campus Climate

- No targeted, direct victim
- Sexism, hegemonic masculinity
- Banners, dance floors, social media

Direct Victimization

- Stalking, harassment, sexual assault, intimate partner violence

Collateral Harms

- Ripple effects/fallout from specific incidents
- Retaliation



Ending the Cold War

RJ at Skidmore: Before and After

Restorative Dialogue

- A collaborative decision-making process (harmed parties, offenders, and others)

Accepting Responsibility

- Accepting and acknowledging responsibility for causing harm

Repairing Harm

- Identifying ways to repair material, emotional, and communal harm

Rebuilding Trust

- Reassuring the community by confirming understanding of impact, addressing personal issues, and building positive social connections



RESTORE

“The RESTORE Program of Restorative Justice for Sex Crimes”

- Mary Koss 2014 *Journal of Interpersonal Violence*
- 2003-2007
- 22 cases, 109 participants
- 50% of cases, participants were acquaintances
- 46% of cases, offender was drinking before offense

Demographics

- Survivor/Victims
 - 73% female
 - 36% aged 18-25
 - 88% white
- Offenders
 - 100% male
 - 50% aged 18-25
 - 77% white
 - 14% college students
 - No offenders with prior history of sex offenses, IPV, or other violence



RESTORE: Adapting RJ

Adaptations of conferencing model for sex offending:

- Psychosexual forensic evaluation to assess offender readiness to participate
- Trauma-informed preconference process for survivor/victims
- Safety protocols for conference
- *Redress Plan* (e.g., apology, restitution, service, treatment, safety planning)
- Post conference supervision of offender (12 months)
- *Community Accountability and Reintegration Board* (survivor/victim may attend and/or kept updated)
- *Final Reflection and Clarification Letter* by offender



RESTORE: Motivations to Participate

Survivor/Victims

- Consent Rate
 - 63% felonies
 - 70% misdemeanors
- Making offender accountable
- Understand what happened
- Say how I was affected
- Hear an apology
- Prevent reoffending
- Put this behind me
- Take back my power

Offenders

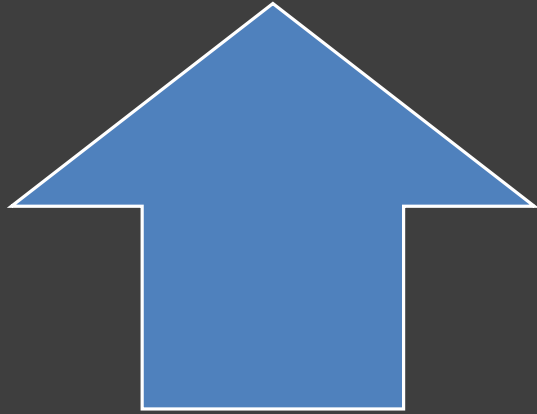
- Consent Rate (after survivor/victim consent; must have accepted responsibility)
 - 90% felonies
 - 100% misdemeanors
- Taking responsibility to make things right
- Explain my side
- Apologize
- Participate in an alternative to court



RESTORE: Conference Experience

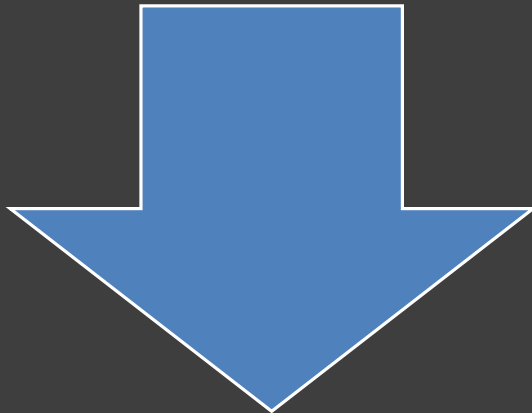
| Agree/Strongly Agree | Survivor/ Victims | Offenders |
|----------------------------------|----------------------|-----------|
| Felt safe | 100% | 95% |
| Felt listened to | 100% | 100% |
| Felt like I was (NOT) blamed | 100% | 79% |
| Was treated with respect | 100% | 100% |
| Satisfied with redress plan | 100% | 100% |
| Offender accepted responsibility | 66% | 100% |
| Offender seemed sincerely sorry | 49% | -- |
| The conference was a success | 100% | 100% |
| Felt justice was done | 83% | 94% |
| Would recommend RESTORE | 100% | 100% |

RESTORE: Post Conference Outcomes



Redress Plan Completion

- 66% felony cases
- 91% misdemeanor cases



Comparison Group

- 75% closed without any consequences
- (13% of reported rape cases lead to court convictions in the U.S.)



RJ Conference Video





Campus PRISM

Taking your next steps

- Join our mailing list
- Read our report
- Form a campus RJ working group to explore/guide implementation
- Campus study groups
- Get trained in RJ practices
- Implement prevention circles
- Implement CoSAs
- Implement RJ in conduct system (but not yet for direct victimization sexual assault cases or IPV)

