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Evaluation Practices of Early Adopters of Restorative Justice Responses to  
Student Sexual Misconduct on College Campuses

A dissertation submitted in partial satisfaction of the  
requirements for the degree Doctor of Education

by

Julia Maureen Wade

2022



## ABSTRACT OF THE DISSERTATION

Evaluation Practices of Early Adopters of Restorative Justice Responses to  
Student Sexual Misconduct on College Campuses

by

Julia Maureen Wade

Doctor of Education

University of California, Los Angeles, 2022

Professor Ron Avi Astor, Co-Chair

Professor Diane Durkin, Co-Chair

This study sought to add to limited existing literature regarding higher education institutions which offer restorative justice (RJ) as an alternative response to student sexual misconduct. Through sixteen interviews with Title IX Coordinators and other administrators at nine institutions as well as document analysis, the research provides information about how early adopter institutions assess readiness for implementation of RJ practices for sexual misconduct and evaluate their practices following implementation. My research documents the challenges faced by administrators in implementing evaluation and why some campuses implementing RJ are not currently engaging in evaluation. Support from stakeholders, staff capacity and institutional foundation in restorative justice were key indicators of readiness. Administrators also considered policy language and potential legal issues. While evaluation is not a formal part

of the implementation process in many settings, some campuses are assessing how students feel about the process itself and about outcomes of the process. Administrators named fear of causing harm to students as a challenge of implementing evaluation in addition to lack of time and staff capacity. Results from this study provide administrators interested in implementing restorative practices for student sexual harm on their campus with an outline of factors to consider in their own readiness. They may also prove fruitful in moving the conversation about evaluation forward among those considering implementing and those who have already implemented alike.

The dissertation of Julia Maureen Wade is approved.

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2022

## **DEDICATION**

For my grandmother, Maureen Keighley, whose name I carry. Though you are no longer physically present, you serve as a constant reminder that I am from a long line of strong women. You would have been proud of me and that brings me joy.

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## **CHAPTER 1: INTRODUCTION**

A small community of higher education institutions offer restorative justice (RJ) as an alternative response to student sexual misconduct. RJ focuses on harms and needs rather than rules and punishment to involve all stakeholders, including complainants, respondents and their supporters in a decision-making process that holds respondents accountable (Strang et al., 2006). While campuses were concerned about the previous U.S. Department of Education, Office for Civil Rights (OCR) guidance being preclusive of such an option, in May 2020 the OCR announced new Title IX regulations that allow for “informal resolution,” including RJ. This study adds to limited existing literature that documents what types of RJ responses campuses are using. It does so by providing information about how early adopter institutions assess readiness for implementation of RJ practices for sexual misconduct and evaluate their practices following implementation. Through interviews with Title IX Coordinators and other administrators, I explored the human, material and other intangible resources that support implementation of restorative responses and investigated how institutions are developing and executing evaluation practices. My research documents the challenges faced by administrators in implementing evaluation and why some campuses implementing RJ are not currently engaging in evaluation. Document analysis supported the classification of types of RJ practices and illuminates the key elements of evaluation. Successful implementation of RJ to address sexual harm has the potential to positively impact individual students’ mental health and academic success, as well as improve overall campus climate.

### **Terms Used in This Study**

Different terms are used to describe sexual harm in different contexts, and these terms may overlap or even be in conflict when defined by law enforcement, state law or higher education institutions. Many campuses have developed policies against sexual misconduct, which include more familiar terms such as sexual assault, sexual harassment, sometimes even rape, and may include or distinguish as separate stalking and intimate partner violence (dating violence and domestic violence). The 2011 Department of Education Office for Civil Rights Dear Colleague Letter which provided guidance in the development of such policies made explicit reference to sexual harassment and additionally provided a definition for sexual violence as “physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol,” and included rape, sexual assault, sexual battery, and sexual coercion (p.1-2). More recently, researchers have used sexual violence to encompass sexual assault, stalking and intimate partner violence (Harris et al., 2020).

For the purposes of this study, I use the term sexual misconduct as an umbrella term to encompass the multiple types of problematic sexual behavior addressed by higher education institutions. Even with the recent narrowing of the definition of sexual harassment under Title IX, colleges and universities still respond to sexual assault, dating violence, domestic violence, stalking and sex and gender-based harassment more generally. Sexual violence is used interchangeably with sexual misconduct in this study. When prior research is highly specific about the terminology used to describe the behavior, I adopt the terminology of that study to maintain the accuracy of what was experienced by those affected by misconduct and to be as precise as possible when trying to assess the rate of occurrence of such behaviors. I most frequently use the term complainant to describe the person who makes the report of sexual



misconduct and respondent to describe the person responding to such a report because these terms are most commonly used in higher education policies.

## **Statement of the Problem**

### ***Campus Prevalence and Impact on Individuals***

Sexual harassment and assault are prevalent on college campuses and reporting has increased since the viral takeoff of the #MeToo movement in 2017 (Levy & Mattsson, 2019). In a spring 2019 Campus Climate Survey on Sexual Assault and Misconduct conducted by the Association of American Universities with a sample of 181,752 students, 25.9% of undergraduate women reported experiencing nonconsensual sexual contact by physical force or inability to consent. The rate ranged from 14 to 32 percent across the 33 campuses studied (Cantor et al., 2020).

Sexual misconduct on college campuses disproportionately affects women and TGQN (transgender, genderqueer, gender questioning or gender not listed) undergraduate students. This is evident for both nonconsensual sexual contact by physical force or inability to consent and other forms of sexual misconduct, with 65.1% of TGQN reporting experiencing harassment since first enrolling at the school (Cantor et al., 2020). Students of color also experience sexual misconduct at disproportionate rates. Hispanic students experience nonconsensual sexual contact by physical force or inability to consent at slightly higher rates than non-Hispanic students (Cantor et al., 2020). In a sample of Black college women, 37.6 % reported being raped, which is higher than the average aforementioned rate (Keys, 2019).

Perpetrators of sexual misconduct identify much differently than those most often impacted. According to a Department of Justice report, as perceived by female students ages 18 to 24 who experienced rape and sexual assault, 97% of perpetrators were male, 63% were white,

and 51% were ages 21-29. Female victims knew their offender in approximately 80% of incidents of rape and sexual assault (Langton & Sinozich, 2014). Amongst students, offenders were more likely to be friends or acquaintances (50%) than intimate partners (24%) (Langton & Sinozich, 2014). Men who sexually assault women share common attitudes and behaviors. In fact, three major patterns emerge: men who engage in problematic drinking, men who have hostile attitudes about women and men who have peers who are supportive of sexually aggressive behavior toward women (Coker, 2016).

Regardless of the identity of the perpetrator, sexual violence significantly impacts the success of college women (Carey et al., 2018; Jordan et al., 2014, Mengo & Black, 2016). In a four-year study of 74 female students, their GPA decreased after experiencing sexual violence victimization (Mengo & Black, 2016). GPA decline after sexual victimization made it .29 times more likely that students would leave the university. Women who report being sexually assaulted in college also experience significant mental health consequences. In a sample of 483 first-years attending a private university, women who experienced sexual assault in their first semester were about 2.5 times more likely to have measurable symptoms of depression versus women who did not (Carey et al., 2018). Another mental health concern related to sexual assault is increased risk of suicide. Research indicates that unwanted sexual experiences as an adult increased risk for suicide ideation and suicide attempt in undergraduate women (Bryan et al., 2013). While severely impacting individuals, the effects of sexual harm are also palpable at the whole campus level.

### ***Impact on Campus Climate and Culture***

The prevalence of sexual misconduct impacts campus climate. The majority of sexual misconduct experienced by students is perpetrated by other students and how students interact with one another becomes part of a culture that is perpetuated and reinforced by norms (Langton

& Sinozich, 2014). Thus, on campuses with high incidence of sexual harassment and sexual assault, students have negative perceptions of campus climate. Campus climate survey data based on a sample of 23,000 students from nine campuses varying in size, public vs. private status, 2- vs. 4-year status, and region of the country confirms that institutions with higher rates of students reporting very poor campus climate had higher rates of sexual harassment and sexual assault of female students. Ratings by female students of climate such as tolerance of sexual jokes and rape myths is also highly correlated with the rate of sexual harassment and sexual assault victimization experienced by female students. Additionally, a greater proportion of sexual assault victims than non-victims give low climate ratings of their institution (Rogers & Sullivan, 2017). University response to sexual misconduct contributes to such perceptions of campus climate.

### ***Response to Campus Violence Against Women***

Universities typically handle student behavioral issues related to sexual misconduct through a formal Title IX hearing or administrative hearing process that emulates elements of a “model student conduct code” (Karp & Sacks, 2014). A model student conduct code is an exemplar that establishes a baseline of what institutions should include in terms of policies and procedures, as well as descriptions of prohibited conduct. Essentially the model code outlines what institutions should keep at the forefront of their response to student behavior, including elements of due process. It is commonly stated that the code should not use the language of criminal standards and need not be as specific as criminal laws. Rather the goal of the code is to outline what is prohibited as well as students’ rights. Model codes outline what is generally upheld in law at the time for the majority of courts and schools but this may differ, often regionally (Stoner & Cerminara, 1990).

The current Title IX regulations require schools to investigate and adjudicate formal complaints of sexual harassment in a manner that provides due process, treats involved parties fairly, and that when finding a student responsible for alleged behaviors, produces a reliable decision. It mandates that institutions use the preponderance of the evidence standard or the clear and convincing evidence standard. For institutions of higher education, a live hearing must be held to provide the opportunity for cross-examination by the parties' advisors (Department of Education, 2020).

While all higher education institutions must have a formal live hearing response written into their policies, some universities are embracing the informal resolution response that Title IX has explicitly cited as an alternative tool. One such example of an informal resolution option is RJ.

### ***Restorative Justice as An Alternative Response***

RJ is founded on the practices of indigenous peoples, in particular the Maori, American Indians and religious traditions including Judaism (Gregory et al., 2016, Wachtel, 2011).

Restorative approaches have now proliferated in many locations around the world including Australia, Canada, England, New Zealand, Norway, Scotland, the United States and a growing number of other countries (Latimer et al., 2005).

With its origin as an alternative to the criminal justice system, RJ posits that crime harms people and relationships. In a college setting, RJ involves all stakeholders, including complainants, respondents and their supporters in a decision-making process that holds respondents accountable (Strang et al., 2006). Respondents may own their responsibility in the wrongdoing that has occurred while actively working to repair the harm caused to the complainant and the community. Furthermore, respondents create positive community

connections to decrease the likelihood of repeating the harmful behavior. While a spectrum of RJ practices are available, a restorative conference - which involves a structured and facilitated conversation between the harmed party and the person who caused the harm - is one of the most direct and common types (Orcutt et al., 2020). The literature examining components of RJ processes and outcomes from these processes has been robust for some contexts and very limited for others.

### ***Restorative Justice for Sexual Misconduct in Higher Education Settings***

A significant body of literature is dedicated to RJ in criminal justice settings (Braithwaite, 1999; Latimer et al., 2005; Umbreit et al., 2004). RJ has been implemented as a court diversion process for adult and youth offenders. In both of these contexts, researchers have investigated RJ in response to misdemeanor as well as felony crimes, which includes the analysis of mainly victim offender mediation and community conferencing (Bergseth & Bouffard, 2007). Studies originating in Canada, England, and Australia are common and often feature more rigorous methods and robust sample sizes than studies conducted in the United States (Strang et al., 2006). Studies with adults suggest that both victims and participating offenders are more satisfied with the RJ process and outcomes than a traditional court process (Daly, 2006; Umbreit et al., 2007; Koss, 2014). Researchers have replicated this finding when youth are the focus. Numerous studies with youth support that they are less likely to have another encounter with the legal system when they complete an RJ process versus a court ordered process (Rodriguez, 2007; Bouffard et al., 2017). Evidence supports the same finding for adults. RJ processes more often result in behavioral change in persons responsible for crime than a sentence from a criminal court (Beven et al., 2005; Daly, 2006; Bletzer & Kloss, 2013). For sexual violence offenders,

data supports the same finding (Koss, 2014). Given the multitude of positive outcomes for RJ in criminal contexts, it is worth exploring when harm is caused in other settings.

One such setting is schools. The use of RJ in K-12 educational environments is prevalent in the literature (Gonzalez, 2012; Gregory et al., 2016; McCluskey et al., 2008). The term customarily used when RJ is applied in K-12 schools and now in higher education contexts is restorative practices (RP). Restorative practices are processes that proactively build healthy relationships and a sense of community to prevent and address conflict and harmful behavior. Restorative practices operate as a philosophy that guides behavior and relationship management in educational settings for all stakeholders (including faculty and staff). Educators and researchers took interest in RP as early as the 1990s in response to zero tolerance policies being implemented in schools. Studies range in focus from whole school approaches utilizing RP to improve school culture (proactive and preventative) to engaging in techniques such as community conferencing to respond to harm (reactive). Other areas of exploration for the use of RP in schools include relationship building, amongst student peers and between teachers and students, as well as development of socio-emotional skills (Morrison, 2005).

The exploration of RJ in higher education settings, both as a framework for building and maintaining community, as well as a practice used in response to student misconduct, is limited (Karp & Conrad, 2005; Karp & Breslin 2001; Karp & Sacks, 2014). Additionally, responses to student misconduct on a college campus, look much different than in a primary or secondary school. A past study indicated that only 8% of universities and colleges indicated using restorative processes in their campus conduct systems (Meagher, 2009).

Recently universities embraced RJ as a resolution for many types of incidents, but its adoption for sexual violence is slow. Historically, colleges perceived barriers to the use of RJ in

incidents of sexual misconduct. The United States Department of Education's (DOE) Office for Civil Rights (OCR) issued a Dear Colleague Letter (DCL) in 2011, providing a detailed explanation of how all public and private schools, including universities and colleges, should handle Title IX requirements related to sexual violence. The 2011 DCL outlined voluntary informal mechanisms, such as mediation, could be used to resolve some types of sexual harassment complaints. The document also specifically outlined that mediation, which some practitioners interpreted to include RJ processes, is not appropriate in cases involving allegations of sexual assault and so many campuses avoided RJ altogether.

Given this specification in the DCL, RJ processes were too risky for most institutions for fear of investigation by OCR which could lead to the loss of federal funds or fear of costly private litigation. Though there were previous DCLs, the 2011 DCL was more deliberately instructive about how institutions should respond to sexual harassment and sexual assault and was delivered at a time when these issues were at the forefront in the media. In November 2018, United States Secretary of Education Betsy DeVos announced proposed changes to Title IX “intended to promote the purpose of Title IX by requiring recipients to address sexual harassment, assisting and protecting victims of sexual harassment and ensuring that due process protections are in place for individuals accused of sexual harassment” (U.S. Department of Education, 2018). A 60-day public comment period ensued and was subsequently reopened, during which over 124,000 comments were received. Under obligation to review and respond to all comments received, the DOE did not issue any further updates until May 2020 when they finalized Title IX regulations, calling for a variety of adjustments to campus processes. The new regulations have also enabled universities to consider using “informal resolution” processes, including RJ, as a response to incidents of sexual misconduct.

## *Understanding and Evaluation of Restorative Justice Responses*

Empirical research about student conduct systems, Title IX processes, and responses such as RJ is lacking (Karp & Sacks, 2014). Furthermore, the limited empirical data on the use of RJ on college campuses to address student misconduct does not encompass incidents of sexual harm (Karp & Sacks, 2014). A recent study provided a singular mention of evaluation practices in a higher education setting when RJ is used as a response to sexual misconduct by noting that at the College of New Jersey, complainants and respondents are asked to complete a follow-up evaluation survey regarding their participation in the process (Orcutt et al., 2020).

A campus conduct system based in RJ, and one that can be offered more specifically to students who have experienced sexual violence, is worth exploring. While student perspectives are central to the argument of why such exploration is important, administrators play a key role in driving change on their campuses. For RJ to truly be a viable option, administrators need a better understanding of the outcomes of these processes. For more widespread implementation to be accomplished, administrators need greater understanding of evaluation tools that can be used to provide evidence of process and outcome measures, including effectiveness, for RJ in response to sexual harm.

### **Statement of the Purpose**

This study examined evaluation practices of early adopters of restorative justice responses to student sexual misconduct on four-year college campuses. The study consisted of nine institutions utilizing adaptable or informal resolution processes, specifically based in RJ, for a year or more. The campuses range in size and mission or focus. The study investigated how, if at all, early adopters are evaluating their RJ response to sexual misconduct. Limited information about and standardization across institutions regarding evaluation practices has contributed to a



void in empirical research surrounding RJ for sexual misconduct. I interviewed at least one administrator from each institution, prioritizing administrators currently managing the RJ response. Administrators included Title IX coordinators and Student Conduct professionals. These practitioners described the factors considered to assess readiness for implementation of RP in response to sexual misconduct. I identified key components of evaluation tools at their institution, if in fact they have been conducting evaluation and how the evaluation was developed.

### **Research Questions**

- 1) Among early adopters of restorative responses to student sexual misconduct what factors were considered to assess readiness for implementation?
- 2) According to university administrators, how and what type of evaluation are being used for restorative practices in response to cases of student sexual misconduct?
- 3) What do university administrators identify as the challenges of implementing evaluation of restorative justice practices as a response to student sexual misconduct?

### **Overview of the Research Design**

This qualitative study utilized interviews with key informants who are university administrators and document analysis. Interviews were employed to understand in detail and depth how the restorative responses of early adopters can be classified, what factors were considered to assess readiness for implementation and how, if at all, university administrators evaluate their practice(s). Interviews were also informative regarding how evaluation was developed and how it has influenced or changed how the restorative response is implemented. Document analysis of online documents, process documents, student conduct codes, and student-on-student sexual and interpersonal misconduct policies supported the classification of types of

RJ practices. Document analysis of assessment or evaluation instruments illuminated the key elements of evaluation.

### **Study Significance**

Adjudication of Title IX matters at best leaves administrators dejected and at worst, leaves institutions involved in serious civil litigation that can have costly consequences (Brown, 2019). Conduct administrators need an option to provide complaints and respondents with greater satisfaction and behavioral change outcomes. A restorative approach is community-focused and results in a more healthy and safe campus community (Morrison et.al, 2005). Administrators have recently gained access to what other campuses have learned and best practices so that they do not cause more harm but more importantly so that they have a comprehensive approach to student development in the realm of sexual misconduct. While the use of RJ for sexual harm in criminal contexts has been discussed extensively in a theoretical sense, a smaller community of practitioners is engaged in discussions around its use with a student population. The conversation deserves to be informed by empirical evidence rather than arguments in legal journals. Resources of this nature are limited yet are a crucial step to better serving students and responding to their needs. This study aimed to contribute to the conversation by sharing factors considered to support readiness for implementation and evaluation practices of early adopters on college campuses. Evaluation and assessment are necessary for continuous program improvement and responsiveness to student needs. With consistent data available, schools considering adopting such a response will have evidence to point to in support of implementation. Ultimately successful implementation provides a new way to talk about and address sexual harm, which has a ripple effect on how students interact with one another, form relationships and experience campus climate.

## CHAPTER 2: LITERATURE REVIEW

### Introduction

Sexual misconduct impacts all gender identities, with data indicating that transgender and gender nonconforming students are most impacted (Cantor et al., 2020). Such harm has significant consequences on the mental health and academic performance of individuals (Carey et al., 2018; Jordan et al., 2014, Mengo & Black, 2016), in addition to implications for the larger campus climate (Rogers & Sullivan, 2017). Once reported, university responses have common process elements that meet the requirements of federal and state government regulations. However, the typical outcome of sexual misconduct cases adjudicated on college campuses leaves one or both parties dissatisfied and further harmed (DeMatteo et al., 2015).

This literature synthesis explores restorative justice as an alternative response to student sexual misconduct on college campuses. To begin, student conduct history and practices are addressed. Next, a review of Title IX in the context of student sexual harassment and the ways in which university Title IX responses fall short are provided. Then, RJ as an alternative response is presented, examined in the K-12 school context and explored in regard to common practices. Next, a comparison of restorative justice to conventional conduct processes is provided followed by concerns and benefits regarding the use of restorative justice with incidents of sexual violence. Finally, the current state of assessment of RJ processes is explored, including measures of satisfaction for participants in restorative processes, and evidence of behavioral change in perpetrators of sexual harm following their participation in restorative justice from contexts other than college campuses. Given the limited availability of research relevant to addressing sexual misconduct using RJ in higher education settings, with a particular dearth of literature regarding evaluation, this review considers empirical research from primary and secondary school

environments as well as United States and other countries' court diversion practices, when possible for youth respondents.

### **Student Conduct History: The Shift from Legalistic to Student Development**

In the first half of the 20th century, *in loco parentis*, or in place of the parent, dominated approaches to managing student behavior. Dating back to how students were treated in colleges in early American colonies, this meant that institutions instituted strict schedules and established the authority to discipline students as they saw fit (Dannells, 1997). Prior to and through the 1960s, highly structured, legalistic “judicial systems” predominated in schools. Courts then shifted to viewing the relationship between the student and the institution as contractual (Stoner & Cerminara, 1990). In the late 1960s and early 1970s, student discontent with authority led to *in loco parentis* being struck down and the shift to focusing on student development within student conduct began (Baldizan, 1998). *Dixon v. Alabama State Board of Education* in 1961 is a notable landmark in that movement, though it may have begun earlier. In this case, the United States Court of Appeals for the Fifth Circuit determined that a state-supported education could not be taken away from an individual without due process of law. Soon thereafter in *Goss v. Lopez* in 1975, the Supreme Court decided under the Fourteenth Amendment’s due process clause that students who had the potential to be suspended must be provided both notice and a hearing (*Goss v. Lopez*, 1975).

Student conduct processes have prioritized student learning and development goals in more recent history, as supported by evidence from court decisions. Processes on college campuses that utilize adversarial proceedings prevent the achievement of these goals. The legal system of justice has appeared in many policies and procedures of many campuses over their history (Clark, 2014). Courts have decided consistently— across at least four United States

Courts of Appeals and the Supreme Court of Vermont— that criminal proceedings are not a good model for student discipline (Gehring, 2001). Adversarial processes create a win-lose sentiment that can result in indignation and potential isolation for students who participate (Clark, 2014). The Supreme Court has acknowledged that “the educational process is not by nature adversarial, instead it centers around a continuing relationship between faculty and students, ‘one in which the teacher must occupy many roles— educator, advisor and at times parent-substitute’” (*Board of Curators of University of Missouri v. Horowitz*, 1978, p. 955 as cited in Gehring, 2001, p.476).

Adversarial processes move away from the original Dixon decision which provided a framework for what is considered crucial for due process. Such a framework does not acknowledge the right to be represented by counsel. Regarding witnesses, cross-examination is not included, nor in some cases to confront them in person. Cross-examination leads to hearings that can become scathing and not lead to any true teachable moment or learning. Students have no training to engage in this behavior and even if conducted by an advisor or attorney, the types of emotion which could become involved becomes concerning. In court cases, when the question of credibility suggests that cross-examination take place, the witness is able to testify anonymously. This may also arise in the case of sexual misconduct on college campuses. Even in cases of revocation of parole, whose consequences are much graver than what can be imposed by a campus disciplinary process, the Supreme Court has stated that if there was risk of harm, the individual testifying need not be subjected to cross-examination (*Morrissey v. Brewer*, 1972 as cited by Gehring, 2001). Despite the evolution of student conduct, exploration of best practices through empirical research is scarce.

### **The Lack of Effectiveness Data for Formal Student Conduct Systems**

Some research has suggested that a formal conduct system is as effective as a more informal system. In a national study to identify the effectiveness of campus judicial systems, the systems were categorized as either formal, informal or mixed as determined by terminology, processes and characteristics. Effectiveness was determined based on outcome measures which included total cases adjudicated, number of appeals, sanctions modified due to an appeal, number of repeat offenders, and lawsuits filed against the institution as a direct result of disciplinary action. The results of the study showed that formal systems had the lowest numbers across all measures except for lawsuits filed. However, no statistically significant difference in effectiveness using these measures among informal, mixed and formal systems was found. The authors noted that although it was not part of their study, information from those who experience the conduct system is critical qualitative data (Fitch & Murray, 2001).

One study examining such data suggests that formal, also known as conventional student conduct processes are not effective. The study sampled 1,451 college students and used a questionnaire to assess their perception of the fairness and educational value of their participation in an adjudication process. Moral development was examined based on scores on the Defining Issues Test which presents dilemmas and asks respondents to rate a set of issues in terms of their importance to the dilemma. The degree to which the process was rated as educational was a function of moral development (King, 2012).

When asked to rate how valuable students considered the meeting they had with a conduct office, 17% reported it was very valuable, 38% indicated it was somewhat valuable, and 45% stated it was not at all valuable. Regarding the outcome of the hearing, the results indicated that the majority of students found no value in a large proportion of the sanctions (outcomes) assigned. Furthermore, passive sanctions, such as a warning or probation versus active sanctions,

which included educational classes, led to equal recidivism rates. Students did rate sanctions of counseling and community service more positively than negatively. A student's perception of how fair the conduct process is impacts its educational value in that it correlates with how likely the student will repeat the prohibited conduct. Formal student conduct processes are the typical model for the adjudication of student-on-student sexual misconduct matters under Title IX, therefore cause for concern about their impact and effectiveness given the data presented is warranted.

### **The Establishment and Evolution of Title IX**

The Title IX educational amendment enacted in 1972 states that “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” (Title IX and Sex Discrimination, 2018). Since education institutions receive federal funding, Title IX applies: these institutions must ensure that programs and activities related to education operate without discrimination. Sex-based harassment is encompassed in Title IX.

Peer-to-peer sexual harassment in schools was not fully addressed in the courts until the late 90s. In *Davis v. Monroe County Board of Education*, Aurelia Davis sued the Board on behalf of her fifth grade daughter, LaShonda, alleging that the school's complacency created an abusive environment that deprived her daughter of educational benefits promised her under Title IX. LaShonda was allegedly the victim of a prolonged pattern of sexual harassment by one of her fifth-grade classmates at a public school in a Georgia county. According to the complaint, the harassment was reported to school authorities, but no disciplinary action was taken in response nor was any effort made to separate the classmate from the student.

The District Court dismissed the Title IX claim on the grounds that student-on-student harassment provided no ground for a private cause of action under the statute. A panel of the United States Court of Appeals for the Eleventh Circuit agreed. The United States Supreme Court reversed the judgment of the appellate court. The Court held that a private damages action could lie against a recipient of Title IX funding in cases of peer harassment, but only where the recipient acted with deliberate indifference to known acts of harassment in its programs or activities. Moreover, the Court concluded that such an action would lie only for harassment that was so severe, pervasive, and objectively offensive that it effectively barred the victim's access to an educational opportunity or benefit (*Davis v. Monroe County Board of Education*, 1999; Biegel et al., 2019).

New Title IX regulations were issued in May 2020. These regulations provide a narrower definition of sexual harassment than previously outlined and have adopted the *Davis* standard (severe, pervasive and objectively offensive) as one of three criteria for behavior to be considered sexual harassment. The other behaviors that constitute sexual harassment are *quid pro quo* harassment and sexual assault, dating violence, domestic violence or stalking which are defined in the Clery Act and Violence Against Women Act (U.S. Department of Education, 2020).

In addition to narrowing the definition of sexual harassment, the regulations call for cross-examination to be used in university sexual misconduct proceedings. Scholars have noted this as a disregard for procedural protections for complainants, as cross-examination may be traumatizing for complainants. The utilization of live cross-examination also turns universities into courtrooms and favors respondent rights. Such disregard may lead to a “chilling effect” on reporting, including concerns that the regulations make it more difficult for students to make



complaints (Anderson, 2020). Holland et. al (2020) conducted a content analysis, specifically focused on the Department of Education’s (DOE) summary of complainant centered comments in regard to cross-examination and what the DOE stated was changed in response to those comments. Their findings indicated that concerns expressed relating to complainants were not adequately addressed and that “due process” was often used to disregard legitimate criticism and condone the notion that sexual misconduct complaints are not based in fact. They note that “the lack of protections for victims is a significant departure from legal norms in other settings” (Holland et al., 2020, p. 584). Authors have also noted the problematic nature of allowing a “clear and convincing” evidentiary standard to be used, which would likely result in a net decrease in accuracy and further deter students from reporting since such a high burden of proof must be attained (Kidder, 2020). While many of these changes to Title IX are recent, a significant number of studies document why historically college victims of sexual assault do not report the incident and are unsatisfied with university response when they do make a report.

### **Shortcomings of University Title IX Response**

While more research available focuses on reporting to police, some information is available about why students do choose to report to campus authorities, and why they choose this option versus reporting to the police.

**Reporting to the University.** Studies show that between 0% and 5.3% of victims filed a formal report through university reporting processes (Fisher et al., 2003; Lindquist et al., 2013 in Holland & Cortina, 2017). In Cantor’s (2020) study, a mere 29.6 percent of victims thought it was “very” or “extremely” likely campus officials would conduct a fair investigation into the report. In a recent study of 284 college women who were victims of sexual assault, two themes emerged regarding why they did not report or seek help: a concern for the perpetrator and lack of

faith in university response. Victims described both concern that the respondent's life would be ruined and also that nothing would come from pursuing a report. For example, study respondents stated the "university would never be finished investigating" and "Misconduct cases get thrown out. Universities don't do shit about them" (Holland & Cortina, 2017, pgs. 56-57).

One commonality for choosing to report on campus or to police is experiencing sexual assault that involved force or a weapon (Fisher et al., 2003; Starzynski et al., 2005 in Holland and Cortina, 2017). Another commonality is a desire to protect others from experiencing a similar incident (Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007; Sabina & Ho, 2014 in Holland and Cortina, 2017). One reason a student may report to the university exclusively is because they are interested in receiving campus-based supports, including mental health, housing and academic accommodations, such as having the respondent's classes changed or moving them to a different residence hall (Holland and Cortina, 2017). In alignment with this, the goals of Title IX processes and outcomes are to address the incident, make sure the complainant's access to education is not further disrupted and protect other students from experiencing such harm in the future (U.S. Department of Education, 2018).

White women students are the focus of the majority of research on disclosure and reporting of sexual assault. However, evidence suggests that a student's race impacts who they speak to following their experience with sexual assault. One such study with a sample of mostly Black women indicates they disclose or report to formal institutional areas such as campus police at very low rates. Instead, they are more likely to disclose to friends or family. Research also suggests that black students are less likely to disclose experiences of campus sexual assault but studies are lacking on why this is the case (Harris et al., 2020).

**University Unresponsiveness.** Universities struggle with how to respond when students do report incidents of sexual violence. As Landreman & Williamsen (2018) note, “..when Title IX was enacted more than 40 years ago, it was without the foresight of the weight of responsibility that would fall on colleges to ensure that campuses were free from sex-based discrimination” (p.37). Many institutions have been accused of negligence in Title IX and student conduct processes. A 2010 investigation of twenty-six colleges and universities found that their conduct processes were hostile to complainants and did not hold respondents accountable. The investigation found that often cases were never resolved because the institutions failed to instigate an investigation, dismissed the complaint before a hearing took place or resolved the matter informally (Center for Public Integrity, 2010). Between 2011 and October 2019, the government had conducted 502 investigations of colleges, with 305 investigations currently open (Campus Sexual Assault Under Investigation, 2019).

Despite government mandates, more than 20% of private academic institutions conducted fewer investigations than the number of incidents reported to them (DeMatteo et al., 2015). Similar discrepancies were revealed in a study based on interviews with security officers at 45 universities: 44% mentioned a police investigation, 36% mentioned a hearing and 38% described possible disciplinary action. When representatives were asked about the duration of the process, the most prevalent theme was variation. One of those interviewed, for example, said, “The speed of the judicial process is subjective.” Universities are ill-equipped to handle the college court that the regulations call for, which leaves no place for the student development purpose that has emerged in student conduct practices across the decades. Remaining in compliance with Title IX was already complex to navigate, and the 2020 regulations create further complexities and room for error, with the potential to further harm complainants (Anderson, 2020). Evidence indicates

that campus administrators are also disillusioned with the impact of the mandates placed on them by the federal government with regard to responding to sexual misconduct. For example, a minimal number of student conduct administrators noted Clery Act reporting as impactful for reducing crime on campus, but rather that changes resulted from active programming efforts. Furthermore, victim advocates on university campuses have cited that demands to remain in compliance with government mandates and policies has acted as an impediment to adequately supporting complainants (Harris, 2020).

**Dissatisfaction with Process Outcomes.** Of reported cases, less than 1% of respondents receive any disciplinary action and 6% were arrested, prosecuted or convicted in the criminal justice system (Sabina, Verdiglione & Zadnik, 2017, p.96). Low rates of punishment correlate with low victim satisfaction: less than one-third of students who reported sexual assault indicate satisfaction with how the incident was handled by their academic institution or law enforcement. Sexual assault state statutes remain ill-fitted for handling campus sexual assaults, especially for cases involving consent in the context of substance use (DeMatteo et al., 2015). Unsatisfactory outcomes are commonplace, and have become, among multiple others, one of the reasons many students choose not to report these incidents to university authorities. Furthermore, extreme demands of confidentiality to the extent of “gag orders” on complaints in sexual misconduct proceedings are severely damaging. While not the practice of every campus, such incidents raise concern due to the limitation on complainants to be able to participate fully in campus processes and the limits on information about such processes that would contribute to sexual misconduct prevention and advocacy efforts (Brenner, 2013). When a student is found responsible for sexual misconduct, institutions typically have limited possible remedies to offer. While most campuses maintain an educational focus for the outcomes of conduct processes, the tools available to

meaningfully change behavior are limited, often with a warning or dismissal from campus as the range. For most respondents, the goal of campus proceedings becomes evading responsibility with no effort to repair the harm of their actions. Typically, complainants have very little to no opportunity to provide their input about what sanctions will be determined. Thus, even if a respondent is held accountable, the sanctions may not match the outcome the complainant may be seeking (Brenner, 2013). The gaps in accountability and subsequent behavioral change left by traditional conduct processes lend themselves to pursuing a completely different philosophy in RJ.

### **A Different Approach: Restorative Justice**

#### ***What is Restorative Justice?***

Many authors have articulated the difficulty of clearly defining RJ (Latimer et al, 2005; Presser & Van Voorhis, 2002; Song & Swearer, 2016; Stahlkopf, 2009). It may be easier to define RJ by what it is not, in that it is not retribution, not our typical criminal justice system, nor positioned around the offender (Presser & Van Voorhis, 2002). When someone is labeled as criminal, the common response is to isolate that person from the rest of society, damaging their relationships with family and peers and separating them from the person who they harmed, which leaves no room for them to have to confront the harm they caused, hear about its impact on another person and be held accountable. As it is often impossible to achieve true restoration, the guiding principle of RJ is to address the needs of the person who was harmed to create social equity and actively work toward mutual respect and human dignity. Redress may be a more accurate term as it acknowledges that it is impossible to fully “right the wrong” (Calhoun & Pelech, 2010).

Stahlkopf (2009) documents core values commonly agreed upon in RJ theory. These values are encapsulated in two categories: the empowerment of all parties and repairing the harm caused by the offense. Up to seven principles or values are cited in literature related to RJ (Song & Swearer, 2016). Key processes for the different manifestations of RJ include dialogue, relationship building, and communication of moral values (Presser & Van Voorhis, 2002).

Vaandering (2011) has examined the implementation of RJ in schools and argues for a broader interpretation of its meaning than the narrow focus that it is normally given in the judicial context. She argues that there is a large degree of confusion and inconsistency attached to RJ in the educational context, mostly due to its focus in the context of behavior. The emphasis on community and relationships that is a central feature of RJ's historical roots and central philosophy is often misunderstood or abandoned during implementation of practices in school settings. Ultimately Vaandering (2011) concludes:

- “justice is a call to recognize that all humans are worthy and to be honored simply because they are human;
- injustice occurs when people are objectified;
- and the term restorative becomes meaningful as it specifically refers to restoring people to a state of being honored as human” (p.320).

The International Institute for Restorative Practices describes a continuum of restorative practices (RP) that ranges from informal to formal. In their definition of RP, informal practices and processes are proactively used prior to harm being caused to foster relationships and build community (Wachtel, 2013). One setting that is primed for using the full range of RP is schools.

### ***Implementation Patterns of Restorative Justice in Schools***

The use of RJ in schools was first documented in Australia in the 1990s (Gonzalez, 2012; Morrison, 2005). Interest in RJ in schools developed as a response to “zero tolerance” policies which exclude students through high numbers of suspensions, disproportionately affecting students of color. Suspension can severely impact whether a student will persist and graduate from high school. Controlling for demographics, attendance, and course performance, each additional suspension further decreases a student’s odds of graduating high school by 20% (Balfanz, Byrnes, & Fox, 2014 in Gregory et al., 2016).

The term embraced to describe the proactive approaches to build community and foster relationships on campuses prior to harm being caused is restorative practices. Particularly in schools, stakeholders may resist the acceptance of RJ because they view it as another intervention to implement rather than a philosophy, way of life or way of being. Song and Swearer (2016) highlight a few sources of disagreement namely that training models differ and restorative efforts are more suited to experiential learning rather than a manual or guidebook which makes standards nebulous. Without a manual, training cannot be replicated and it is challenging to evaluate it as an intervention. Second, the extent to which RJ is implemented in schools is a concern. A whole school approach to the use of RJ looks much different than just implementing RJ for disciplinary practices and therefore there is not clarity in what “RJ in schools” actually looks like. Lastly, the degree to which racial inequality in schools is addressed through RJ is a point of contention as this is a significant portion of its historical underpinnings yet may not be at the forefront of how schools are approaching the work.

The literature identifies eleven essential elements of RP, divided into prevention and intervention domains. For example, affective statements are a preventative measure teachers and administrators can use while responsive or restorative conference circles are intervention efforts

targeted to repair harm. The success of RP in schools calls for a whole-school adoption of building healthy relationships across the community that moves away from traditional, punitive punishment. Morrison (2005) calls for a five-stage model of implementation that starts with gaining commitment. The cultural shift demands organizational change which presents a challenge for many administrators. To implement systemic change at the whole-school level using reactive conferencing methods of responding to discipline is not enough, but rather a shift in thinking about problems on school campuses is necessary. When a problem arises, “is the problem described at an individual or the collective level; is it our problem or their problem? A shift in mindsets around problems, and how to address them, raises significant challenges for schools” (Morrison, 2005, p.339).

RJ responses are a non-adversarial option that heavily engage at the individual level but also respond to the cultural conditions that enable such behavior and provide tools for prevention education, resolution of individual incidents and a roadmap for reintegration once harm is properly addressed and it is safe to do so (Coker, 2016). When schools approach RJ implementation in this way, research supports changes in school climate. For example, Gonzalez (2012) provides evidence of school climate shifting from disrespect and fighting to acceptance and support. Implementation of RP has resulted in improved teacher-student relationships, which has been shown to improve ratings of school climate by both students and teachers (Gregory et al., 2016). Research from Minneapolis public schools with students ages 11-17 also suggests that students report feeling more connected to the school when RP are used (McMorris et al., 2013). RJ is different from other responses to behavior that causes harm, including traditional student conduct processes, in terms of how effective they are based on student ratings.

### ***Outcome Data for Traditional versus Restorative Response in Higher Education***



Based on case study data of traditional conduct processes, higher education student participants reported understanding the consequences of their actions as one of the main aspects of their learning (Howell, 2005). Students also demonstrated empathy in understanding the needs of others and showed an appreciation for learning about their campus conduct process.

A later study identifies six student development goals based on the synthesis of multiple student development theories relevant to college student conduct administration. They are active accountability and interpersonal competence, which are aligned to Howell's understanding of consequences and demonstration of empathy. Just community/self-authorship, procedural fairness, social ties to institution and closure are the other areas identified (Karp & Sacks, 2014). The authors developed six scales to measure these factors via survey, analyzing data from 18 institutions, representative of a variety of different types and those using a model code versus restorative justice. They reviewed survey data from both student respondents and conduct hearing officers for 659 complete cases representing a variety of conduct code violations. Case administrators self-identified whether they engaged in a model code hearing, a restorative-oriented administrative hearing or a restorative justice practice for each case.

In Karp and Sacks' (2014) study, student learning was significantly lower in the administrative hearing process. For all six student development goals, students stated they learned more when engaged in a restorative practice versus a more traditional administrative hearing. Other evidence from school settings has tentatively suggested that participation in a RJ process is indicative of more positive intermediate outcomes than participation in a youth court or school traditional response. The outcomes were assessed across eight variables, grouped into three areas which included accountability, closure and relationship repair (Calhoun & Pelech, 2010).

In Howell's (2005) study, though many participants expressed that they learned from their participation in a traditional conduct process, some also stated their participation did not result in any learning. When given the opportunity to provide advice to future students, participants said to be honest. They also said to "act" remorseful and tell the judicial officer what he or she wants to hear, which is concerning because it inherently contradicts their comments about being honest. When respondents engage in RJ in response to conduct issues, however, they are not able to evade honestly confronting their behavior and the person to whom they are accountable.

### ***The Method for Responding to Harm: Restorative Conferencing***

A restorative conference is a completely voluntary "structured meeting" (Wachtel, 2013 p. 6) that involves all stakeholders, including complainants, respondents and their supporters in a decision-making process that holds respondents accountable. Participants meet face-to-face and sit in a circle. In this process, respondents own their responsibility in the wrongdoing that has occurred while determining a way or ways to repair the harm caused to the complainant and the community that are recorded in an agreement. The complainant shares the full extent of how they were affected, while also having the opportunity for their questions to be answered. Conferencing empowers the complainant's voice to be heard while also engaging the respondent actively in how the harm is repaired. If a mutual way to repair the harm is reached, then an agreement is signed by both parties. If an apology is offered by the respondent, this would be included in the agreement. Common agreement items also include restitution, education and community service or other types of service for the harmed party.

The conference is facilitated by a trained, multi-partial facilitator. Prior to the initiation of the conference, the facilitator engages in at least one separate preparation meeting with the

complainant and respondent separately, typically with their supporters also present. These meetings are important to confirm the appropriateness of the restorative process, ensure the parties understand how the process will proceed, and establish the goals of each party for participation in the process.

During the conference, the facilitator starts with the respondent and asks the following restorative questions (or a similar variation thereof): What happened? Who has been affected and how? What can be done to repair the harm? The facilitator guides the conversation, keeping it focused on the specific incident, what has happened since and how to move forward (Strang et al., 2006). Conferencing leaves space for the respondent to be reintegrated into the community once they have completed the terms of the agreement.

Conferencing differs from mediation in that restorative justice calls for the respondent to acknowledge and accept responsibility for causing harm in some manner. In a mediation process, the facilitator takes a more active role in moving the parties toward reaching an agreement. Mediation demands that each party be willing to concede a portion of their interests whereas RJ is about addressing harms and needs to the fullest extent possible, with a particular focus on the complainant (Koss et al., 2014; Coker, 2016).

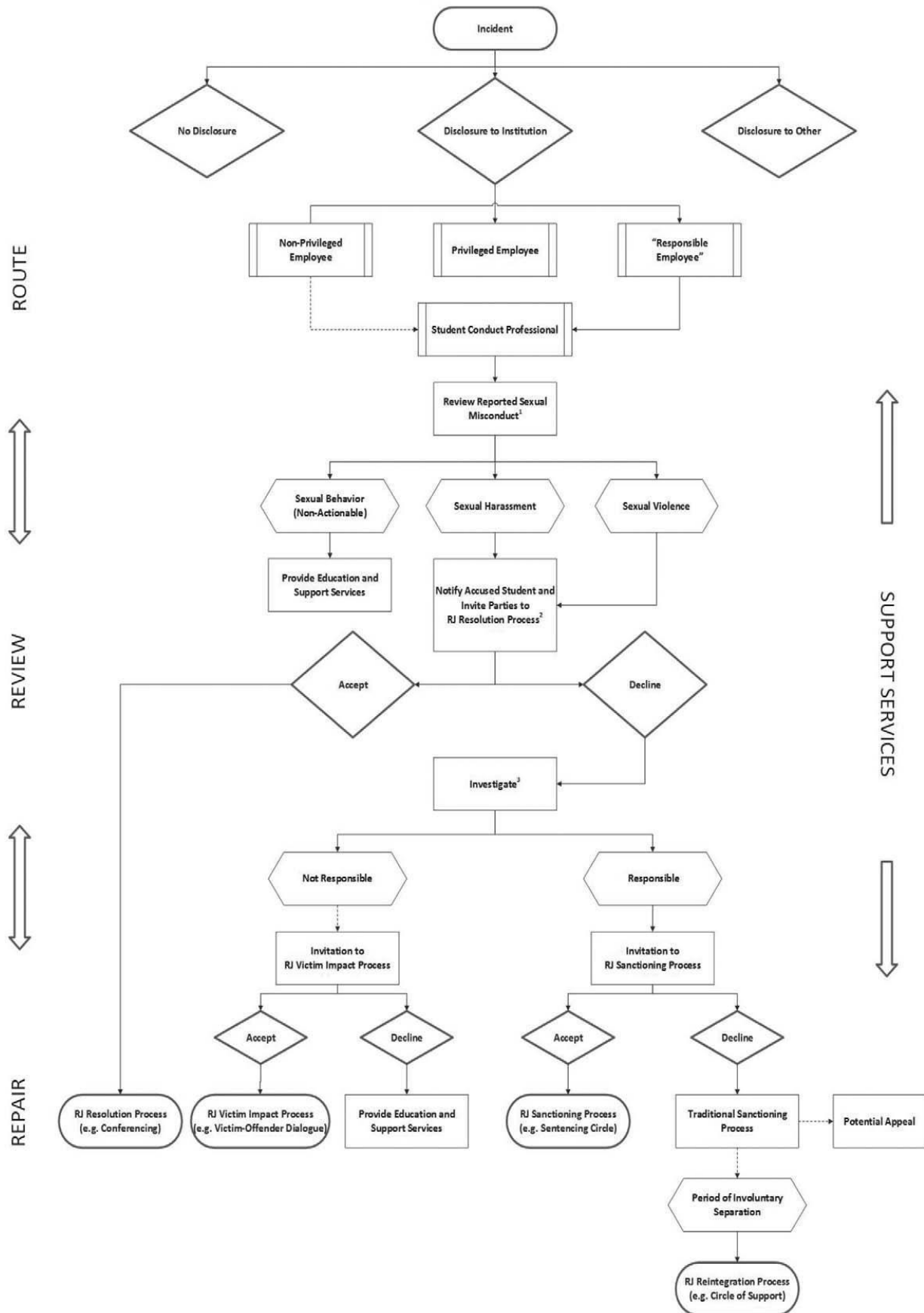
### ***Multiple Restorative Tools for Sexual Misconduct***

Restorative conferencing is the primary restorative process utilized in the context of harm caused by sexual misconduct. Overall, more pre-conference meetings with the facilitator than for other types of harm are likely necessary depending on the type and severity of sexual harm. Resolution agreements in cases of sexual misconduct may also include different parameters to include consent education or other treatment program such as STARRSA (science based accountability and risk reduction for sexual assault) (Lamade et al., 2018).

Koss et al. (2014) describe a set of other restorative processes potentially appropriate in conjunction with a more traditional response (see Figure 1). For example if a respondent is found not responsible for the alleged misconduct in a traditional hearing, they could still be invited to participate in an RJ victim impact process which is modeled after victim-offender dialogues that typically occur in prison. Such a dialogue brings both parties together and is guided by the complainant but often consists of the opportunity to share the impact of the behavior while also being validated by the respondent acknowledging accountability. If a respondent is found responsible for the alleged misconduct, they could also be invited to participate in a sanctioning circle to determine the manner in which to respond to the harm. If a respondent is assigned traditional sanctions that result in a temporary separation from the university, a circle of support and accountability can also be used when the student returns to connect the student with resources while also continuing to model and monitor the anticipated behavior change (Koss et al., 2014).

**Figure 1**

*Flowchart of Restorative Processes for Sexual Harm*



Restorative circles may also be used in cases when the harm has impacted a larger group or community. Circles start with an agreement to create a space where it is safe for parties to speak and be heard. The physical circle is significant in ensuring all parties are on equal ground and establishes a subset of community where people can share their perspectives and how they have been impacted by harm (Wachtel, 2013).

Karp and Williamsen (2020) describe a three-tier, whole campus approach to restorative justice. The first tier involves building and strengthening relationships and in the context of a holistic approach to sexual misconduct, involves prevention education. Circle practices, for example, can be used for sharing, education and reflection of sexual values and community expectations. Tier two involves responding when sexual harm occurs and involves conferencing or circle approaches among others. The third tier of the model engages restorative interventions for reintegration of students when they have been separated from the campus for some length of time. For example Circles of Support and Accountability provide both support but also the opportunity to monitor student behavior and to confirm that the student is responsive to the community's needs, including to trust that they will not engage in additional harmful behavior.

Early adopters have used a larger spectrum of RP in cases of sexual misconduct to meet the needs of their students. For example, at the College of New Jersey (TCNJ), complainants and respondents do not typically meet together but rather meet separately with the Title IX Coordinator. The process is guided by an Alternative Resolution Contract that meets the needs of the complainant and asks respondents to acknowledge the harm that was caused. Rutgers University similarly offers indirect facilitation in addition to face-to-face facilitation. The University of Michigan extends these offerings and includes "Facilitated Dialogue," "Restorative Circle or Conference process," "Shuttle Negotiation" (indirect facilitation), and "Circle of

Accountability” (Orcutt, 2020, p.56). The spectrum of options has evolved to respond to student needs and in turn addresses some of the common concerns with the use of RJ for incidents of sexual misconduct.

### ***Restorative Justice Concerns and Benefits***

When RJ is used in response to sexual violence, victim safety and traumatization concerns surface as well as the assertion that people may not be held accountable appropriately or that offender behavior might not change. Speculation about how power and privilege play out, specifically related to male dominance, is also commonly acknowledged (Koss, 2014; Daly, 2006). Fear that offenders will take advantage in ways they could not in court as well as victims being pressured to go along with something they are not interested in are other named worries (Daly, 2006). Another barrier could be the typical amount of time students spend in college. In one study based on an analysis of 46 serious and violent crimes, 17% of which were sexual assault, the average time from crime to restorative dialogue was 9.5 years (Umbreit, Coates & Brown, 2007). In a case study of an adult survivor of child rape and other sexual abuse, it was critical that the survivor worked closely with a therapist before meeting with her abuser. Following the process the therapist concluded that whether restorative justice is used in cases of sexual violence should depend on the individual and their readiness, rather than the type or category of sexual harm (McGlynn et al., 2012).

Empirical studies provide data about motivation for participation in a restorative process and outcomes of the process for survivor victims (complainants), and responsible persons (respondents), in cases of sexual violence. Koss (2014) conducted an evaluation of RESTORE, a RJ conferencing program adapted to prosecutor-referred adult misdemeanor and felony sexual assaults. In an analysis of 22 cases of prosecutor-referred adult misdemeanor and felony sexual

assaults based on self-report survey data, over 75% of survivor victims cited having an alternative to court as a reason to engage and 93% said “to make the responsible person accountable.” Close to one third of survivor victims did not identify getting an apology as a reason they selected the restorative justice program (Koss, 2014). Koss (2014) also collected process data including participant characteristics as well as referral and consent rates among others. Additional reasons for victim participation include seeking information or answers and showing offenders the human impact of their actions (Umbreit et al., 2007). Ninety-five percent of responsible persons agreed or strongly agreed that “apologizing to the person I harmed” was a major reason they chose the restorative justice program in addition to offenders wanting to help their victims heal (Koss, 2014; Umbreit et al., 2007). Evidence supports positive outcomes for survivors who choose an RJ process.

### ***Participant Satisfaction and Other Outcome Evaluation Measures***

While evaluation efforts of RJ practices for responses to sexual harm in higher education are in their infancy, more thorough evaluations have taken place in other contexts. Participants report high satisfaction when they choose to engage in a restorative process in such contexts. Koss’s (2014) data from RESTORE, indicates that all participants (except for 21% of responsible persons) were satisfied with how their case was handled. Overall, more than 90% of participants (which includes survivor victims, responsible persons, and supporters for both groups) were satisfied with their preparation, the conference and redress plan. One hundred percent of survivor victims were satisfied on five of six satisfaction measures (Koss, 2014). Outcomes were similar in Umbreit et al.’s (2007) study based on national data in cases of violent and serious crime from interviews with participants: all but one participant were satisfied with the outcome of a restorative justice process, with 71% of all participants choosing the highest value of “very



satisfied.” Koss (2014) also found a decrease in Post-Traumatic Stress Disorder symptoms from intake to post conference based on data from clinical assessment scales, with 82% of survivor victims initially meeting criteria and 66% meeting criteria post conference.

Similarly, Strang et al. (2006) interviewed victims of serious crime between 2-6 weeks after their RJ conference. The study was conducted across four research sites, with offenses involving domestic violence or containing any sexual aspect excluded from all. Key results from the study indicated that the proportion of victims afraid of their offender before RJ was far higher than it was afterwards. Additionally, victims of both genders in both London experiments felt much better after the RJ conference than before about the question of “Why me?” in the offender’s choice of target. These responses have powerful implications for links to post-traumatic stress symptoms such as reduced immune function and higher rates of disease which have detrimental long term impacts. Because the four research sites were diverse in makeup of victims, offenders and type of incident, the Strang et al. (2006) study suggests victims of all kinds of backgrounds and circumstances and all kinds of offenses achieve a substantial degree of emotional recovery from RJ.

Significant satisfaction challenges are present for survivor victims in the context of youth sexual violence cases in court versus restorative processes (Daly, 2006). In an analysis of 385 case records involving both court and restorative processes, of the 31% which took place in a restorative justice conferencing context, all victims were able to tell their story at a single time point. Court cases which took twice as long to finalize as conference cases, shifted jurisdiction more often and asked victims to attend court six times to learn the outcome. In theory, the court can impose more serious sanctions. However, additional frustrations for survivor victims arise because youth can deny wrongdoing and only half were proved to have committed a sexual

offense. Of 115 proved court cases in the study, 13% received no penalty of any kind. Of 111 court cases where the sexual offense was not proved, 26% of youth had made full or partial admission to police (Daly, 2006). Where court processes fall short, RJ offers an opportunity for authentic accountability when offenders hear the impact of their behavior and contemplate change.

### ***Restorative Conferencing Results in Behavioral Change in Responsible Persons***

Behavioral change for responsible persons is an important outcome measure from restorative justice processes supported in evaluations of court diverted cases (Beven et al., 2005; Daly, 2006; Bletzer & Kloss, 2013). For example, the prevalence of reoffending was higher for court (66%) than restorative conference youth (48%) (Daly, 2006). In self-reported survey data, offenders rated their ability to remain crime free significantly higher after having participated in a restorative process versus a court process (Beven et al., 2005). Whereas the court focuses on the worst punishment that can be given with repeated offense, restorative conferencing emphasizes behavioral change. Overall, counseling programs are most effective; and conferences typically result in referrals to counseling.

Bergseth and Bouffard (2007) examined the impact of referral to a RJ response on prevalence of re-offense for a sample of teenage, mostly male participants. The average follow-up period was 39 months and they found that a smaller amount of youth referred to restorative justice had new police contact than those involved in the traditional process. This result was replicated with a similar sample across four different types of RJ response and outcomes remained stable: 49.8% of youth referred to juvenile court recidivated in comparison to youth in the no/ minimal RJ (30.8%), indirect mediation (27.3%), RJ panel (24.2%), and direct mediation (33.5%) groups (Bouffard et al., 2017). This result was statistically significant. Rodriguez's

(2007) study with youth in Arizona yielded similar findings. While following youth for a shorter time period (24 months), juveniles in the restorative justice program were .704 times less likely than those in the comparison group to have a petition filed by the county attorney's office.

Conferences offer greater opportunity for self-reflection and harm acknowledgment. In a qualitative textual analysis of ten letters of apology written by responsible persons, Bletzer and Koss (2013) identified ten constructs, six which emphasized "demonstration of growth and change in attitude." The four remaining dimensions included aspects such as not linking themselves to being a victim, not suggesting how the survivor should feel, and refraining from self-importance language. The authors used a rubric with a scale of 0 (minimal) to 1 (high), with high scores clearly expressing language that fit the category. The mean score across the ten dimensions was .79 and harm acknowledgment was the highest mean.

Though not a requirement or expectation, apologies often result from restorative processes. Responsible persons completing the restorative justice program in Bletzer and Koss' (2013) study apologized in a way that recognized the value of engaging in a participatory process, as well as the meetings and therapy that was required of them. Similarly, responsible persons demonstrated an improved understanding of their sexual crime from starting the program to the final reflection opportunity, consistent with the goals of rehabilitation. Of the ten cases cited, two involved survivor victims and respondents who were both in college, which demonstrates the applicability of restorative justice practices to the college setting (Bletzer & Koss, 2013). While evidence in support of RJ for sexual misconduct from assessment in other contexts is strong, little is known about how higher education administrators approach assessment.

### **Assessment and Evaluation in Higher Education**

In a foundational text, Upcraft and Schuh (1996) describe assessment in student affairs as “any effort to gather, analyze, and interpret evidence which describes institutional, departmental, divisional, or agency effectiveness” (p. 18). In an updated text, Schuh et. al (2016) added initiative or program effectiveness to this definition. Effectiveness is further outlined as the extent to which a program, for example, achieves its goals. Upcraft and Schuh (1996) describe various types of assessment activities including learning outcomes assessment, program use, needs assessment, student culture and campus climate assessment, comparable institution assessment, national standards assessment, cost effectiveness assessment and satisfaction assessment. Suskie (2009) suggests that assessment data acts as a guide but does not determine our decisions. She posits that evaluation “..determines the match between intended outcomes...and actual outcomes” (p. 12). In alignment with other scholars, Suskie (2009) concludes that another aspect of evaluation is making determinations and judgments about the worth or quality of a program. It is notable that even defining these concepts and terms demands attention and precision and that there is clear evidence for the growth or shifting in these definitions over time. These definitions of assessment and evaluation are helpful as they are most closely aligned to the context in which my study is situated and provide additional insight for the definition I ultimately adopt in my theoretical framework.

Most commonly, evaluation theorists write about the role of the external evaluator. For example, Alkin and Christie (2013) provide the metaphor of an evaluation theory tree to describe the purposes and development of evaluation theory with branches of use, methods and valuing. However, much less has been written about practitioners as evaluators or internal evaluations in higher education. Ewell (2008) describes two paradigms of assessment. One manner in which he distinguishes these paradigms is internal versus external stance, suggesting that internal

evaluators have a different goal and purpose. He calls the paradigm with an internal stance “Assessment for Continuous Improvement,” statement that the primary purpose is formative assessment for improvement. Other important factors in this paradigm are a predominant ethos of engagement and that assessment results are used “to guide intervention through the establishment of multiple feedback loops” (Ewell, 2008, p. 10).

Regarding evaluation, a common set of constructs are measured in the assessment of restorative justice in the criminal justice context. After examining three models of restorative justice intervention which included peacemaking or sentencing circles, family group conferences and victim-offender mediation, Presser and Van Voorhis (2002) define process evaluations as studies of the extent and quality of program processes and outcomes evaluations as studies of the intermediate and long-term effects of these processes. The authors describe process evaluation of restorative responses as including dialogue, relationship building, and communication of moral values. Outcomes evaluation is focused on repair of harm and offender change. Paul and Borton (2017) describe the current state of assessment approaches to RJ as based in a “goal-attainment model of effectiveness” (p.208). Such a model views effectiveness as directly related to attaining goals, both through process and restorative outcomes. Instead of this approach based on a positivist worldview, the authors write from a communications perspective and posit that a social constructionist approach is more suitable. The stakeholders involved in the RJ process determine what effectiveness is through communication based on accounting for their interests satisfactorily. It gives stakeholders the power to define what is effective for *them*, which flips traditional notions of effectiveness on its head. In conclusion, “Practically, this approach to assessment means identifying relevant stakeholders and studying how they talk about justice,

how their language evolves over the RJ process, how it is rooted in contexts, and how it serves stakeholders' aims and needs" (Paul & Borton, 2017, p.210).

### **Theoretical Framework**

The theoretical framework for this study is derived from Stufflebeam's (2000) CIPP model. Stufflebeam (2000) defines evaluation as "a systematic investigation of the merit and/or worth of a program, project, service, or other object of interest" (p.280). He goes on to add, "Operationally, evaluation is the process of delineating, obtaining, reporting, and applying descriptive and judgmental information about some object's merit and worth in order to guide decision making, support accountability, disseminate effective practices, and increase understanding of the involved phenomena" (p.280). As an evaluation use theorist, Stufflebeam (2000) posits that valuations should provide a continual information stream to decision makers to ensure that programs continually improve their services. Additionally, evaluations should answer stakeholders' most important questions, provide timely, relevant information to assist decision making and provide an accountability record. The theory specifically references use for university administrators and that it is configured for use in internal evaluations, thus, I am applying it to practitioners engaged in evaluation of RJ practices as a response to student sexual misconduct. The CIPP model takes into consideration both continuous improvement, as posed by Ewell's internal stance, as well as outcomes evaluation. The components of the CIPP model are context evaluation (identifying needs to decide on program objectives), input evaluation (decisions about strategies and designs), process evaluation (identifying shortcomings in a current program to refine implementation) and product evaluation (outcomes for decisions regarding the continuation or refocus of the program). University departments move through different stages of the CIPP model as they explore, implement and assess RJ practices for sexual

misconduct on their campus. In evaluating readiness for implementation, my study investigates how the responsible area on campus engages in context evaluation, and to what extent, to assess student needs prior to moving forward with a given restorative practices model. Input evaluation will also be explored in relation to how campuses evaluate human and material resources prior to implementation. This study will explore how campuses approach and the degree to which they engage in process evaluation to gain an understanding of how the approach is actually operating as well as product evaluation to understand whether the campus' intended outcomes for the process are being met.

## **Conclusion**

Responses to student misconduct are rooted in prescriptive processes that in effect, model the judicial system. The processes developed to adjudicate sexual misconduct, which have changed forms numerous times since the passage of Title IX, most typically mimic highly structured legalistic formats (Koss et al., 2014). The limited research on the effectiveness of traditional university conduct processes suggests a mixed result at best; students are not finding the process to be impactful nor is it altering their future behavior (Howell, 2005; Karp & Sacks, 2014; King, 2012). Unfortunately, there is a dearth of rigorous studies about the effectiveness of student sexual misconduct processes. The available evidence does suggest that students are reluctant to report their experience of sexual misconduct (Cantor et al., 2020; Holland and Cortina, 2017; Langton, 2014). One very prominent reason is a lack of faith in university response. It is therefore necessary to examine alternatives to the traditional Title IX response, one of which is RJ, and to understand how administrators are assessing these processes.

RJ describes harm as a violation of relationships rather than of rules or laws (Calhoun & Pelech, 2010). Thus far, RJ has been used on a limited basis as a response to campus sexual

misconduct both because of seemingly preclusive government guidance and general concerns about its use. However, the use of RJ more generally in K-12 educational environments and as an alternative to court processes for youth and adults has yielded positive outcomes for both harmed parties and respondents. The first peer-reviewed quantitative evaluation of RJ conferencing for adult sexual assault conducted fairly recently indicates greater than 90% satisfaction for their preparation, the conference and outcomes (Koss, 2014). With 2020 government regulations allowing for informal resolution as a response to incidents of sexual misconduct, RJ as a viable alternative can no longer be ignored. Doing so would be failing complainants who experience drops in academic performance and increased mental health issues and who feel it is pointless to come forward because of ineffective policies and procedures. This is a further pressing social justice issue because of the degree to which sexual misconduct is perpetrated against marginalized communities, including LGBT and BIPOC.

More research is needed in the context of universities to understand what tools university administrators are utilizing to assess effectiveness and how assessment continues to inform practice. While university administrators are engaging in informal conversations, and some literature continues to emerge, a larger body of empirical evidence will support implementation of RJ on a larger scale. RJ responses have a ripple effect on campus climate and cultural norms which in turn will minimize incidents of sexual harm and mitigate its effects when it does occur.



## CHAPTER 3: METHODS

### Introduction

A small amount of research has examined the use of restorative justice for sexual harm in criminal contexts, and an even smaller number of researchers and practitioners have documented its use with a college student population (Karp & Williamsen, 2020; Koss, Wilgus, & Williamsen, 2014; Orcutt et al., 2020). The conversation deserves to be informed by empirical evidence rather than arguments in legal journals. This qualitative study, focused on the lens of university administrators, provides information about how early adopter institutions assess readiness for implementation and engage in evaluation. Evaluation and assessment are necessary for continuous program improvement and responsiveness to student needs (Ewell, 2008; Stufflebeam, 2000). How institutions are developing and executing evaluation practices, including assessments, is valuable information for other institutions as part of a comprehensive approach to implementation. With consistent data available, schools considering adopting such a response will have evidence in support of implementation, yet there are challenges faced by institutions already implementing such assessments that need to be addressed. The appropriate implementation of an RJ response provides a new way to talk about and address sexual harm which translates to how students interact with one another, form relationships and experience campus climate.

### Research Questions

- 1) Among early adopters of restorative responses to student sexual misconduct what factors were considered to assess readiness for implementation?
- 2) According to university administrators, how and what types of evaluation are being used for restorative practices in response to cases of student sexual misconduct?

- 3) What do university administrators identify as the challenges of implementing evaluation of restorative justice practices as a response to student sexual misconduct?

### **Research Design and Rationale**

This study used a qualitative design featuring in-depth interviews and document analysis. A qualitative approach was appropriate in order to capture the complexity and context of implementation at each institution (Merriam & Tisdale, 2016). I gained an understanding of why administrators worked to establish restorative responses to student sexual misconduct and how they knew their institutions were ready to do so. I explored the resources needed to establish such a response, what steps administrators would recommend other institutions take, and what occurred at each institution. Engaging in a qualitative process provided the personal insight necessary to truly understand how administrators have engaged with restorative practices for sexual misconduct and adapted them to fit the needs of their campus. Utilizing a qualitative approach was appropriate because I wanted to provide a description of and analyze patterns in institutions' policies and assessment documents (Merriam & Tisdale, 2016). I wanted to ascertain similarities and differences in language in universities' policies and understand the questions they are asking in evaluating their processes.

A quantitative approach was not appropriate because there are only a small number of institutions engaging in these practices, and therefore methods such as a survey would not have offered statistically significant information (Creswell & Creswell, 2018). Since my interest was in understanding processes and development of these processes in depth, a quantitative approach was not appropriate. Additionally, I was not trying to establish causation or a relationship between variables through an intervention.

### **Site Selection**

The chosen sites are unique in being four-year institutions who are early adopters of utilizing restorative justice practices as a response to student sexual misconduct. The study is comprised of nine institutions who have been utilizing adaptable or informal resolution processes as a response to student sexual misconduct, specifically based in restorative justice, for a year or more. Most of the participating institutions have implemented a restorative response within the last four years. The campuses range in size and mission or focus. The institutions are located in seven different states, including the western, midwestern and eastern regions and therefore span across most of the country.

### **Sample Selection**

I used purposeful sampling to identify the one to two key administrators who are currently managing the RJ response and the primary or full-time Title IX Coordinator from each institution. In some instances, these roles were synonymous. Key administrators included Directors of Student Conduct offices and other similarly situated positions as these are who typically oversee the RJ response. I contacted them individually via email to invite them to participate in an interview for the study. Administrators involved in the origination of the response were also contacted if they were different than the current key administrators and if needed to fully answer my interview and research questions. I also contacted the supervisors of the key administrators and Title IX Coordinator when primary participants indicated this could be helpful. The goal was to interview two administrators from each site and this occurred at six of the nine institutions. At the remaining sites, the administrators I interviewed indicated they were the only staff involved in implementation or that other administrators would not have more detailed insight than they provided. I interviewed 16 participants from nine different campuses from July 2021 to November 2021. For two sites, two staff members participated in one Zoom

interview together at the same time. Table 1 provides an overview of the participants that were interviewed, with their pseudonym, role and the types of restorative practices offered at their institution. I utilized my own network as a practitioner to contact potential interviewees, including the Restorative Justice Network of Catholic Campuses, as well as information publicly available on institutional websites. I asked participants to connect me with other relevant administrators on their campus based on my criteria, if applicable.

**Table 1**

*Description of Institutions and Participants*

Institution	Number of Staff Interviewed	Staff Role/Roles	Types of Restorative Justice Offered			
			Conference	Shuttle Process	Circle Process (including support/accountability)	Other
Site 1	2	2 Title IX	X			X
Site 2	2	1 Title IX 1 Other administrator	X	X		
Site 3	2	2 Conduct	X	X	X	X
Site 4	3	2 Conduct 1 Title IX	X	X	X	X
Site 5	1	Student Life	X	X		
Site 6	2	1 Title IX 1 Advocacy	X	X	X	X
Site 7	1	Title IX	X	X	X	
Site 8	1	DEI			X	X
Site 9	2	1 DEI 1 Risk Management	X	X	X	X

**Access and Recruitment**

As a practitioner of restorative justice practices myself, I have tracked and followed the development of these practices on other university campuses for several years. I have built relationships with fellow practitioners in the higher education setting over the past couple years.

I attended a conference almost three years ago where I closely interacted with a contact at an institution with whom I have remained in touch and who has since provided suggested contacts. I have attended webinars and other professional networking opportunities within the last two years which have connected me more specifically to campuses engaged in RJ work in response to student sexual misconduct. I am also involved in multiple practitioner networks and have met with colleagues for their consultation on the direction of my study.

Through my daily work as a practitioner, I built connections with individuals who were ideal candidates for my study. I emailed specific contacts at early adopter institutions informing them of the study (see Appendix A), provided a link to a study information sheet (see Appendix B) and requested their participation. Once participants responded to confirm their participation, I requested their availability for a Zoom interview. I confirmed their scheduled interview time via email, provided a Zoom link and requested that they bring any evaluation documents they were utilizing to the interview. One to two days prior to their scheduled interview, I sent participants a reminder email containing the Zoom link again. I informed all of my participants that I would provide my main findings and conclusions to them so that they gain an understanding of how other campuses are approaching evaluation and any tools or resources that might be of assistance to them.

### **Data Collection Methods**

Data collection was conducted primarily through interviews. Since I wanted to understand how institutions assessed readiness for implementation, I interviewed between one and three key administrators from each of nine institutions. Of the total of 16 key administrators, I interviewed the Title IX Coordinator and the administrator currently involved in overseeing or executing this response, if different. If there were additional administrators who were involved

with the inception of the restorative response to student sexual misconduct, I interviewed them as well. The same set of individuals was the best source of information for understanding the use of evaluation on their campus as they were involved in the design and execution of such evaluation.

All of the interviews were semi-structured with open-ended questions guided by an interview protocol (see Appendix C). Interview questions were focused on factors considered in determining readiness for implementation of restorative practices as well as challenges and how they were addressed. Questions also pertained to the key elements of institutions' evaluation work and how assessments or other evaluation measures were developed. Interviews lasted between 75- 90 minutes, with the exception of one interview which lasted 34 minutes, and were conducted via Zoom. The interviews were recorded via Zoom and with an iPhone as a backup. I also took notes on participant responses while the interview was being conducted.

Additionally, I collected data in the form of documents. I read policy and other documents readily available online prior to conducting interviews. I navigated to the student conduct, Title IX and restorative practices websites of the institutions to obtain these materials. I studied and downloaded PDF copies of materials for analysis. For each institution, document analysis of student conduct codes and student-on-student sexual and interpersonal misconduct policies supported the classification of types of restorative justice practices (see Appendix D). Analysis of process flow charts and student handout documents that outline process descriptions provided further clarification of response type, as well as process workflow and provided insight into what information is shared with students. In the case of three institutions, document analysis of assessment or evaluation instruments illuminated the key elements of assessment. I asked interviewees to direct me to or provide any documents they thought would be helpful for my study. While I also asked interviewees to share with me who the RJ process is serving by

requesting aggregated statistics on gender, race, and class year of student participants, for all campuses, this either could not be shared due to privacy concerns or due to small sample size. I examined documents provided to me for each institution separately after the scheduled interview times as needed and spent as much time as was needed to adequately comprehend and analyze them.

### **Data Analysis Methods**

I listened to the recorded interviews while reviewing transcripts obtained from temi.com as an initial stage of analysis. Then I reviewed the transcripts for accuracy and simultaneously filled in my notes and made memos about implementation factors and patterns in responses regarding evaluation. I repeated this process following each interview (Merriam & Tisdell, 2016). I used Dedoose online coding software to facilitate initial deductive coding using the components of the CIPP (Context, Input, Process, Product) model for evaluation as a guide. Codes from the first transcript served as a guide for those which followed, however, additional notes contributed to an emerging list of codes (Merriam & Tisdell, 2016). In evaluating readiness for implementation, I looked for evidence of each campus engaging in context evaluation to assess student needs prior to moving forward with a given restorative practices model. I looked for evidence of input evaluation through reference to human and material resources, such as support, staffing and training. Process or outcome-focused language regarding assessment and evaluation was also part of my CIPP coding. I coded each transcript line by line and generated a total of 17 codes and 10 sub codes initially. I exported the data from Dedoose into Microsoft Excel workbooks that were organized by participant pseudonym, codes, sub codes and participant responses which corresponded to each code. After interview data was organized in this way, I engaged in open coding and looked for additional emerging themes in participant

responses. Next I reviewed data gathered under each code and through pattern coding sorted any additional codes that appeared to belong together to create final categories. The review yielded 10 primary codes and 8 sub codes. Relevant data from the transcripts were reviewed again and more precisely coded according to the final established categories.

For my document analysis, I confirmed the accuracy and authenticity of the documents because I was in communication directly with their authors and drew documents directly from institutional websites. I used content analysis and also referenced the codes which emerged from the interview transcripts to determine if they were present in any form in the documents I collected (Merriam & Tisdell, 2016). For policy and process flow chart documents, I examined what types of processes universities offer, what they name these processes, references to who determines the process is appropriate and looked for similarities between policy language to determine if certain policies acted as models for others. For assessment instruments, I looked at what question types were primarily employed (i.e. short answer, Likert scale) and themes of the assessment or key elements assessed. I also looked for evidence of process versus product assessment as described by the CIPP model.

### **Management of My Role**

I positioned myself as a UCLA doctoral researcher who is also a fellow practitioner. I did not have an affiliation with any of the institutions I studied beyond my role as a fellow higher education administrator. I do not supervise any of the administrators I spoke to or hold a formal position that could potentially have influenced their responses. Through sharing my passion for restorative practices with the contacts I had made up until the start of my study, I had been able to build rapport and share opportunities and challenges of the work. The philosophy and counter-cultural nature of this work demand that practitioners share a common language with which I am



familiar and my knowledge and experience served as an asset to having rich conversations with participants. Nonetheless, in my research process, I was mindful not to bring the focus to my work but rather clearly express to my study participants that I wanted to learn from them and understand their perspectives. I reminded participants of the voluntary nature of my study and that I worked to protect their identities to the greatest extent possible.

I highlighted for the contacts for my study that by participating and giving their time, they were making a huge contribution to the development and growth of restorative practices in our shared college setting and for this type of issue. I wrote individual thank you notes to recognize each interviewee's contribution and sent a \$25 Etsy gift card as a token of appreciation.

### **Credibility and Trustworthiness**

The largest credibility threat in my study was reactivity. The participants knew that I selected their institutions because they are among the few institutions implementing or in the process of implementing restorative practices for student sexual misconduct. Interviewees may have felt pressured to answer in ways that demonstrate proficiency in implementation or in the development of their evaluation practices. Since I asked about assessment and evaluation, some interviewees may have felt that they should be further along with these elements and may not have been completely honest about their struggles or challenges. Utilizing standardized interview and document analysis protocols as well as standardized coding procedures facilitated my collecting data in a systematic fashion so that I asked participants the same questions, regardless of their identity or how well I knew them (Creswell & Creswell, 2018). To ensure that my protocols were sound, I practiced asking my interview questions with two colleagues so that I could ensure my probing questions were not leading. This provided practice with focusing on

listening, and encouraging honest responses (Merriam & Tisdell, 2016). In addition, I encouraged respondents that the way they can help other institutions get started with RJ is by being completely candid about the challenges they have faced along the way.

My own bias was also a factor I needed to account for. I am a proponent of restorative processes and believe that they can be a much better option for many students in comparison to a typical, more formal process. I collected rich data so that I could offer direct quotes to either confirm or contradict my own biases. I used negative case analysis to rigorously examine both the data which supports what I believe and the discrepant data that may suggest that evaluation is not even a factor that practitioners are considering or not in a systematic way (Creswell & Creswell, 2018).

Triangulation across methods was used. I triangulated what was shared with me in my interview data by checking it with what I read about in my document analysis regarding types of and approaches to evaluation (Creswell & Creswell, 2018). By collecting data at multiple sites, I was able to make comparisons and analyze any common themes across the sites that emerged. I do not specifically intend for my results to be generalizable to other sites; however, I provided detailed descriptions in my findings so that those who read my study will be able to determine what might be applicable to their own context.

### **Ethical Considerations**

No ethical concerns emerged from my study. While I anticipated that some of the sites that participated in my research would not have concerns about remaining anonymous because many institutions have extensive information on their websites, volunteer information through online networks and have participated in best practices webinars available to the public, I nonetheless used pseudonyms for both participant and college names. All participants were sent

a study information sheet before participating in the study, where information about confidentiality and voluntary participation was addressed. Participating institutions were reluctant to share some of the utilization data I asked for, even in aggregate, due to FERPA guidelines and the sensitive nature of being involved in a restorative process in response to sexual misconduct, however this was not the focus of my study. I ensured their decision to share such data with me did not impact their participation in the rest of my study. It was important to avoid exploiting my participants and be respectful of their time and energy. I therefore wrote a note and sent a \$25 Etsy gift card to each interviewee and will be sharing a practice brief based on my research with each institution.

Audio files, transcription files and any assessment or evaluation documentation provided to me by institutions were kept in UCLA Box folders which are password protected. Interview files were labeled with pseudonyms. A key that matched real names to pseudonyms was stored in a locked cabinet in my home.

## **Conclusion**

This study used qualitative research methods, which included in-depth interviews and document analysis to provide a complete understanding of how college administrators determined their campus was ready for implementation of restorative practices for student sexual misconduct and how they are evaluating their efforts. The design of the study allowed for checking of data across methods and sites. The study findings contribute to gaps in the literature and practitioner discourse about how campuses are successfully implementing restorative responses and how they are providing evidence of their effectiveness.

## CHAPTER 4: FINDINGS

### Overview

In this chapter, I report the findings of a qualitative research study that focused on nine four-year college campuses that are early adopters of restorative justice responses to student sexual misconduct. The campuses range in size and mission or focus. The institutions are located in seven different states, including the western, midwestern, and eastern regions. The purpose of this study is to add to limited existing literature about restorative justice responses to student sexual misconduct. It provides information about how institutions assess readiness for implementation and evaluate their practices following implementation. I conducted fourteen in-depth interviews with a total of sixteen Title IX coordinators and other administrators, in addition to document analysis, and sought to answer the following research questions:

- 1) Among early adopters of restorative responses to student sexual misconduct what factors were considered to assess readiness for implementation?
- 2) According to university administrators, how and what types of evaluation are being used for restorative practices in response to cases of student sexual misconduct?
- 3) What do university administrators identify as the challenges of implementing evaluation of restorative justice practices as a response to student sexual misconduct?

I found that administrators at early adopter institutions considered whether they had buy-in and support from on-campus stakeholders as well as the capacity of staff to implement restorative justice practices. Administrators also expressed that having an institutional foundation in restorative justice prior to implementation, for cases of sexual harm, contributed to their readiness. Additionally, administrators needed to be comfortable with their policy language and

were cognizant of potential legal issues that could come with implementation of restorative justice practices.

While evaluation is not a formal part of the implementation process in many settings, I found that campuses conducting evaluation are assessing how students feel about the process itself and about outcomes of the process. Finally, I found that university administrators named fear of causing harm to students as a challenge of implementing evaluation in addition to challenges with time and staff capacity.

### **Stakeholder Buy-In and Support**

#### ***Student and Administrator Need for Options Other Than an Investigative Process***

One of the factors administrators assessed in terms of readiness for implementation was whether there was a need for a process other than the investigation/hearing process. If the investigation/hearing process met the needs of students and administrators, there would be no need to pursue an alternative option. Administrators framed the need for another process option in two ways: five from their own vantage point as someone typically conducting an investigation/hearing processes and ten from direct feedback from students.

The five administrators expressed that if there was a way to provide more options for students, it was only logical for them to do so. For example, from her perspective as a Title IX Coordinator, Lupe said the need for another option “was my readiness.” She described that having formal investigations or just offering resources “wasn’t enough.” There was a “huge hole” from her observations of students who wanted to address what had happened to them but not “go through a six-week investigation.” While all five administrators were not as direct in saying so, Lupe and Gabriela explicitly stated the formal investigative system does not work for students. This concern is consistent with Cantor’s (2020) research which articulates student

victims' concerns about campus officials conducting a fair investigation. It is also consistent with Holland and Cortina's (2017) finding that lack of faith in university response to sexual misconduct is a primary reason students do not report. Regarding the students she works with, Gabriela said "the system isn't working for them."

Daniel, who along with Felicity and Veronica was less direct, echoed Lupe's desire and almost duty to provide students with alternatives to an investigation process to address sexual harm. He stated, "of course, you know, we would, um, uh, you know, seek to provide as many options, as much autonomy as we possibly can." Daniel linked giving students choice with providing autonomy, which reflects his knowledge that people who have been sexually harmed often experience a loss of control. Felicity similarly shared that she wanted to provide choice on her campus so that students could be "in charge of their own journey." Veronica framed her goals in a similar way: wanting to "help more students" by having a process other than the investigation.

Direct student voice has made the need for another process option clear for many administrators. While the way administrators received or in some cases sought out student feedback varied, ten participants described students directly expressing a need for such a process. Daniel had feedback from a student leadership group that he took into consideration. Felicity at Site 4 shared conversations with a particular student group taking place on her campus. Sam, also at Site 4, described that while students were not necessarily aware of restorative justice, they did directly express a need for an alternative process. He said, "...they didn't necessarily have the language of, we want this to be a restorative justice process, but a lot of what they were communicating was we want a, another option or we want a different option." Restorative justice is unfamiliar to many students and other community members until they engage in the process.

Nonetheless, Sam listened closely enough to understand that even without full clarity of what they wanted, the investigation/hearing process was not what students desired or what would meet their needs.

Amber and Helen had specific stories about the way individual student requests and feedback created impetus to move forward with restorative practices on their campus. Amber facilitated one process based in restorative practices prior to it being written formally into policy. She received clear feedback from the complainant that the process fulfilled her needs. Helen recalled having to tell a student requesting a restorative type of process that she could not facilitate it because she was not permitted to under the policy at that time; she felt the student was going to “find some challenges to their healing process.” These concrete examples of student need for options cemented for administrators that they had student stakeholder buy-in to support implementation.

Students experiencing difficulty with healing was not the only challenge administrators witnessed. Based on their experience, half of administrators expressed how an investigation/hearing process did not result in the best outcome for students or did not achieve the goals of the reporter. This was supported by direct feedback that administrators received from students about what they wanted that could not be provided through the existing process or support options. This finding is consistent with DeMatteo et al.’s (2015) finding that less than one-third of students who reported sexual assault indicate satisfaction with how the incident was handled by their academic institution or law enforcement.

Healing, accountability and understanding of impact are all examples of needs students shared with administrators. For example, Debbie shared hearing from students “...I want this person to understand the harm they've caused and, and to acknowledge it.” Lupe, Olivia and

Celeste all had examples of students making almost identical requests. As an administrator, Amber also expressed feeling compelled to offer more ways to address harmful behavior. She shared "...anything we can do to increase the ability for individuals to understand their actions and its impact is a win for the college" given the low number of students who typically want to proceed with a process after making a report.

Some students framed their desire for a different process as connected to their healing. Jade recalled a student saying "... for me, healing would be just this person knowing, you know, being able to share with this person, my experience, my story..." For Veronica, students could similarly articulate that an investigative process was not healing. Multiple administrators framed students' requests as a need for accountability, with students' own words being that they wanted the other person to know that what they did was wrong and acknowledge it. In summary, administrators assessed need for options, both from their own perspective and from student voices as stakeholders, prior to implementation of restorative practices for sexual misconduct.

### ***Key Collaborations with Title IX, Conduct and Advocacy Offices***

Administrators recognized that sexual misconduct is not an issue that remains contained in one department. Rather, it requires engagement or collaborative work from multiple departments on campus. Therefore while one area planned to take the lead on restorative practices for sexual harm implementation, every administrator spoke to other partners that needed to be involved. The partnership ensured administrators had the support that they needed to try something new and the infrastructure to make the new process option sustainable. Karp and Williamsen (2020) concur that staff who respond to campus sexual misconduct "should be trained in the policies and possible options for resolution, including restorative options." The



authors also cite that this training should include “campus safety or police, advocates, prevention educators, dean of students’ office staff, student conduct staff, and all Title IX staff.”

Over half of administrators described Title IX personnel as the leader of the work or a necessary collaborator to establish readiness. Sam shared that Title IX “was another clear partner” and “should be involved” when he spoke to the steps prior to implementation at Site 4. Sam elaborated that Title IX staff have expertise in understanding sexual harm and the laws relevant to sexual harm. Felicity, also at Site 4, confirmed that the “Title IX office was a great collaborator.” She specifically shared that their “buy-in” was needed to move the implementation process forward. Jade in the Title IX office at Site 4 likewise explained the relationship as a “partnership.” Other administrators described the importance of the Title IX Coordinator weighing in or providing their support for the institution to be ready to move the restorative process forward. In addition to the “buy-in” that Felicity shared, similar language such as “on board” and describing Title IX as “stakeholders” was used by other administrators. Debbie concurred in having a working relationship with Title IX. However, Title IX was not necessarily part of readiness because restorative practices-were already well accepted by their community.

The Student Conduct office was, for almost half of participants, one of the primary areas involved in the decision and plan to move forward with restorative practices for student sexual misconduct. In some cases, Student Conduct took the lead, while in others they were one of the key collaborators. On his campus, Sam described the Student Conduct department as “leading the charge,” which was true of multiple campuses. Sam shared that by design, Conduct was going to own and facilitate the restorative response to sexual harm. Veronica, based out of the Title IX office shared that the Conduct “...director and their staff was really supportive.” On Veronica’s campus, the collaboration with Conduct was multi-layered: the department offered

their experience and support from their staff. Celeste described a “natural kind of built-in relationship between the Title IX office and the conduct office.” She elaborated, “you have to have a good working relationship with [conduct].” Celeste shared that there was a path forward for Conduct staff to serve as facilitators for restorative practices for sexual harm because of their background doing Title IX hearings.

Just over one third of administrators described the advocacy office as another key collaborator. Veronica stated the director of the office “really bought into restorative justice” and had a knowledge base that facilitated implementation on their campus. Helen shared a process of “working to build trust with the office so that they could see that we, um, are doing this in service to survivors, not to, um, brush anything under the rug.” Helen acknowledged that if the staff supporting students through experiences of sexual harm did not have confidence in a restorative process option, they would not provide positive information about this option to students. Helen and her team worked so that advocacy staff were informed about and open to a restorative process option to make it sustainable on their campus. Olivia as a member of the advocacy office herself, was one of the primary forces moving her campus toward a restorative option in partnership with the Title IX office.

In contrast to these examples of partnership with advocacy, Lupe shared that not having an advocacy office on her campus was a barrier and a challenge. She had to focus on partnering with the Conduct office and other areas on campus to build the infrastructure she needed to confirm she was ready. These findings support Landreman and Williamsen’s (2018) argument for “intentionally working across departmental lines to make strides in creating violence-free campuses.” Overall, administrators described establishing collaborative working relationships with several departments on campus as critical to their readiness due to the staff support,

knowledge and experience these areas provided. Close to half of participants named Title IX and Student Conduct as a leader or partner, while just over a third named the advocacy office.

### ***Support from Top Level Administration***

Nearly two-thirds of administrators cited a Dean of Students/Vice President level or above playing a role in moving restorative practices for sexual harm forward on their campuses. Since they were trying something new, administrators needed to know that supervisors would provide support and not question the decision to implement later. Administration support meant that resources for training and staffing could be provided, which became critical components for successful implementation. Participants commonly referenced the term “buy-in” to describe the ways in which upper administration were committed to offering a restorative response and even advocated for it. Margot shared, “Um, we were very lucky at Site 1 that our associate vice chancellor and dean of students, um, had already known about restorative justice and was on board.” Margot shared that this administrator had experience with other types of conflict resolution, so they were invested in moving restorative justice forward. The associate vice chancellor and dean of students’ one request was that staff members be trained. Celeste echoed that the last dean of students on her campus “was really, really interested in having restorative practices on campus” and how that inquiry helped move her closer to implementation for incidents of sexual misconduct.

Sam at Site 4 also described having support from administration. The support came from top level student affairs administrators, which Sam shared were “really interested in this and onboard with this and helped give funding” for restorative practices training. Lack of support from administrators would have been a sign that Sam needed to do more work to build the interest and buy-in necessary to secure the appropriate resources. The support at the top level

uncovered from this study is consistent with Karp and Williamsen's (2020) recommendation that it is necessary to "build widespread support." However, this finding also expands upon the recommendation as Karp and Williamsen (2020) do not specify what elements of support are needed.

Jade also at Site 4 framed her response slightly differently. She articulated that restorative practices implementation was supported "up to the cabinet level" and more significantly "that also means that the president of our institution" was supporting the work. Amber and Lupe both described needing cabinet level approval before moving their policy forward. Helen in turn named "support from university leadership" as among the key factors for readiness for implementation. She said specifically the "associate vice president of student life" was directly involved in decision making to advance restorative practices efforts. This finding supports Koss et al.'s (2014) scholarship that on higher education campuses trying to implement RJ for sexual misconduct, "leadership" and "vision" are necessary to anticipate pitfalls for implementation. Koss et al. (2014) include "student affairs staff and administrators" among groups who must provide "input and consensus" for such a process to move forward.

While administrators described a high level of support from senior student affairs administrators, Cabinet and Presidential levels, four administrators mentioned they were trusted to do the work without direct oversight or micromanagement. Gabriela shared that her colleague Debbie, along with another colleague based out of Human Resources, have an "administration that really lets them go in a direction that they want to go" and that it has worked out well for them. Because of their knowledge and expertise, these administrators were given the space to design the response they felt would best meet the needs of students. They have continued to engage in their work without much oversight. Mary similarly described that having buy-in from

top administration was key. She qualified that while she and her colleague Lupe were obligated to keep top administrators “informed,” “they trusted us to do it the right way.”

Close to two thirds of administrators described that senior administration, sometimes up to the Presidential level on their campus, supported the ideology of restorative practices. They therefore provided needed fiscal and staffing resources to support implementation, which was critical for readiness.

### ***Community Ethos***

On many campuses, administrators described a community ethos that fostered acceptance of restorative practices as a factor considered for readiness. Administrators highlighted that their student population in particular possessed community-centered values. Therefore administrators felt offering restorative practices for sexual harm would be supported by students. Amber at Site 7 described a community-minded ethos existing prior to implementation:

..our students, I wouldn't say like social justice minded, but I do think the care and concern for their peers is, can almost impact their experience more. So like if my friend is hurt, I'm going to wear that burden for my friend. ... And I think that's just kind of built into that community culture that I really think when sexual violence occurs at Site 7, that ripple effect of community harm is really felt in a variety of ways.

The care and concern Amber witnessed provided a positive indicator of readiness for implementation of a restorative approach to student sexual misconduct. This care contrasts with a hearing process which is standard and often becomes adversarial. Restorative approaches also provide a way for the “ripple effect” of harm to be addressed that a hearing process cannot.

A clear community-minded ethos signals a desire for connection rather than opposition. Such a desire indicates that students would select a restorative option, which would confirm

administrators' time and effort in making it available. Furthermore, it suggested that students would not be dissatisfied with the process and would not pursue legal action against the institution. Debbie described that on her campus, almost everyone is familiar with one another such that there is a direct connection when someone harms someone else. She shared the fact that "folks are in community with each other" means that they had different needs for responding to such harm. Debbie stated,

And we've just consistently found that students are not looking for, like, I need this person to just disappear or to be punished. They need to be heard and affirmed by someone who knows them, um, and who they have shared friends with.

A heightened community consciousness resonated at Celeste's institution as well. She was more direct in naming "restorative and/or transformative justice" directly. She described that these concepts "kind of flow through the ethos of what people just know or understand." She echoed Debbie's comments about students wanting alternative ways of addressing behavior and to "hold people accountable for all kinds of things." Celeste elaborated that on her campus, responding to sexual harm with a restorative process "flowed" with a lack of belief in both "carceral organizations" and traditional ways of punishing people. Nearly half of participants described that their campus, and particularly students, shared a culture of community care that supported implementation of a restorative process option.

## **Staff Capacity and Training**

### ***Staff Roles***

Prior to fully committing to implement the restorative process, administrators needed to have the correct staff in place so that they would have the bandwidth to carry out the work. For nearly half of participants, this translated to ensuring staff had enough time to do the work or that

there was enough staff to manage the workload. Debbie described working on a team of three on her campus in the implementation planning process and continuing to utilize this structure for process facilitation. Debbie shared “I can’t imagine doing this alone” and that while she was confident Gabriela could work alone, she felt “having a listener in a conversation, an intense conversation is invaluable.” Debbie and Gabriela clearly communicated that each case is unique. Having support in the form of multiple staff ensures no details are missed and the fidelity of the process is maintained. Daniel described being fortunate on his campus because he has a “deep bench,” meaning dedicated staff to do restorative practices work, including specific to sexual harm, as well as staff who have the necessary skillset. The combination of staffing and appropriate skills enabled his team to be confident moving forward with restorative responses. He shared that as the work has expanded, he has been able to add staff, which is necessary to sustain the work.

Similarly, Sam at Site 4 described benefiting from having “staff members that are specifically dedicated to restorative processes,” with some of these processes being for sexual harm. Felicity echoed being “fortunate that we had enough people.” However she and Jade, both at Site 4, described the challenges with determining if there were enough staff and the roles they would play. From Felicity’s role in Student Conduct she stated she and her team, “thought a lot about the, this, the human resources of our unit.” From her perspective as the Title IX Coordinator, Jade confirmed that careful thought was put into human resources. Jade said there was “a conscious decision from the beginning that Title IX would not be involved” as facilitators because of role they still played with investigative processes. Administrators must still manage an adjudication process while also offering restorative practices, which can be difficult with case volume. Furthermore, students can initiate one process and subsequently choose to opt into

another, yet the same staff cannot be involved in both processes. Nicole reinforced the concern about having enough staff prior to and now during implementation when she described being the only staff member leading this work at a smaller institution and wearing “so many different hats.”

Multiple administrators described creating or designing the process on their own, but to execute the process and manage day-to-day work, they needed to ensure they had staff supports in place. This consisted of administrative support or some type of team support or structure beyond just an individual. Helen described an individual staff member taking on multiple roles in the process can be difficult and was an aspect her campus considered prior to implementation. She shared that occupying the facilitator role “is a lot to carry sometimes” in terms of the skills and demand on energy the process calls for while also trying to be “administrator or the program manager” and following up on “administrative stuff.” She therefore shared: “I believe that it’s helpful to have some strong administrative support for this work.” Administrators considered staffing to prevent burnout and ensure the process would be sustainable. Amber shared that while she felt she had enough staff to begin offering a restorative response on a smaller scale, she would have difficulty offering it more widely at Site 7. Currently because “so many people wear so many different hats” at her institution, it would feel as if she were “asking one more thing of people who are at capacity.” Celeste and Amber are both pulling staff from other areas and had support to do so.

Administrators also thought critically about who should serve in the facilitator role in the process based on temperament and skillset. Six administrators highlighted the importance of skilled facilitators for engaging in restorative practices for cases of sexual harm. Most administrators spoke more generally to staff who were skilled. Jade and Breanna both spoke to



training being necessary and Jade even shared that “the right people” should have the training, indicating that not everyone is suited to be trained and become a facilitator. Sam thought that facilitators should have “experience facilitating restorative processes that do not involve sexual harm.” Helen spoke to facilitators who had experience navigating “trauma work.” Debbie shared the importance of “awareness and self-awareness” and Gabriela agreed that there are some people who don’t have the personality to facilitate these cases.

In summary, administrators named both having enough staff and staff skills as critical components for establishing readiness. Staff dedicated to restorative practices and even support staff were cited as valuable. Self-awareness, being trauma-informed and experienced with facilitation are critical skills.

### ***Training Specific to Sexual Harm***

Seven administrators shared the importance of training that was not generalized but rather had specificity both to their context and the subject matter. Amber was explicit about the necessity of training and that it should be “specific higher education, restorative practices training, um, if you’re going to do it in Title IX work.” While there are a growing number of restorative practices trainings available, Amber named the higher education context as a unique territory to navigate. She also separated sexual misconduct work from other applications of restorative practices in higher education for which more generalized trainings might be suited for. On Sam’s campus, they trained a large group of staff over a period of several days and the training was “specifically on the topic of restorative justice and sexual harm.” While other campuses hosted larger group trainings on restorative practices more broadly, it was exceptional that Sam’s campus hosted a large group training for cases of sexual harm. Debbie reiterated the importance of staff doing the work having training “about this particular kind of restorative

justice work” and making sure those are the staff who become involved in executing the process. Celeste reiterated seeking out training that was relevant to Title IX.

Training was a critical factor and sometimes the most critical factor for five administrators to feel confident with moving forward with implementing restorative practices for sexual harm. On many campuses, even with experience of restorative practices more generally, administrators were uncertain if they were ready until they engaged in specific training for sexual harm cases. Such training provided new insight about how to pursue offering the restorative option on their campus. Veronica shared that it was “A hundred percent the training” that equated to readiness for her and her team. She was desirous of implementing restorative practices for cases of sexual harm, with her original interest being sparked by more general restorative practices training. The training specified for sexual harm was truly what provided the tools she needed: “looking back, we were not ready, but that training changed everything. And I think we were all more confident after we went through it and our office, our director was confident in trying it out after that, um, training.” The training contributed to Veronica’s own confidence, the confidence of her fellow team members and her supervisor which supported the group in deciding to collectively move forward.

Felicity and Sam similarly confirmed that at Site 4, the training they participated in was a defining moment. As the leader of the team, Felicity shared, “when we finished the training is when I would say, I knew we're ready, ready to do this” and Sam stated the training “in a lot of ways was confirmation we can do this.” For Felicity and Sam, the training served to quell hesitations and help them determine how they would institute their response rather than if it was even possible at their institution. Overall, without training specific to implementing restorative

practices for cases of sexual harm, administrators would have experienced some caution or hesitation in moving forward with implementation.

### ***Funding For Training and Who to Train***

Other than personnel costs, there were not many costs administrators cited as being part of their implementation plan for restorative practices. However, all administrators expressed that they needed funding for training. As part of their readiness assessment, they therefore had to determine if these funds were available and where they would come from. Breanna gave her frank assessment that “I mean it requires money, it just does because it's not a skill set that people naturally have.” Breanna recognized that to be a competent restorative justice practitioner, investment in training was required. Funds for training were needed to fill a gap between having an interest in implementing restorative practices for cases of sexual harm and actually being able to carry it out. Both Jade and Lupe shared that securing the funding for training created momentum and meant that their campuses would be able to offer a restorative response. Mary shared that the training “was pretty pricey” and the fact that it was “funded through the operating budget” of Title IX demonstrated the institution’s commitment to ensuring the success of restorative practices from the beginning.

Debbie at Site 9 shared that most of her area’s expenses went and continue to “go to training.” Gabriela, also at Site 9, emphasized “I do feel really good about our opportunities to go to trainings and then go to more trainings.” Debbie expanded “we've just used the bulk of our money for training, because we felt like it's important.” She defined the importance of training from the perspective that implementing restorative practices has time and labor costs, but not much else, so the people doing the work need to be competent. Funding sources varied amongst campuses, with two institutions having grant funding available, some mentioning funding

support from leadership and nearly one third of administrators stating funds came from a professional development budget.

Along with ensuring funds could be secured, administrators considered who should be trained. They were strategic about including campus partners or leadership who they would need support from in order to move restorative justice for sexual harm forward on their campus. For some campuses, the initial group training was a general restorative practices training rather than being specific to sexual harm. Multiple administrators shared hosting training with a wider audience multiple years ago and that this is how they had started to build buy-in on their campus. Olivia, for example, described having strategic stakeholders in attendance for a general restorative practices training including the “chief diversity officer, “a couple faculty members” and the “Dean of Students.”

For two administrators, group training specific to sexual harm was key. Jade shared including “faculty” in this training and Lupe shared being able to “train the first 20 people” with the funding she had secured. Jade described intentionally offering the “training very broadly” so that anyone interested could participate and gain an understanding of what the process would be on campus.

Helen recommended group training and did not feel that it needed to be specific to sexual harm. She recommended that administrators “send several members of your institution to training.” She shared that some training attendees come to the realization they are not suited to be a facilitator, however there is still value in their attendance “because they understand it” in terms of growing their knowledge around restorative practices.

While Debbie’s campus was one in which buy-in started with a general campus-wide restorative practices training, Debbie also described how it was important that she and the two

other colleagues who would work together on building the response all attended more specific training. She shared at the end of the training they could ask each other “what did you get out of it” and engage with one another around what they were learning. Debbie confirmed because of attending training and being in communication with multiple colleagues, “I just think that had such a bigger impact than me going off by myself to a two- or three-day training.” Every administrator expressed the need to have funding for training as part of their readiness. Once funds were secured, administrators were strategic about the training offered and including stakeholders who would help propel the response forward.

### **Established Foundation in Restorative Justice**

Most of the time, administrators did not begin use of restorative practices on their campus with cases of sexual harm. 75% of administrators affirmed that there was a foundation of restorative practices prior to building a process for sexual misconduct issues. For some campuses, the restorative foundation was a campus wide- or far-reaching adoption. Debbie shared, “our campus had bought into restorative justice broadly a couple years ago.” Debbie’s language demonstrates that more than just an isolated department was invested in restorative justice. She added that folding it into Title IX responses “was just another layer of it” for the community. She shared that this type of foundation was one of multiple factors that ensured readiness for implementation and that there would be no roadblocks. Nicole echoed that her campus “was already embracing a restorative justice philosophy” prior to her arrival at her institution. The use of philosophy acknowledges that it was accepted as a way of being and overarching approach, rather than being a small concept only a few community members were aware of. She mobilized this investment and support along with her own skillset to feel ready to

implement for cases of sexual harm. She added that she and others continue to infuse principles of restorative justice into the “culture” of her campus.

More commonly, administrators had experience using restorative practices as an alternative to traditional adjudication of other matters, typically based out of the Conduct office. Such experience gave them confidence to consider using these practices for cases of sexual harm. Veronica at Site 1 shared, “the larger Site 1 community saw that it worked” based on other types of cases Student Conduct had successfully used restorative practices for. All three participants at Site 4 described a history of restorative practices being used in Student Conduct for matters prior to sexual harm. They also spoke to how familiarity with restorative practices grew out of Conduct and across the campus community, which was a supportive factor for moving to implement restorative responses for student sexual misconduct. As the Title IX Coordinator at the institution, Jade described, “... there's sort of a culture in our student conduct around understanding that, that restorative practices have, are very empowering and very healing for individuals who've experienced harm.” Sam, in the Student Conduct office elaborated on the robust restorative justice program based out of Student Conduct but also a connection with the larger campus community,

So I think part of it is our community was already familiar with it. I think another part of it is that our community is desiring of a restorative process. I think a lot of times our culture is one of wanting to facilitate restoration of harm, wanting to have conversation about harm that was experienced and ways to go about, um, restoring that.

Both administrators at Site 3 echoed a history of restorative practices being utilized based out of Conduct but also other areas on campus.

The finding that there are examples of campuses implementing restorative practices both mostly out of Conduct and at a community-wide level expands what is documented in literature. The exploration in research of RJ in higher education settings, both as a framework for building and maintaining community, as well as a practice used in response to student misconduct, is limited (Karp & Conrad, 2005; Karp & Breslin 2001; Karp & Sacks, 2014). A past study indicated that only 8% of universities and colleges indicated using restorative processes in their campus conduct systems (Meagher, 2009) and models of whole community implementation on higher education campuses are rare. While a whole-school implementation model or foundation of restorative practices is more common in K-12 educational environments, it is rarer on college campuses. The presence in this study of campuses embracing restorative practices as a whole campus philosophy expands Morrison's (2005) conceptualization of such a practice in K-12 settings.

For at least one institution, the campus was introduced to restorative practices initially in response to sexual harm cases. Lupe was well-versed in models of widespread adoption of restorative practices on a higher education campus, however, she said, "We don't have like a center. We don't have programming around the principles of addressing harm, repairing harm and rebuilding trust." Lupe recognized that other campuses were able to adopt an approach on a wider scale. She affirmed that "An ideal restorative justice program is one that ... is housed in terms of like a principle or culture of your institution or of your community" but that she did not have the capacity and support to do so at her institution. Nonetheless, she had a robust vision for how restorative practices could be applied responsively, particularly for Title IX matters, and therefore she focused her work on what she could control.

The finding that most institutions had an existing foundation of RJ or that RJ is a cultural aspect of the institution, which was an asset and a factor considered for implementation readiness, is supported by the website document analysis conducted for this study. At Site 4 for example, restorative practices is discussed as a philosophical approach. Site 9 also discusses restorative practices as a “framework.” Similarly at Site 1, there is language about “a culture that utilizes RJ.” This was different than at Site 2 where the information regarding RJ was process focused, which was consistent with what was shared by the administrators from Site 2.

Three-quarters of administrators either had experience with restorative justice as a philosophy or in using it for adjudicating other matters prior to doing so for sexual harm. While one campus began implementation of restorative practices with sexual harm cases, the confidence other administrators had from their familiarity with restorative practices more generally was a factor considered in implementation readiness.

### **Policy Language Suited for the Campus Community**

Administrators shared a need to write policy that would be effective for the work that they wanted to do with restorative practices while being clear and coherent to students and their community. Nearly half of participants cited the importance of what was written in policy. There was a tension between collaborative and solo/small group work that went into policy creation. Daniel named the importance of policy as “one of the first things that needed to happen” in terms of readiness to implement restorative practices for sexual harm. Daniel also articulated that the policy language needed to be “adequately flexible and adequately specific, uh, you know, so that it provided, um, clarity as much clarity and transparency as possible for the community.” Without enough specificity in the policy, students would be confused about the parameters and goals of the process, however maintaining flexibility creates space for students to



have their needs met. Clarity and transparency are principles of restorative justice so it is logical that Daniel and his team would aim to enact them through their policy. On Daniel's campus, policy language emerged from a policy development group made up of key institutional leaders. Helen, also at Site 3, shared that she has autonomy over the practice but has had very little input on what is written in policy. While she had the skillset to have offered restorative practices much earlier, because of what had been written in policy on her campus, Helen could not utilize her skills as a facilitator even if students were interested.

All administrators cited being intentional about their policy language. What varied was the time spent crafting the language, who provided input and the approvals necessary to activate the policy. A subset of administrators commented that the timeline given to implement the new Title IX regulations created a quick turnaround for new policy language. Breanna shared how it was she and Olivia who made changes to the policy without "a whole lot of oversight." For her, writing a restorative response into policy was actually a key strategy to demand the resources necessary to implement rather than a pre-requisite for readiness for implementation. Lupe was the one on her campus that primarily drafted policy and Mary confirmed that there were only "mechanical approvals" from other areas. Amber described feeling ready to implement following training, her own individual work on the policy and input from two other colleagues about the policy.

For others, it was a much lengthier process. For example, Debbie shared that Gabriela and a colleague in Student Conduct spent around six months crafting the language that would be used to describe the restorative justice process in their policy and on their website. Debbie shared they "were really intentional" about not using language that had a "legal framework." Instead they use "restorative justice language" and terms such as "people who caused harm" rather than

“respondent.” Felicity echoed a need for “good restorative language” and provided a similar example of wrestling with what to call involved parties. She also specified wanting the policy to be readable and easily understood, and for readers to feel “this could be comfortable.” Sam who reports to Felicity at Site 4 and led the process of writing policy, reiterated how the work was conducted over the course of an entire spring semester with a larger network of partners. Celeste confirmed a year and a half of “listening sessions” with students, faculty, staff and trustees for the first inclusion in the policy.

In contrast to the language carefully constructed by some institutions, Nicole shared how she is now returning to examine her policy and procedures. She wants to formulate them in ways that achieve the intentionality and specificity that Debbie and Gabriela were able to achieve on their campus from the beginning. Nicole described using template language initially to meet the timeline imposed by the Title IX regulations but now recognizing the need for revision:

Now we're starting to kind of roll back and say, well, how does this work? Functionally did what we put together as the appendices, to our policy about informal resolutions, is that written in a way, does it hamstring us? Is it clear enough? Is it overwhelming?

Document analysis supported the above findings for the campuses who described policy being critical to readiness. Overall, there was a range of the level of detail found in policy documents when the institutions were compared. Some sites, such as Sites 4 and 9, provided brief information about RJ processes in policy, however expanded upon process options available on other webpages. Other sites, such as Site 2 and Site 7, provided detailed supplemental materials that outlined process options, including RJ. While Site 7’s policy also provided significant detail regarding RJ process options, Site 2’s policy was brief. Most campuses outlined clearly whether restorative processes can be used for all cases, and many

provided a detailed explanation of the determination process. There was evidence of shared language between multiple sites, indicating that individual campuses had referenced other campuses' policy and process in the creation and design of their own as described during the interview process.

The finding expands Karp and Williamsen's (2020) citation of the need for "clear sexual misconduct policies, outlining which restorative options are available." Administrators cannot implement a process that is not reflected in policy, therefore they named appropriate policy language as a factor considered for readiness. While some administrators worked collaboratively with multiple staff over an extended time period, others worked solo under the condensed timeline of implementing new Title IX Regulations.

### **Administrators' Fear of Being Sued and Consideration of Title IX Regulations**

For many campuses, even with a foundation in RJ, previous Title IX regulations and the fear of being sued or investigated were barriers to implementation. The findings detailed in this section of the study confirm the common knowledge and documentation in literature that restorative justice has been used on a limited basis as a response to campus sexual misconduct both because of seemingly preclusive government guidance and general concerns about its use (Orcutt et al., 2020). Half of participants discussed the 2020 Department of Education Title IX Regulations being considered, in some cases describing the Regulations giving a "green light" for implementation. For many of the institutions, prior Department of Education guidance was a prohibitive factor, even though restorative justice practices were not specifically disallowed by the guidance. Jade at Site 4 named multiple factors which were assessed regarding readiness. However, she highlighted the Regulations as particularly important, almost above all else, when she stated, "I mean, really the thing that finally gave us the green light was when, you know, the

federal government said, okay, we've decided this is okay for you all to explore.” All the participants at Site 4 agreed that for their institution, the Regulations were critical. Sam reiterated that the Regulations created a shift which drove the institution to build out the response.

Breanna at Site 6 described the Regulations as an opportunity to revisit policy which is what solidified the restorative process at her institution. Though such a process was previously written into policy, she said that it was not truly being implemented prior to the current version of the policy. Olivia, the other participant at Site 2, echoed this sense of opportunity and focus on policy. Administrators also said that they were “not allowed” by their campus to implement before the change in Regulations due to fear of being sued or investigated by the Department of Education, which could lead to loss of funds. Debbie very clearly articulated that her institution would not have supported implementation of restorative practices prior to the 2020 Regulations. She shared “..until the new guidelines were official, we were considered not allowed to do it.”

The campuses that implemented restorative justice for sexual harm prior to the new Regulations described being tolerant of the risk that would potentially come with it. They were conscious of this risk as a factor considered for readiness. They overcame concerns with risk by leading with their institutional values and creating sound policies and procedures. For example, Helen described her institution, and in some of her comments her department more specifically, as being “student centered.” This was a guiding value that meant she and her team were able to move a restorative response forward since they knew it would benefit students. She also described a history at her institution of managing risk in the past so there was a precedent for risk that facilitated taking on a new approach to responding to student sexual misconduct. Helen elaborated, “So having some risk tolerance as an institution for this brand new thing that nobody's doing, I think was a, you know, a huge requirement.”

When campuses have an awareness that they are embarking on something no one else is doing, there is an obvious element of risk and Helen did not minimize this but rather elevated it to being “huge.” Likewise Mary named that her campus saw the “vision of how restorative justice... offers students the ability to have a more satisfying conclusion.” She nonetheless recognized that not all administrators might understand this vision or be willing to take on the risk of implementing a new process that was different than the traditional response. She was explicit in saying, “I think you have to be not afraid of being sued.” Both Helen and Mary articulated risk as among factors their institutions weighed before implementing a restorative response; ultimately dedication to students and a tolerance for this risk propelled their campuses forward.

### **Evaluation of RJ Not a Formal Part of Implementation in Most Settings**

The data suggest that apart from three institutions, most are not currently conducting formal evaluation. Felicity from Site 4, for example, shared “..to be honest, we’re not doing formal right now.” While formal evaluation is not necessarily taking place, most participants did cite methods of informally evaluating their work. The word “anecdote” or “anecdotal” was used in describing both direct and indirect types of informal evaluation. For example, Sam stated, “Um, a lot of how we are evaluating it is through anecdote of what are the students communicating to us.” Lupe spoke to anecdotal evidence of the value of the restorative process in that “when students learn about what their options are, they're very thankful that there's another option. They're utilizing it more.”

Administrators most commonly reported obtaining direct feedback from students, such as by asking how the process is going for them. Multiple administrators expressed that direct feedback is most valuable because they can promptly capture whether they are meeting the needs

of students and doing their best work. Often the staff serving as the restorative process facilitator is involved in informal process assessment. Sam explained, “the student will give us immediate feedback of this is what I'm concerned about. This is what I'm thinking about.” He shared that the facilitators on his campus, including himself, hear from students about “their perspective” and “everything about the process” throughout the course of their meetings. Debbie’s insight was that in her role as a facilitator, she is seeking ongoing, process feedback in real time. She stated, “...we feel like we're assessing the process the entire time, and we're adapting accordingly.” Because of the constant check-ins she and Gabriela conduct while engaging in the process, Debbie described that it would be “sort of anticlimactic to do an assessment.” She later acknowledged that more formal evaluation should probably be done on her campus at some point.

Daniel at Site 3 described that even though formal evaluation could be valuable, “...what is more important is the, uh, uh, qualitative data that we get from the participants of the process along the way...” He shared that his institution has collected qualitative data, “... in the form of, um, uh, you know, direct communication, uh, emails, uh, uh, you know, conversations, uh, through intake conversations through, uh, the process itself with parties.” He mentioned the “field notes” that the staff facilitator takes. Daniel also shared that his team has informal data about student feedback around outcomes.

In some cases, including on Daniel’s campus, administrators asked directly or were offered feedback from students after the fact about their satisfaction with the process. Helen who serves as a facilitator at Site 3, shared a particular time when she received direct feedback. The student shared with Helen via email that despite an agreement not being reached because the other student was not taking accountability, “how valuable my time with you... meeting you has

been incredibly helpful to my healing process.” This provides evidence that Site 3 is informally assessing both process and outcome.

As a facilitator herself at Site 5, Nicole shared “...when I do it right, and I do it well, I get good feedback from the students. Um, and when I don't do it so well, I hear that as well.” Nicole’s response was less specific about whether the primary feedback she received was about the process versus outcomes of the process. However, she felt she had a barometer for gauging student experience. She also described a specific instance when she engaged with a student in person in their place of employment after having facilitated a restorative process they were involved in. The student was very responsive and warm. She interpreted this treatment from the student as a testament to the outcome of the process being successful.

On other campuses, a staff member other than the process facilitator engages in informal process assessment. While no longer serving as a facilitator, Celeste described meeting with participants following completion of the restorative process to ask both process and outcome-oriented questions. She shared asking about outcomes through “How did this go? Did this feel like it helped?” She described a sample process-oriented question being, “What are things that you wish I would know about the process?” Celeste found that “doing it right after is important” for students to capture the experience honestly and accurately.

Felicity described indirect informal evaluation taking place at Site 4 through engaging in discussions with her team around “what's working, what's not working. Um, what, what do we think perceptions are?” Felicity and her team have also had conversations about asking “students if they'd be willing to participate in just a conversation six months out or so” but they have not yet put any formal structures in place to collect such data. Jade concurred that Site 4 was engaging in indirect feedback through discussions in team meetings. Jade described conducting

an annual meeting with Student Conduct, Title IX, and General Counsel focused on whether students were selecting the restorative process versus an investigation process and a general discussion of how the process is going.

In the past, Site 2 engaged in a hybrid of staff obtaining direct and indirect feedback. Mary shared that facilitators would ask process-oriented questions of participants such as “to share how they're feeling about how it's going.” Both Mary and Lupe described that Mary as Lupe’s supervisor would meet directly with student participants upon completion of the process to ask questions about their experience. Mary also described meeting together as a “Title IX team” with Lupe and General Counsel to discuss how the restorative processes were going. Lupe said her current efforts have been focused on evaluating facilitator experiences of training, ongoing education and what their takeaways are each time they facilitate a process. She specifically shared asking her trained facilitators, “...what did you learn and what do we need to change and what handout do we need?”

Overall, many administrators can determine if they are being helpful to students through informal methods, which then does not demand that they conduct more structured, formal evaluations. Celeste stated that based on the questions asked through her informal evaluation, she felt she was able to ascertain, “here's how we want to shift for the next time.. here's something that worked really well and we want to keep doing it.” She articulated that one change that was made has been with preparation work as she has observed how crucial it is to a successful process. She found that students were not absorbing the intake process and so now, she and her team are intentional to “repeat it and make sure they heard and make sure they understood what it is that restorative circles actually do.” From Site 4’s team meetings, Jade similarly articulated that on her campus they made changes to how the restorative process was



communicated to students. She and her team had further discussions about how the process was introduced to students to make sure it was presented objectively alongside the investigative process option.

The informal assessment data administrators have collected has also been useful when they have needed to report out to others about their implementation progress. Celeste described sharing what was learned with the facilitators of restorative processes so that each of them could “have that same kind of learning and lesson, instead of it being something that each person has to learn the hard way.” Only broad strokes are shared with any other entity on campus such as “some of them have gone well, some of them have not.” Daniel has received requests from leadership to provide data. He said he shares some quotes and not always just the positive ones because he noted that students are not often “a hundred percent satisfied, um, usually they're not a hundred percent satisfied with outcome, even if they're satisfied with, with process.” He expressed that it is valuable to collect all angles of feedback. Sam described “communicating to our community” more broadly regarding the “facilitator’s experience” in the process and the “anecdotes” from students.

Some administrators described low case numbers, not prioritizing evaluation and evaluation feeling depersonalized as barriers to more formalized evaluation and others described seeking out support to implement more structured evaluation soon. Breanna and Olivia shared that formal evaluation didn’t seem to make sense on their campus with the low number of cases thus far. Felicity also stated that low number of cases and “being in a pilot year” meant that her focus was not on evaluation in addition to “shifting of staffing.” Sam recommended campuses planning to implement restorative practices include evaluation as a priority, otherwise “it’s likely not going to happen.” Debbie shared that the only thing they do consistently on their campus in

their restorative process is “the overview meeting” and that they are “working with people individually,” so having one uniform evaluation process feels strange. Sam, Lupe and Nicole specifically shared plans to seek out more support from staff with expertise in assessment to move forward with formal evaluation efforts on their campus. Most administrators are not conducting formal evaluation, however, from student anecdotes, they have the information they need to adjust their restorative process. Staff informally evaluate through asking students directly about how the process is going and through collecting feedback about the outcomes of the process through emails or in person interaction. For some administrators, they informally evaluated through discussions with their team.

### ***Proposed Ideas for Evaluation***

For those not currently formally evaluating their work, there was evidence of interest in conducting both process and product focused evaluation in the future. Nearly two thirds of participants shared an interest in process focused evaluation. Administrators want to understand what is functioning well about the restorative process and what isn't in a more holistic way than is available from anecdotal evidence. For example, Sam shared, “I think that is data that we would really hope to have, to be able to really assess, okay, what is functioning well about this process? What isn't, and being able to communicate that to our community.” In addition to Sam, four other administrators were interested in hearing from students how they experienced the steps in the process such as intake, preparation meetings, the actual facilitated process and how the process was concluded.

An additional theme of interest was student and community understanding of the process. While Nicole articulated wanting to ask, “do the students feel like they understand what is happening,” in regard to students directly participating in the process, Debbie described wanting

to obtain a larger view through “a read on the campus community, around what their understanding of the process is.” Helen is interested to understand how students experience the facilitator of their process. Both Olivia and Jade shared a desire to understand what drives someone to want to participate in a restorative process. Olivia elaborated that this would be particularly useful to ascertain, “what size of the population is this really going to be a legitimate option for, like, how do we measure that?” In contrast, Lupe shared wanting to understand the effect on students when the institution decides they are not able to offer a restorative practices option.

About half of participants shared an interest in product focused evaluation. Helen, for example, had many ideas about outcome-oriented questions that could be asked of participants:

Did they feel like they learned anything through the process? Was it helpful for those who experienced harm? Was it helpful for their healing process? For those who caused harm, was it helpful for their learning and growth process? Did they find it useful? Did it meet their definitions of justice?

Other administrators supported inquiry into whether engagement in a restorative process was helpful to students’ healing. Felicity would want to understand from the perspective of the harmed party, “how does it impact their wellbeing” and if this impact is different than another process or action they might choose to take following their experience of sexual harm. Jade framed similar notions of healing and wellbeing as gaining understanding of “posttraumatic growth.” She shared wanting to understand “if it’s somehow choosing this as an option will somehow feed into some post-traumatic growth or resilience in a way” for those who have been harmed. Both Celeste and Lupe would want to understand the long-term effects of participation on someone who experienced harm, such as their own growth, learning and recovery that would

take place over a number of years. Overall satisfaction with the process, understanding what justice would look like and how students potentially perceive themselves differently in terms of their relationship with the community were other areas of interest for outcomes focused evaluation measures.

Daniel has a vision once there are many more institutional adopters of restorative responses to student sexual misconduct. He imagines creating a collective “where data could be pooled and compared across, um, uh, similarly situated institutions” so that information collected could be “a little more generalizable.” He shared that this would advance the work past the anecdotal information that has been collected by individual institutions, which while helpful to a certain extent, has limits in terms of credibility and usefulness.

The informal ways that administrators are assessing their utilization of RJ practices resonates with the complexity that Paul & Borton (2017) describe regarding a social constructionist approach. For example, the approach that Debbie describes is very much based in recognizing how the language of stakeholders “evolves over the RJ process,” which makes more formal assessment or evaluation challenging. Paul & Borton (2017) outline a framework but are not instructive about how to carry out their ideas about assessment, so it is unsurprising that many administrators have not independently found a way to do so.

A slightly greater number of administrators were interested in understanding more about their process which is logical because it presents more opportunity for changes in practice. While reporting on outcomes from the process is valuable to show impact and satisfaction, facilitators cannot guarantee outcomes and in fact do not play much of a role regarding outcomes in comparison to the student participants themselves.

It was challenging for administrators to articulate how both process and product evaluation could be conducted. Felicity offered the idea of administering a pre-post assessment for student participants in the process. Sam was investigating the potential to use a restorative justice attitude scale, a new survey-based tool to measure individuals' attitudes toward restorative justice and the associated constructs of empathy and perspective-taking. Debbie articulated that multi-modality evaluation would probably be the most helpful and offered focus groups and a survey as ways she would think of to collect data. Olivia described a "large scale interview coding project" of students who had experienced harm and that it would be an "outcomes focused project." Overall, identifying appropriate tools and methods have been added challenges to implementing formal evaluation.

Nearly two thirds of participants shared an interest in process focused evaluation, specifically regarding how students experience the steps in the facilitation process. About half of participants shared an interest in product focused evaluation, particularly related to how the process would contribute to student healing and wellbeing.

### **Evaluating Student Feelings About Process and Outcomes**

Table 2 below shows the results of document analysis conducted on assessments provided by three different institutions who are currently conducting or who previously engaged in formal evaluation. All three institutions employed a survey that was emailed to students following their participation in a restorative process.

Row two documents whether the data in the assessment were collected from students anonymously. Row four provides further details about survey distribution. Row five documents a description of the overall themes found in the assessment. Rows six and seven report the evidence found for both product and process assessment based on the categories generated for

each type of evaluation as described by Stufflebeam (2000) and other relevant evaluation literature. There was significant evidence of both process and product evaluation measures being found in each instrument.

**Table 2**

*Assessment Document Analysis*

	<b>Site 1</b>	<b>Site 3</b>	<b>Site 7</b>
<b>Anonymous</b>	Yes	Yes	Yes
<b>Number of Questions</b>	18	26	<b>Complainant: 35 Respondent: 35 Supporter: 30 Participant for solutions: 30</b>
<b>Primary Question Type</b>	Mixed, primarily multiple choice: 13 Multiple choice, 5 short answer	Multiple choice, 2 open ended questions seeking additional feedback	Multiple choice, short answer sparingly used (about 3)
<b>When and How Administered</b>	Once per year, via Qualtrics, link sent to students via email	Invitation to participate following completion of process, Via Qualtrics, link sent to students via email	Within one week of conclusion of process, via Qualtrics, link sent to students via email
<b>Description of Themes</b>	<ul style="list-style-type: none"> <li>• Overall impression</li> <li>• Quality</li> <li>• Communication</li> <li>• Fair treatment</li> <li>• Outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Preparation/meetings prior to resolution process               <ul style="list-style-type: none"> <li>○ Checking for understanding about resources, reporting and resolution options</li> <li>○ Clarity of policy and explanation by staff of process options</li> </ul> </li> <li>• Resolution process</li> </ul>	<ul style="list-style-type: none"> <li>• Demographics</li> <li>• Satisfaction with process</li> <li>• Different question blocks with skip logic depending on participant role</li> <li>• Process, outcomes and learning outcomes— questions about facilitators</li> <li>• Process improvement</li> </ul>
<b>Evidence of Process Evaluation</b>	Procedural Design, Quality of Process	Procedural Design, Implementation, Documentation of process, Quality of Process	Procedural Design, Implementation, Quality of Process
<b>Evidence of Product Evaluation</b>	Outcomes, Satisfaction	Outcomes, Goals, Satisfaction, Needs Met	Outcomes, Goals, Satisfaction, Behavior Change

*Assessment Format and Content.* At Site 1, Veronica described that students receive a survey whether they participate in an investigative or restorative process. Veronica shared that the survey is purposely administered once per year so that it is truly anonymous and that “if they completed it right away, we would know it was them.” Veronica estimates that the survey takes about 15 minutes for students to complete. Veronica described that the assessment pertains to “what they've learned, did they feel like they were heard? Did they feel respected?” Site 1’s assessment contains questions which are examples of both process and product assessment. For example, questions about students’ overall impression of the process is evidence of process assessment. Questions about the quality of the process, communication throughout the process and whether students felt they were treated fairly during the process are all clear evidence of process assessment. At the same institution, administrators also asked for student feedback of outcomes of the process, and outcomes are an example of product assessment.

*Assessment Development.* Veronica described an iterative process, initially a small number of questions, then working with the director of research and assessment on her campus to rework questions from an initial draft of an assessment. For assistance with the subject matter, Site 1 also worked collaboratively with a research center affiliated with their institution. Veronica described the process of making changes to the assessment as a “very collaborative process” with the other campus partners involved.

*Sharing Assessment Findings and Process Changes.* Veronica named sharing of results as something that has changed over the course of the revisions to the assessment. She shared, “...it says on there it's specifically for the purposes of our office bettering our processes.” Veronica emphasized that the results might be used to determine what additional training is needed for

staff, “but we’re not like building a report and sharing it out.” She felt this was important because it maintained the confidentiality of students as much as possible.

*Assessment Format and Content.* For Site 3, a pre-post survey was utilized in the initial stages of implementation of their alternative to investigation process options, which includes restorative practices. Daniel described that students received a survey whether they participated in an investigative or restorative process. He shared “...the questions were mirrored, so that we could compare between processes directly...” Site 3’s assessment contains questions which are examples of both process and product assessment. The questions pertaining to preparation and meetings prior to the actual facilitated process asked about procedural design, elements of implementation, the documentation of the process and the quality of the process, which are all examples of process assessment. The questions about the facilitated process asked about outcomes of the process, how students’ goals were or were not met, for them to rate their satisfaction and express if their needs were met, which are all examples of product assessment.

*Sharing Assessment Findings.* Daniel shared that the results of the surveys demonstrated that satisfaction was higher for restorative processes than the investigative process. Daniel was cautious about generalizing the results of the assessment due to the small sample size. Daniel did not specify whether these results were shared beyond his team. He articulated that current qualitative data collected informally is sometimes shared when he receives a request for data from leadership.

*Assessment Format and Content.* At Site 7, Amber shared that students receive a survey whether they participate in an investigative or restorative process because she wanted to have a comparison of how students experienced the different processes. Site 7 was unique in surveying support people in addition to the student participants themselves. For Site 7, the questions



specific to participant role asked about elements of how the process was implemented and the quality of the process, which are examples of process evaluation. The questions about process improvement related to procedural design of the process is a form of process evaluation. The questions about outcomes and learning outcomes aligned with inquiries about outcomes, goals, satisfaction and behavior change of the participants involved which is evidence of product assessment.

*Assessment Development.* Amber shared referencing literature in her initial process of designing an assessment, in addition to her own questions she was curious about. She articulated, “David Karp's green book has a guide of the assessment questions, which was kind of our preliminary base. And then from there, I just wanted to know more about how they actually felt about it.” Amber received input from colleagues both internal and external to the institution. She asked “confidential resources” and “a couple advocates” to look at a draft of her assessment. She wanted to ascertain from what they know about student complainant and respondent perspectives “...how does this feel? How does this present to you?” She then asked a colleague with expertise in research and assessment at a different institution to provide feedback about question language. She shared, “...that technical advice came at the very end. And once everybody had kind of seen it, then I felt good about launching it.” Amber drew on her own skillset and the skillsets of others to gain confidence in her assessment and evaluation plan.

*Sharing Assessment Findings.* Amber shares the results of her evaluation efforts with partners both internal and external to the institution. Amber collects results of her assessment and adds them to an end of year report that is shared with senior leadership and a team of administrators involved in Title IX work. The Title IX team includes a deputy Title IX Coordinator, the director and assistant director of campus safety and security, an assistant dean in

student life, the director of residence life, chief conduct officer and a human resources staff member. The survey results are also shared with on campus confidential resources and off campus community non-profits who support students.

*Process Changes.* Amber noted two changes that have been made to her site's process based on survey feedback. One change was made in language both in policy and during meetings so that student respondents clearly understand that the restorative process is being selected by the complainant, rather than the institution. Secondly, Amber noted that she made adjustments to be clearer about the timeline of preparation work for the process and how long the process might take in total.

Document analysis of policies indicated that the evaluation practices as described by participants during interview are not outlined in institutional policies. During their interviews, two administrators did mention an annual reporting process, which is a form of evaluation, however, annual reporting was not mentioned in their institutional policies. Two different institutions did provide information about annual reporting in their Title IX or sexual misconduct policies while the remaining institutions did not. For one of these institutions, the annual report data was readily available on a webpage and shared by year the total number of processes that included restorative practices, a breakdown of the types of process within that total number and other notes. For the second campus, the policy contained a description that the review could include "feedback from parties and an aggregate view of reports, resolution, and climate." For another campus, annual report data was located on the institutional website, however, the annual report was not explicitly described in the policy. It contained the number of reports that pursued a process based in restorative practices and notes about these processes. No other annual report data was located on the remaining institutions' websites.

The findings regarding evaluation confirm the trend in literature of many discussions of implementation but fewer studies demonstrating evaluation of restorative justice practices. Evaluation practices in a higher education setting when restorative justice is used as a response to sexual misconduct has only recently been discussed (Orcutt et al., 2020). In the literature that examines evaluation of restorative justice practices in settings other than higher education, outcome measures, such as satisfaction, are prevalent (Koss, 2014; Strang et al., 2006; Umbreit et al., 2007).

For the three campuses who are currently or who formerly conducted formal evaluation, both process and product evaluation measures were found in each survey. Administrators asked questions about procedural design and quality of process themes most commonly. They designed questions about outcomes and satisfaction in regard to product themes. Two out of three campuses described seeking support in the development of their evaluation. While one site was specific about keeping the findings of the evaluation internal, another shared the findings widely with on and off campus partners.

### **The Potential of Evaluation to Cause More Harm**

Two-thirds of participants shared their awareness that processes which address sexual harm are often highly emotional. Administrators expressed feeling hesitant to ask students to continue to reflect on an experience that was harmful for them. Daniel articulated, students often want to “move on and as quickly as possible.” Lupe shared, “they’re exhausted by this time” in reference to how students feel at the conclusion of a restorative justice process. She said it felt “self-serving” or “pandering” to ask for feedback when students are trying to move on. Jade elaborated on evaluation being “self-serving” from an “ethical standpoint” that she does not want research or evaluation to be “exploitive.” She summarized, “...there have to be ways to learn

about our services that don't rely on people who've already experienced a burden.” Other processes and programs administrators are accustomed to evaluating may not carry the same emotional weight or be as time-consuming as students’ involvement in a restorative process for sexual harm. As the designers of the evaluation process, administrators are attuned to the weight students experience in reporting an incident of sexual harm and then choosing to engage with a process to address it.

Administrators shared that conducting assessments could be a way of resurfacing harm and that continuing to ask about a known traumatic experience is detrimental to a students’ well-being. Celeste even went on to articulate, “I honestly, part of me feels like it would be irresponsible of us to collect some of that data” due to the potential to bring about harm that students had already dealt with. Administrators described the restorative process as having healing outcomes for students. However, when discussing evaluation, administrators reflected on students revisiting the harm caused to them through their participation in the process or as Breanna stated, “a process that likely has retraumatized them.” Jade’s lens was regarding trauma and not wanting to ask the harmed party “how did we traumatize you with, what were the things we should have known?”

Other administrators identified the concept of retraumatization through different language such as “resurfacing,” “revisit” or “reliving.” They expressed this was not a situation they wanted to put students in. For at least two administrators the discussion of evaluation of restorative practices for sexual harm generated a visceral and even physical reaction, which Lupe described as “cringey.” Celeste and others rejected or at least questioned a responsibility to collect data as is often part of sound program implementation for administrators. In Felicity’s words, she said “...what type of evaluation is necessary, but also doable for these, um, these are

high really sensitive topics.” Felicity’s use of the word “necessary” is powerful, centering what is needed. Felicity in essence questions program assessment or evaluation being the default or expectation as is often the case for higher education administrators. Felicity went on to brainstorm in the moment about ways to “build an assessment as it’s happening” in regard to the restorative process to avoid her concern about students having to “relive” an experience that was harmful to them.

A few administrators expressed their concern that traditional evaluation methods could cause more harm to the field of work and the fidelity of restorative justice. Olivia shared that the idea of a “customer satisfaction” survey feels bizarre and had concerns that evaluative follow up could “feel dehumanizing.” She described having conversations with her team about the importance of data and evaluation, yet holding tension with how the collection of that data could negatively impact people. Debbie shared that creating a “formal post assessment...almost feels really superficial” because the process is so “intimate and personal.” Debbie highlighted the ways in which ongoing check-ins with the participants during the process make a survey or other post measure feel disconnected. Debbie linked other words such as “clinical” and “sterile” with assessment efforts. Gabriela agreed that “we’re so connected to the people that we’re working with, that to hand them, I couldn’t fathom what questions on a survey would not feel kind of gross to them.”

Olivia reflected on the ancient origins of restorative practices and questioned, “...how clinical are we making something that comes from an indigenous and non-Western model of like living and being in community with each other..?” She further articulated concerns that evaluation could lead to creating a hierarchy when restorative practices are by design meant to “deconstruct power dynamics.” Helen similarly echoed “...the irony of an academic institution,

like talking about how to assess and evaluate this thing, that's, you know, an indigenous practice..." and yet still acknowledging her belief in evaluation. Experiencing the tension between modern and indigenous led her to focus her sights on "... evaluating the institutions or the facilitators or the programs" and ensuring that the practices themselves are not the focus.

This finding extends what is known in the literature. While integrating trauma-informed practices into restorative justice has been recently discussed (Karp & Williamsen, 2020), trauma-informed evaluation is not yet part of the vocabulary in the field. There is an immobility amongst administrators because of the tension they hold with the potential to retraumatize students and their desire to execute sound processes. Administrators are aware of evaluation as a higher education cultural norm yet also struggle with how to incorporate such a norm given the historical roots of restorative practices.

### **Consistent Staffing and Staff Support for Evaluation**

Among institutional factors cited, half of participants named staffing as a challenge to implementing evaluation. This included having consistent staff in a role that would be situated to conduct evaluation as well as having staff outside their areas to support designing their own evaluation. Multiple administrators expressed that they are doing their work with a lean number of staff members. For example, Sam described that both his office and entire division are "understaffed," which is a "barrier" to evaluating his office's use of restorative practices for student sexual misconduct. He shared that understaffing means people are picking up extra work. He stated, "assessment tends to be one of those things that is not necessarily pressing right now." Sam also described that in his role, he was working to identify an instrument that could be used to assess his site's restorative process for sexual harm. However, he then transitioned out of that position which meant that there was not the continuity to move the assessment project forward.

Veronica affirmed that continuity of staff was an asset that facilitated the implementation of evaluation on her campus. She shared, "...it's helpful that Margot and I were able to see iterations of this process and we're able to understand what, we're not like reinventing the wheel each time, or I could imagine that that may happen." Unlike the "reinvention" that would have to take place on Sam's campus, Veronica and Margot could see drafts of their evaluation through until it was successfully implemented.

Staffing changes and turnover are not uncommon and therefore are a persistent challenge for administrators. Felicity concurred that "staffing is a big one" in terms of challenges to implementing evaluation. Celeste agreed that staff workloads were an issue too. If they had more staff on their team, evaluation could be built into the job description in a more meaningful way.

Additionally, other administrators stated it is challenging to get the attention and support they need to effectively design evaluation. Administrators have staff members focused on evaluation outside their area, but that these individuals serve multiple areas. Helen named resources and staffing as the top challenges to implementing evaluation at her site. She shared "...there has to be resources and a commitment, somebody who is knowledgeable and like this is their job." She said she didn't have "specific departmental support" and while a few people focus on research for the whole division, these individuals are stretched too thin to be truly helpful.

In seeking support from peers, multiple administrators shared the challenge of not having a partner or team with whom to pursue evaluation efforts. Nicole described that in previous roles, she was motivated by "...the excitement that graduate students had about doing research," but in her current role, she is no longer connected with graduate students in the same way. Nicole misses the energy and creativity that graduate students provide, and she faces what feels like the big task of assessment on her own. Lupe likewise shared having to be "self-motivated" to build

her restorative process and her approach to assessment. She said, "...I don't have a team to talk to that about and I don't have a supervisor or a mentor to say like, this is how I think I would want us to try this." Lupe felt that she was missing an element of support and mentorship that if present, could help her advance evaluation on her campus.

Unlike some of the concerns experienced by other administrators, both Celeste and Debbie felt like they have previously had and currently have the support they need to conduct meaningful evaluation. Celeste specifically said "I feel very lucky" that she has the resources she needs to carry out an evaluation measure such as a survey. Debbie described that since there is "a lot of administrative support for restorative practices broadly" she feels supported in whatever she would want to do with evaluation. She summarized, "If we decide we need to do it, we'll do it" and shared from previous experience that she knows this type of support and resources is not always available at other institutions.

Staff leadership changes have also meant that there is not consistent guidance or messaging around the goals for evaluation or how it should be conducted. Nicole said that "leadership is big, we've had so many leadership changes here." She elaborated, "the expectations around annual reporting and assessment and evaluation, I'm starting to hear more of it now" but that there was not consistency in what leadership previously expected. For Amber, while she felt like she and many of her peers capture information and data points, without guidance from leadership, the data is not useful to change practices. She said, "...I think without good leadership on how to retrieve that data and use that data is really the bridge that we experience at Site 7." Amber sought support from colleagues in her own "network" to help her conceptualize research questions and how to go about collecting the information she wants to capture. Lupe's situation was reminiscent of challenges with leadership as well because her



supervisor did not have expertise in the program she was trying to implement or provide assessment models.

There was greater variation in the institutional factors participants cited versus non-institutional factors. Half of participants named staffing as a challenge to implementing evaluation. Multiple administrators expressed difficulties with having enough staff to prioritize evaluation as well as accessing staff on their campus who have expertise in evaluation.

### **Time for Evaluation**

Regarding non-institutional factors, three quarters of participants cited time and/or timing with how government regulations were rolled out as challenges for implementing evaluation. Administrators understand the value of evaluation but weigh conducting evaluations against the other demands of their role. Administrators shared that it is easy for evaluation to lag behind other priorities. Lupe described this challenge as having the “capacity” to tackle evaluation and said, “it feels overwhelming now.” For Lupe, much of her energy was devoted to other aspects of implementation. In describing her thoughts on evaluation and why it is challenging, she said, “it needs to be as important as writing it into policy. It needs to be as important as thinking about the training.” Lupe was focused on the demands of her implementation process, such as crafting policy and developing necessary staff training. Nicole similarly questioned for herself, “how do we prioritize this as important” when there are many things to do and evaluation can fall to the bottom of the list.

Coordination and facilitation of restorative practices for sexual harm, which for many administrators is only one of multiple responsibilities, requires time and energy. Debbie articulated time above all things as the non-institutional factor that makes evaluation challenging. She stated that she and another colleague who serve as a facilitator “intentionally hold time on

our calendars each week for restorative justice” because there’s “not much breathing room” in their schedules. While Debbie balances restorative justice and the other demands of her role, she finds it difficult to find the time to think about how to construct an appropriate assessment measure. Jade concurred that “time is the biggest piece” and confirmed “we’re pulled in a lot of directions.”

Additionally, administrators were given a short window in which to update policies and processes to be in alignment with new Title IX regulations. Given this narrow timeframe, administrators struggled to create an evaluation plan while also crafting policy around restorative practices implementation. Felicity experienced a “crunch period” because her campus wanted to provide for a restorative process option without delay following the issuance of the new Title IX Regulations. She described being “a little lagged in the assessment piece of it,” however wanted to prioritize assessment moving forward. Felicity elaborated that getting the restorative practices policy and process right was the focus for her site. She and her team recognized some elements of the new Title IX regulations would make her campus community unhappy and wanted to offer another option. Olivia and Breanna felt a restorative option would be helpful for their community and concurred about the quick turnaround time. Olivia stated, “It was really like, we know we want to put it in policy. Here's an opportunity to put it in policy. So we're going to do that and then worry about the details later.” Evaluation was something she hoped to return to later, however, to date, there had not been the opportunity to do so.

A few administrators described expertise as a non-institutional barrier to conducting evaluation. For example, Breanna described having basic skills in evaluation but expressed that more advanced skills could be helpful. Helen and Nicole concurred that having limited expertise in the area of evaluation was a challenge. Nicole identified evaluation and assessment as an area

of growth for ongoing education and professional development for administrators engaging in restorative practices work.

Administrators who did not name time as a non-institutional challenging factor shared institutional factors that were challenging. Multiple campuses described email communication fatigue and survey fatigue as challenges for evaluating. Daniel described that using restorative practices is “not a linear process,” thus there may be variable factors to assess each time the process is executed. He also mentioned that participants may be so focused on the outcome of the process that their perception can cloud their experience of every aspect of the process. In summary, three quarters of participants cited time as a challenge for implementing evaluation. For some, prioritizing evaluation amongst all the other demands on their time was difficult. For others, the timing with how government regulations were rolled out meant that evaluation was not a focus.

### **Summary**

This chapter detailed findings for each research question. There were a constellation of factors administrators at early adopter institutions considered regarding readiness to implement restorative practices. Buy-in and support from stakeholders on campus as well as the capacity of staff to implement restorative justice practices were key indicators of readiness. I also found that prior experiences and institutional foundation in restorative justice prior to implementing it for sexual harm was a factor in assessing readiness. Additionally, I found that administrators needed to be comfortable with their policy language and were cognizant of potential legal issues that could come with implementation of restorative justice practices.

While evaluation is not a formal part of the implementation process in many settings, the campuses which are conducting evaluation are assessing how students feel about the process

itself and about outcomes of the process. Finally, I found that University administrators named fear of causing harm to students as a challenge of implementing evaluation in addition to challenges with time and staff capacity. The findings are primed to provide administrators interested in implementing restorative practices for student sexual harm on their campus with an outline of factors to consider in their own readiness. They may also prove fruitful in moving the conversation about evaluation forward among those considering implementing and those who have already implemented alike.

## CHAPTER 5: DISCUSSION

### Introduction

Katie Meyer is dead. She was found unresponsive in her residence hall on March 1 and was determined to have died by suicide. Her parents speculate that her concerns regarding her involvement in a pending disciplinary process against another student at Stanford University, where she was a successful student-athlete, contributed to her death. University discipline processes, including Title IX processes and the administrators who oversee them, are again under great scrutiny. Administrators are caught in a tug of war, hoping one side will drop the rope or at least give a little slack. In light of Katie's death, students, parents and college communities at large are pulling for empathy in what has been a mounting shift toward more holistic and supportive practices in addressing student conduct. On the other side, is the pull for neutrality, standardization and in the case of Title IX, regulations that require college processes to mimic courtrooms.

Restorative practices ask administrators to seriously consider cutting the rope altogether and reimagine the way we talk about conflict and harm on our campuses. Educational institutions are likely weeks away from an announcement about another change to procedural requirements for responding to sexual misconduct. Do we want our schools to look like courtrooms? What is learning, especially when it comes to harmful behaviors? How do we know our processes are helpful to students? Through the options provided to students and the way evaluation is conducted, administrators have some control over how to answer these questions on a daily basis.

Limited existing literature documents what types of restorative justice responses university campuses are using. My study aimed to provide information about how early adopter

institutions assess readiness for implementation of restorative justice practices for student sexual misconduct and evaluate their practices following implementation. Early adopters are institutions who have been implementing restorative practices for cases of student sexual harm for at least one year at time of interview.

I conducted fourteen in-depth interviews with a total of sixteen Title IX coordinators and other administrators from nine four-year college campuses, in addition to document analysis of policy and process documents. A qualitative approach was appropriate in order to capture the complexity and context of implementation at each institution (Merriam & Tisdale, 2016).

The theoretical framework for this study was derived from Stufflebeam's (2000) CIPP model. The components of the CIPP model are context evaluation (identifying needs to decide on program objectives), input evaluation (decisions about strategies and designs), process evaluation (identifying shortcomings in a current program to refine implementation) and product evaluation (outcomes for decisions regarding the continuation or refocus of the program). My study investigated how university departments move through different stages of the CIPP model as they explore, implement and assess restorative justice practices for student sexual misconduct on their campus. I wanted to understand from administrators' perspectives why they worked to establish restorative responses to student sexual misconduct, how they knew their institutions were ready to do so, and what evaluation looks like on their campus.

This chapter engages with the limited existing literature about restorative practices for student sexual misconduct on university campuses and expands the conversation to provide a roadmap for the infrastructures and supports institutions should consider when implementing such a response. It also provides insight about the virtually untouched realm of evaluation of these responses, creating an opportunity to spark conversation amongst practitioners and

researchers alike. The chapter includes a discussion of limitations of the study. Finally, it concludes with recommendations for practitioners and implications for state and federal policy as well as avenues for future research.

## **Discussion**

My findings articulate that administrators consider a constellation of factors in evaluating their readiness to implement restorative practices for student sexual misconduct. While factors such as training emerged as very significant for some administrators, readiness proved to be multifaceted and far reaching in terms of resources and supports needed. Administrators' stories overlapped to a great degree, yet just as each practitioner had their own individual restorative justice origin story, so did each campus in their execution of a restorative response to student sexual harm. This study proves that administrators have both informal and formal channels for seeking feedback about their process. My findings garner significance from their interaction with previous studies documenting student experiences with sexual harm on college campuses, restorative justice implementation patterns and evaluation of restorative justice practices.

One critical finding from my study, confirmed by administrators and students, is the need for a process option other than investigation in response to incidents of sexual misconduct. This finding adds importantly to literature from much different sources, namely national quantitative studies and arguments in law and policy journals. For example, in Cantor et. al. (2020)'s survey of over 180,000 students, the researchers quantified that less than half of students reporting nonconsensual sexual contact - by force or inability to consent - thought it was "very" or "extremely" likely campus officials would take a report seriously. Additionally, just under 30 percent of victims thought it was "very" or "extremely" likely campus officials would conduct a

fair investigation into the report. My study adds a different type of student voice based on what they shared directly with administrators regarding their needs.

Administrators also provided their perspectives of student needs based on observation and experience. They observed that a restorative process option could better meet student needs, which contributed to their readiness to implement restorative practices. While Cantor's study articulates the aspects of existing processes that are undesirable to students, my findings underline what will meet students' needs. Administrators linked offering a restorative option with providing autonomy and enabling students to guide their own journey. Students communicated to administrators in my study a need for a resolution that would contribute to their healing. Students are also interested in holding the person who harmed them accountable in a meaningful way, particularly in a way that shows they understand the impact of their behavior.

My findings support arguments in law and policy journals about the potential value of restorative practices for sexual misconduct in higher education. As a law student, Brenner (2013) articulates that existing processes disempower survivors and calls for a survivor-oriented process. My findings confirm Brenner's (2013) assessment that rape survivors often are interested in sharing their story, getting questions answered and having input on how to remedy the violation. Such interests motivated administrators to pursue implementing a restorative process. My research supports Brenner's (2013) conclusion that adversarial proceedings contribute to harm students have experienced. I also confirm her conclusion that administrators should be offering the opportunity for students to be heard and experience meaningful recognition of the harm they experienced from the other student involved.

By being attuned to students' needs, administrators were more successfully able to move a restorative process forward on their campus. My study names the importance of administrators



listening to their student constituency to understand how their needs manifest in the campus community. Ideally, this listening could take place prior to a student actually experiencing harm, but more proactively through administrators creating opportunities for students to be heard. Nonetheless, engagement of any kind with students in Title IX, Conduct and Advocacy offices can likely offer great insight regarding what processes and supports they are seeking. As participants in my study described, administrators can obtain this feedback through structured student leadership groups for Title IX matters on campus or more informal student organizations interested in these issues.

Administrators reported that students were not only concerned with yielding the best outcome for themselves but also for the person who harmed them. Students shared with multiple administrators in my study that they wanted to communicate with the person who harmed them and they were not seeking out extremely punitive measures. By making a restorative option available, administrators knew they would have more opportunity to facilitate the communication and flexible outcomes students desired. Administrators reported such student interest and their own interest in an alternative option as critical aspects of readiness. This finding adds to Holland and Cortina's (2017) research which similarly shared survivors did not use campus supports because they were concerned about how it might harm the perpetrator. Students from that study expressed concern over the other student getting in trouble or having their life ruined. Administrators in my study also stated that when restorative practices are available, more students are open to pursue a process rather than ceasing to engage after making a report.

Further, administrators considered the existence of a community ethos on their campus as a sign of readiness. This adds to Holland and Cortina's (2017) research about student concern for

the perpetrator by explaining that the concern is rooted in community centered values or as one of my participants described, “being in community with” one another. My study confirmed Holland and Cortina’s (2017) findings that the reasons students did not report to campus officials mirror reasons they do not report to police. Administrators can break this cycle by offering another option, trusting their own observation of holes and gaps that might exist in their process offerings. While evolving Title IX regulations pose a great challenge, administrators should continue to think creatively about how the needs of both individual students and the campus community can be met. Administrators may consider what they know about their community as well as how students interact with and relate to one another. This can inform process offerings and policy language that will resonate with students.

As named by administrators in my study, preparation for implementation extends beyond just administrator and student interest. My findings reveal that designing and preparing to implement a restorative justice response to student sexual misconduct on four-year college campuses takes people power, ideologically and physically. The campus community and staff directly involved in managing the process benefit from understanding restorative practices as a philosophy. While there were different layers of awareness, from values consistent with a community ethos to direct familiarity with restorative justice practices, such a foundation surfaced as an important factor for readiness. People needed to have a common mindset for a restorative response to be propelled forward.

This finding confirms discussion by scholars like Morrison (2005) who claim that for successful implementation and sustainability of restorative practices, there is a demand for organizational and cultural change. The goal is to create opportunities for individual accountability within a larger scope of strengthening community. Administrators will advance

implementation by building strong communities on their campus and making education about restorative practices a foundation. Morrison's other recommendations that were validated by my findings include "building bridges with community representatives and organizations within and alongside the school community" as well as "collaborative policy development."

Upper leadership and key collaborators were no exception to community adoption of restorative practices. Administrators shared that informed, supportive leaders positively impacted their readiness. This finding expands upon similar discussions in K-12 settings. Regarding the role of collaborators, my findings add to a small body of published research which includes administrators who have shared their insights about restorative justice for student sexual misconduct on college campuses. For example, Koss et al. (2014) provide a structural outline of what responsive restorative justice processes can look like in higher education. Administrators in my study articulated the importance of assistance from Title IX, Student Conduct and Advocacy areas on campus. Working to build relationships with these areas may be logical to administrators but is not documented in literature. My study also provides insight on implementation considerations offered by Koss et al. (2014). The authors discuss two implementation approaches: campuses beginning with restorative processes for cases of nonsexual harm or starting a restorative response with lower levels of sexual harm first. Both types of implementation are present in my research, however, for many campuses, experiences with restorative processes prior to cases of sexual harm contributed to readiness. Nonetheless, this was not true of every campus. Additionally, Koss et al. (2014) name leadership, wide inclusion of partners and highly skilled practitioners as necessary to achieving institutional change and ability to implement. My study confirms all these factors and reinforces "campus

victim advocates, Title IX coordinator(s), student affairs staff and administrators” being involved as articulated in this previous research.

While relationships exterior to the department leading the restorative response are crucial, decisions around internal staff are just as vital. My findings suggest that administrators with targeted training and a specific skillset should be facilitating restorative sexual harm processes and should have sufficient administrative support. I therefore confirm and extend the outline provided by Karp and Williamsen (2020) around training and implementation challenges. The authors offer “Five Things Student Affairs Administrators Should Know About Restorative Justice and Campus Sexual Harm.” My findings confirm Karp and Williamsen’s (2020) call for training in restorative justice and “the dynamics of sexual violence” through administrators’ statements that they needed training specific to sexual harm and for their context in higher education. My study gives voice to administrators who have moved from planning stages to actual implementation of a restorative process for sexual harm. They offer their reflections about the turning point training offered for them. Karp and Williamsen (2020) also name “Lack of Training/Coaching” as among five implementation challenges. My study reinforces that campuses who were successful in implementing were provided the funds for the appropriate training and trained a range of key stakeholders when possible. Karp and Williamsen (2020) also offer questions to guide assessment, many of which were named by administrators as being of interest, specifically: How many students prefer a restorative approach? Are some student populations, such as LGBTQIA students and students of color, more likely to prefer restorative justice? What are the short- and long-term outcomes for participants?

Most campuses offered robust insight about readiness for implementation, but administrators do not yet have a handle on how to codify evaluation practices. Administrators are

collecting informal data and seeking feedback about the experiences of students. While Orcutt et al. (2020) mention evaluation practices of restorative responses to student sexual misconduct in a higher education setting, their perspective is law and policy focused. My findings expand their approach of using three case studies and presenting anecdotal evidence available from one of the three campuses.

In anticipation of further research that will emerge, the detailed insight that my study offers about the nature of evaluation being conducted based on a sample of nine campuses is novel. For example, in current literature there is little to no discussion of the themes administrators are currently assessing or would like to assess, both of which this study provides. All the assessments examined in this study inquired about both process and outcome measures. Significantly, this demonstrates that administrators are seeking insight about all aspects of their implementation of restorative practices. My finding that so few institutions are conducting evaluation validates many administrators' struggle with evaluation. In documenting ways administrators have made changes to their process based on their evaluation, my study reinforces the worth of evaluation. In turn, the literature has not yet offered the detailed description this study offers about informal evaluation practices. Informal evaluation is often minimized or dismissed. However, for processes and programs that involve direct student contact around issues that are deeply personal, administrators described how their evaluation was impactful and informative of their work.

A major barrier to evaluation administrators are facing emerged from the research. Administrators find it difficult to be trauma informed in their approach to evaluation and confront additional challenges of time and personnel resources. The practice of and literature documenting evaluation of restorative practices for student sexual misconduct has not caught up

to that of implementation. Since implementation in higher education settings remains novel, it is unsurprising evaluation literature is scarce. My research suggests administrators are comfortable with being trauma informed in their approach to implementation but struggle with doing the same for evaluation. Significantly, this raises the question of what can be done to support administrators in furthering their knowledge of trauma-informed evaluation practices. Such findings add to the literature as concerns of this kind are not yet documented.

While the exodus of staff from higher education is becoming more and more apparent, my study underlines staff support as a major challenge in making progress in evaluation. Evaluation support emerged as an area for growth of the restorative justice practices field, and in particular for cases of student sexual misconduct.

Finally, a big question hovered over the very premise of my study. The conversation about evaluation in the context of restorative practices created tension for some administrators between the origin of these practices in ancient wisdom, rooted in indigenous teachings, and modern practices that dictate what is “good” and “effective.” Administrators were comfortable with evaluating their choices as implementers of restorative practices but not the practices themselves. Ultimately, most administrators agreed that it is important to ask questions about their work but wondered how to do so in a way that honors ancient wisdom. Articulation of such a concern is not yet documented in the literature.

Some authors have offered parameters to guide evaluation of restorative processes. Presser and Van Voorhis (2002)’s categorize what has historically been measured in the evaluation of restorative justice as either process focused or outcomes focused. The authors also broke down these larger concepts into smaller constructs such as dialogue and relationship building. My finding extends the conversation about what such parameters should be and

reiterates that administrators do not have clarity about these constructs. My research supports Presser and Van Voorhis (2002)'s discussion that restorative programs are particularly challenging to evaluate because they are varied and often involve individual and multiple objectives. Administrators may find it valuable to examine Presser and Van Voorhis's (2002) constructs along with the assessment themes administrators in my study articulated.

Administrators confirmed concerns similar to Paul and Borton's (2017) in regard to evaluation approaches that only view effectiveness as directly related to attaining goals. Some of my participants described the evaluation approach they are taking or would take as mapping onto the social constructionist approach Paul and Borton (2017) advocate for. This approach means involving stakeholders in the RJ process to determine what effectiveness is through communication based on accounting for their interests satisfactorily. Administrators may wish to consider what values are unique to their institution as it relates to a restorative process in their development of evaluation. Administrators could also alleviate concerns about causing more harm to students by having a discussion with participants up front/during the process about building in assessment based on their individual goals. In doing so, a questionnaire or other form of assessment would not seem foreign or retriggering at the end of the process.

## **Limitations**

### ***Sample***

There are a limited number of early adopter institutions of restorative justice practices for student sexual harm. This study was originally designed to include the perspectives of seven targeted institutions. While five of these seven institutions participated in the study, administrators at one of the targeted institutions declined to participate and the administrators at the other institution were not responsive to outreach. An additional four institutions were added

to the original sample of five that agreed to participate, yielding robust data. The two institutions which did not participate, however, likely would have contributed unique perspectives that would have been valuable to the research. Since these campuses have some longevity in their implementation, the voices of their administrators may have added to my findings about how they are approaching evaluation on their campuses, if in fact they are conducting evaluation. The administrators may also have had valuable insight about factors considered for implementation on their respective campuses. Nonetheless, especially since more institutions were included than originally planned, my study can serve as a valuable resource for administrators leading restorative practices efforts for student sexual misconduct on four-year campuses.

### *Participants*

My study was also limited to the perspectives of specific administrators' implementation of restorative justice as a response to student sexual misconduct. My findings are strong because I interviewed administrators most directly involved with the creation and design of the restorative response on their campus. However, administrators who were partners in deciding readiness for implementation or administrators at other levels of leadership could have provided varying perspectives. These perspectives might have broadened or narrowed my findings, in particular pertaining to my first research question, by inviting me to consider these stakeholders' voices more directly.

My study did not include the perspectives of students who have experienced sexual misconduct or the responding students who have caused the harm, which will be critical perspectives for future research. Particularly as it relates to the campuses who are in fact conducting evaluations, it would be valuable to understand how students who participated in the evaluation perceived it. It would also be valuable to hear from administrators or collaborators on



the design and execution of the evaluation. For campuses not conducting evaluation, it could also be interesting to hear from evaluation professionals how they would approach evaluation of this type of process. Additionally, students could provide insight about what types of feedback they would wish to share or methods they think would be appropriate to capture their experience in the restorative process.

### **Recommendations For Practitioners**

This study presents four notable implications for higher education practice, particularly for administrators and institutions seeking to implement restorative practices for student sexual misconduct. These implications result from the rich data collected through interviews with administrators, with attention to the ways their narratives shared commonalities but at times also marked differences, as well as document analysis.

#### ***Building and Maintaining Collaborative Relationships***

While it is common for university divisions to work in silos or even departments within a division to do so, my study demonstrates the importance of building and maintaining collaborative working relationships with other departments on campus who interact with sexual harm. Such efforts were identified as key to creating support and infrastructure for a newly designed process on campus. The cultivation of such relationships provided administrators with a sense of confidence that was needed to establish readiness to implement restorative justice responses. Prevention of, education around and adjudication of sexual misconduct is a large task, even on small university campuses and coordination with all the areas involved ensures that efforts are streamlined. One office on campus trying to take on all aspects of sexual misconduct is too overwhelming. My study makes clear that the Title IX Coordinator or office, student conduct and advocacy office (if present) should be included or at least considered as partners.

Based on the makeup of my study participants, Diversity, Equity and Inclusion could be another valuable partner if separate from Title IX, etc. My research revealed that administrators in these different areas have unique knowledge and perspectives that can be accessed to create the best possible outcomes for students, rather than one area trying to take on all of students' needs.

My study calls for administrators to determine how to address skepticism or mistrust that might arise around implementing restorative practices for student sexual misconduct. Offering a restorative response may originate from one person or team's good idea, yet it is unrealistic to tackle readiness all alone. In fact, such an approach may ultimately lead to the process never taking root in a meaningful way. Administrators should consider taking a strategic approach to training and education about restorative practices to include the necessary partners relevant for their campus. It may make sense to include one or many stakeholder groups in training, as many administrators in my study discussed, to solidify the relationships necessary for true readiness. While my study highlighted the key departments that were commonly mentioned by administrators, there may be more or different partners depending on the organization. My findings suggest that it could be important to consider how leadership is being included in training or education for the campus community on restorative practices.

### ***Staff with Knowledge, Skills and Experience***

Staffing is a critical concern for leaders in higher education currently and my study only emphasized the importance of having highly qualified staff in place. My findings related to staff roles call for there to be enough staff with the knowledge, background, experience and skillset to carry out restorative practices and evaluation work. My research suggests the importance of staff who have a strong conceptualization of restorative justice as a whole and that hands on implementation of restorative processes prior to implementing for sexual misconduct can be

critically helpful. Participants named the difficulty that can arise when one staff member is expected to take up the facilitation and administrative aspects of a restorative process. A model that allows for two or more staff to be involved in this work, particularly depending on the size of the institution, appears to be more successful. Multiple administrators concurred that not all staff are suited to be facilitators or directly involved in the restorative process. Nonetheless, they can be advocates for the process with students and other stakeholder groups.

When administrators are asked to wear many hats, evaluation can fall to the bottom of the priority list. Staff turnover creates discontinuity that is counterproductive to the often iterative process that is needed to develop meaningful assessment tools. Leadership and administrators in a supervisory role should also work to create structured time for their staff that supports assessment and evaluation efforts.

My findings provide a call for further education on evaluation for administrators. Administrators engaged in sexual misconduct response occupy various departments and come from multiple backgrounds and disciplines, including student affairs, psychology, or clinical practice as well as human resources or law school. While some of these areas include evaluation in coursework, it is not consistent across all of them and may be basic for some. Leadership can provide opportunities for professional development around evaluation and traumatic experiences so that administrators have a starting point for developing the tool that will be most helpful for their campus. Tapping into the research that already exists about traumatic experiences and evaluation can assist administrators in not feeling so overwhelmed and at least provide some guideposts to start with.

Developing skills around assessment and evaluation will not be enough to combat the overall staffing and turnover challenges on some campuses. Therefore leadership should also

consider providing more support regarding evaluation to administrators managing the restorative process on their campus. It may be a better use of time and resources to have administrators focus on facilitating processes and maintaining sound policies, while research and assessment staff are made more available to them. It is not uncommon for research and assessment staff to be pulled in many different directions with competing needs. Leadership and administrators themselves should advocate for these staff to be present for program evaluation of implementation of a restorative justice response. Such a response is an innovative way of responding to harm that has the ability to impact the experiences of many individual students but also the campus climate as a whole.

### ***Training Needed for Staff***

My findings support that training was a critical factor to support readiness for implementation. Leadership and administrators will benefit from determining what trainings are needed for their staff or themselves to feel ready to implement restorative practices for student sexual misconduct. For certain campuses, it may be that trainings are needed merely to fill in gaps of knowledge or experience. For others, more comprehensive training may be needed for staff to feel sure that they will not cause more harm to students. Administrators can take an inventory of staff knowledge, experience and skills and then survey what is available for trainings to appropriately meet the needs of their campus.

Unfortunately, the availability of training in restorative practices for sexual harm in higher education is limited. While some entities have offered training in the past and were instrumental in implementation on the campuses included in my study, some have also discontinued training of this type. This has left room for other experienced practitioners to offer themselves as a resource. However, training development and dissemination consumes resources

and time that some practitioners are not able to provide. Administrators should also consider how much time they are willing to invest in training and what threshold of time they think is adequate to affirm readiness. As my findings underline, training is not a cost-neutral proposition and will likely even be prohibitive for some campuses. Since multiple administrators named training as the most important factor for readiness, administrators should reconsider being quickly dismayed by high training costs. Administrators may consider the long-term benefits offering a restorative practice response will have on generations of students and how that compares to an initial heavy lift in cost.

Training is an area of growth for this field in more ways than one. It is not well known how trainings for restorative justice for sexual misconduct have been evaluated and evaluation is critical to ensuring desired learning outcomes are achieved. One entity dominated the training circuit for early adopter institutions and recently another has evolved. Moving forward, a variety of training models will likely be beneficial to meet the needs of the various types of campuses interested in implementing a restorative response to student sexual harm.

### ***Follow in the Footsteps of Those Who Have Evaluated***

The information shared in answering my second research question suggests a path forward for administrators interested in evaluating their institution's restorative response to student sexual misconduct. The assessment style (survey), dissemination pattern (via email following participation in the RJ process) and themes (procedural design, quality of process and outcomes/satisfaction) can serve as a baseline for campuses beginning their evaluation journey. Furthermore, my findings suggest that administrators found success by approaching evaluation as an iterative process: they offered their best version of an assessment and then made changes as they learned what could more meaningfully inform their process. Administrators needed to have

experiences of what did and did not work in order to understand what their next step regarding evaluation would be.

Just as one of my participants envisioned a data repository in the future, an initial step would be to consider sharing materials concerning evaluation amongst institutions. While processes may have marked differences, a baseline assessment provided by another institution could be modified or tailored to that institution's needs. Given that institutions who participated in my study were interested in evaluation and shared ideas even if they were not actually engaging them in practice, more discussion of evaluation in existing networks seems of value. Creating spaces in existing networks or consortiums to focus on evaluation work being done or creating new networks to carry out evaluation work will also support strides being made in this area.

## **Recommendations for California Policy and Federal Regulations**

### ***Allow for the Continued Offering of Restorative Justice***

Current Notice of Proposed Rulemaking for Title IX from the Office for Civil Rights is under review and there are likely to be more changes forthcoming to the procedural requirements for handling complaints of sexual misconduct, particularly in higher education. Restorative justice practices should be maintained as having a place in the new regulations. Restorative justice is a framework for addressing and preventing harm by orienting justice responses around the needs of the person harmed, the person who caused harm, and the community. Therefore, it is an approach that aids universities in meeting their obligations and living up to expectations in addressing the scope of this problem. The 2020 Title IX Regulations call for institutions to “address sexual harassment, protect “victims of sexual harassment and ensure “that due process protections are in place for individuals accused of sexual harassment.” The parameters allow for

“informal resolution” and restorative practices meet these criteria by addressing the behavior through calling for accountability, having the process be guided by the victim and making sure the party who causes harm is prepared for the process and also has ownership over outcomes. My findings support that both students voice that restorative processes can meet their needs in a way that live hearing processes cannot. If law and policymakers want to do right by students who have experienced harm, they should consider the value in allowing for students to choose restorative processes.

President Biden’s signing of the Violence Against Women Act Reauthorization Act of 2022 (VAWA) is one example of policymakers encouraging the expansion of restorative practices offerings. VAWA is targeted to address sexual misconduct by focusing on community-wide prevention efforts and expanding access to support for survivors. Among several new measures, VAWA makes grants for college campuses available to develop and implement restorative practices. Proposals that address the needs of underserved or culturally specific populations will be prioritized.

In California, Senate Bill 493 outlines that, “An institution shall not mandate mediation to resolve allegations of sexual harassment, and shall not allow mediation, even on a voluntary basis, to resolve allegations of sexual violence.” Even though mediation and restorative justice differ, some institutions may be wary of implementing processes based in restorative justice because of the strength of the language used in this legislation and fear of litigation for engaging in any process that could be perceived as being adjacent to mediation. California law and policymakers should be called to clarify their language or explicitly state that use of restorative justice practices is permitted if in fact this is the case. The Title IX Regulations use language that

make it clear that restorative justice is a viable response and California law and any other state law which may suffer from the same ambiguity should do so as well.

### ***Provide Time to Execute New Processes***

My findings articulate the challenges administrators experience with time, both regarding the myriad roles they occupy and limited time available to them for implementation of May 2020 Title IX Regulations. Policymakers should consider how much time they provide administrators to execute new processes. It is a huge undertaking to rewrite policy, alter procedures and train staff. If policymakers are desirous of implementation of new processes with fidelity and quality control, administrators need more than a few months. Policymakers should consider the steps required for administrators to gather community feedback, discuss with relevant stakeholders and disseminate information about new policy and practices in a way that makes sense for each individual educational institution. All of these steps take time and if time is not provided, policymakers need to be aware that the impact could be further harm to students. A summer implementation period is helpful for many reasons as workloads are often lighter for administrators during this period. However, administrators have little access to key stakeholders such as students and faculty during this time.

### ***Listen To University Administrators***

Policymakers should trust administrators as the experts who work most closely with students that offering a restorative justice process option can better provide students with what they want and need. My findings suggest that administrators want to provide more options to students beyond an investigation process. They articulated their concern that the current system is not working for students. Multiple administrators shared that a restorative process option is



helpful to students, including that it provides autonomy and control to students who have experienced sexual harm.

Finally, my findings suggest a gap between the experience of administrators and the policies yielded by legislators. The timeline given for execution of the 2020 Title IX Regulations is one example of this as is the lack of clarity around the use of restorative justice practices in California Senate Bill 493. Policy makers who have experience as practitioners and are aware of all the nuances and challenges of supporting students involved in sexual misconduct processes are needed. If the conversion of educators into policymakers is not feasible, policy makers should make greater efforts to consult practitioners who have weathered the changes in guidance and regulations while continuing to serve students in their capacity as hearing officers and/or facilitators. Policymakers can consult both experts in restorative justice in higher education as well as Title IX Coordinators and student conduct professionals.

### **Recommendations for Future Research**

This study points to three directions for continued, meaningful research. An important finding of this study was that administrators have concern about the harm that evaluation could cause to students who have already experienced sexual harm. Since some institutions are currently administering assessments and conducting evaluation, speaking to students who have engaged with the assessment would be particularly valuable. Future researchers should inquire whether students who are on the campuses conducting evaluation experience harm from participating in the evaluation. The research could articulate the parameters of the harm, if in fact this was validated, and what would minimize the harm that came from their interaction with the evaluation.

Second, since few institutions are currently conducting evaluation of their restorative response to student sexual misconduct, researchers could take another avenue to understand the potential impacts of evaluation on students. Researchers could target the pool of institutions who are implementing restorative responses but not yet evaluating. Future research could ask student participants in restorative processes if they would find it harmful to participate in evaluation. Researchers could even collect data from students themselves about what types of feedback they would like to give or what they think would be helpful for administrators.

Third, while this study recommends further support for administrators embarking on evaluation, what exactly this support should look like is a needed avenue of further research. My study collected some insight about what evaluation staffing models look like on various types of campuses. However, quantifying and describing the staff in evaluation roles on these campuses might further inform the gaps in evaluation that emerged from this study. Additionally, speaking to evaluation professionals about how they would propose most effectively evaluating a restorative response to student sexual misconduct is an interesting option for further research.

### **Personal Reflection**

Restorative practices is in our policy but are we ready? Within a span of five weeks my team had received two requests for a restorative justice process for sexual misconduct matters on my campus. This question confronted me as an administrator while I was deep amid data analysis and writing up my dissertation findings. A colleague and I were actively participating in a restorative justice for sexual harm training that still had multiple weeks before its conclusion. From listening to the students who made the requests for the restorative process, I felt the weight of knowing that a hearing process would not meet their needs. I felt that I could be involved in

causing more harm if I were not intentional about the steps we took in the process and how we approached each aspect of the work – a concern that reverberated through me.

Even as a facilitator of restorative justice practices for other matters, I felt anxious and apprehensive. But I also felt I had the advantage of my research behind me. I had an inventory of the indicators of readiness that I could review like a mental checklist that gave myself, my colleague and my supervisors the confidence we needed to move forward. I was reminded of what Olivia, one of my interview participants shared, “...you’re never going to be ready if you don’t do it. So at some point you have to stick your feet in the water.” And Gabriela, “I think we were pretty confident that we needed to try, like, this is really important that we’re able to make this an option so ready or not, we’ve got to try this.” So we did, we tried it. I kicked myself at the same time because as was the case with many campuses I had spoken to, our efforts went toward policy writing and we had never made it to mapping out what assessment and evaluation should look like. We did not have any type of formal assessment or evaluation process set up, so we collected the anecdotal feedback that we could. Particularly for one of the cases, it went well and met the students’ needs, appeared to yield reflection and accountability, and enabled the students to operate in a shared community setting more comfortably.

My experience with these processes served as reinforcement. My restorative justice journey has led me to believe that justice is about humanizing. Fania Davis said, “Our system is one that harms people who harm people to show them that harming people is wrong.” I can’t keep being part of the system. We each have an opportunity to stop leaving students more broken after going through a process. We have a responsibility to continue to interrupt traditional systems and shift focus to healing harm.

## APPENDIX A: STUDY RECRUITMENT EMAIL

Dear XX,

My name is Julia Wade and I am an Ed.D. candidate in the Educational Leadership Program at the University of California, Los Angeles (UCLA). I also serve as the Associate Director for [Restorative Practices at Loyola Marymount University](#).

I am writing to invite you to participate in my dissertation study, Evaluation Practices of Early Adopters of Restorative Justice Responses to Student Sexual Misconduct on College Campuses. This study aims to provide information about how institutions who utilize a restorative justice response to student sexual misconduct knew they were ready to establish such a response and how they currently evaluate their practices.

You were selected as a possible participant in this study because your institution is an early adopter of restorative justice as a response to student sexual misconduct and you are an administrator involved in this response.

I would like to schedule a 75-90 minute recorded Zoom interview with you with questions pertaining to factors considered in determining readiness for implementation of restorative practices as well as challenges and how they were addressed. Questions will also pertain to the key elements of your institutions' evaluation work and how assessments or other evaluation measures were developed. Your participation in this research study is voluntary.

There are no anticipated risks or discomforts from your involvement in the study. You will not directly benefit from your participation in the research. Most importantly, the results of the research may assist other institutions who are considering implementing restorative practices for student sexual misconduct.

You will receive a \$25 Etsy gift card for your participation in this research which will be emailed to you following your completed interview.

If you would like additional information about the study, the Study Information Sheet is available here: <https://ucla.box.com/s/pcp8gw4u8mt40q3equ4gyd3xdt0pig0k>

*Please reply to this message to inform me that you wish to participate in the study and I will identify a time you are available for the interview.*

If you have any questions or concerns about the research please contact me at 310-612-1447, [jwade77@g.ucla.edu](mailto:jwade77@g.ucla.edu) or my Faculty Sponsor, Dr. Ron Avi Astor at 310-825-2194, [astor@luskin.ucla.edu](mailto:astor@luskin.ucla.edu)

Thank you for your time and interest.

Julia M. Wade

## **APPENDIX B: STUDY INFORMATION SHEET**

University of California, Los Angeles

### **RESEARCH INFORMATION SHEET**

Evaluation Practices of Early Adopters of Restorative Justice Responses to Student Sexual Misconduct on College Campuses

#### *Introduction*

Julia Wade, Ed.D. candidate in the Educational Leadership Program at the University of California, Los Angeles (UCLA) is conducting a research study for her dissertation. Drs. Diane Durkin and Ron Avi Astor from the Education Department at UCLA are her faculty sponsors.

You were selected as a possible participant in this study because your institution is an early adopter of restorative justice as a response to student sexual misconduct and you are an administrator involved in this response. Your participation in this research study is voluntary.

#### *Why is this research being done?*

This study aims to provide information about how institutions who utilize a restorative justice response to student sexual misconduct knew they were ready to establish such a response and about how they currently evaluate their practices.

#### *How long will the research last and what will I need to do?*

Participation will take a total of about 90 minutes at a time that is convenient for your schedule.

If you volunteer to participate in this study, the researcher will ask you to do the following:

- Engage in a 90 minute recorded Zoom interview with questions pertaining to factors considered in determining readiness for implementation of restorative practices as well as challenges and how they were addressed. Questions will also pertain to the key elements of your institutions' evaluation work and how assessments or other evaluation measures were developed.
- Engage in a follow up recorded Zoom interview of no more than 20 additional minutes only if all appropriate data cannot be captured in the initial interview.

#### *Are there any risks if I participate?*

Some participants may feel uncomfortable if they do not wish to discuss information pertaining to readiness for implementation of restorative practices and subsequent evaluation. Interviewees and institutions will be assigned a pseudonym.

*Are there any benefits if I participate?*

- You will not directly benefit from your participation in the research.
- The results of the research may assist other institutions who are considering implementing restorative practices for student sexual misconduct.

*How will information about me and my participation be kept confidential?*

The researchers will do their best to make sure that your private information is kept confidential. Information about you will be handled as confidentially as possible, but participating in research may involve a loss of privacy and the potential for a breach in confidentiality. Study data will be physically and electronically secured. As with any use of electronic means to store data, there is a risk of breach of data security.

**Use of personal information that can identify you:**

Information that is obtained in connection with this study that can identify participants will remain confidential. To ensure confidentiality of the participants, a pseudonym will be used. A pseudonym will also be used when referencing specific institutions.

**How information about you will be stored:**

All research data and records will be stored electronically on a secure network with password protection.

- You have the right to review the audio recordings made as part of the study to determine whether they should be edited or erased in whole or in part.

*Use of data for future research*

Your data, including de-identified data may be kept for use in future research.

*Will I be paid for my participation?*

You will receive a \$25 Etsy gift card for your participation in this research which will be emailed to you following your completed interview. If you start but do not complete the interview, you will not receive full payment for participation.

*Who can I contact if I have questions about this study?*

**The research team:**

If you have any questions, comments or concerns about the research, you can talk to one of the researchers. Please contact: Julia Wade at 310-612-1447, [juliamkeighley@gmail.com](mailto:juliamkeighley@gmail.com) or Dr. Ron Avi Astor, Faculty Sponsor, at 310-825-2194, [astor@luskin.ucla.edu](mailto:astor@luskin.ucla.edu)

**UCLA Office of the Human Research Protection Program (OHRPP):**

If you have questions about your rights as a research subject, or you have concerns or suggestions and you want to talk to someone other than the researchers, you may contact the UCLA OHRPP by phone: (310) 206-2040; by email: [participants@research.ucla.edu](mailto:participants@research.ucla.edu) or by mail: Box 951406, Los Angeles, CA 90095-1406.

*What are my rights if I take part in this study?*

You can choose whether or not you want to be in this study, and you may withdraw your consent and discontinue participation at any time.

- Whatever decision you make, there will be no penalty to you, and no loss of benefits to which you were otherwise entitled.
- You may refuse to answer any questions that you do not want to answer and still remain in the study.

*You will be given a copy of this information to keep for your records.*

## APPENDIX C: INTERVIEW PROTOCOL

**Oral Consent Script:** Thank you for your willingness to participate in my dissertation research as part of my doctoral program in Educational Leadership at UCLA. To begin, I would like to review the oral consent information. This study will examine evaluation practices of early adopters of restorative justice responses to student sexual misconduct on four-year college campuses. For this interview, I'm interested in learning about your experience as an administrator directly involved in such a process and first will be asking about how you assessed readiness for implementation of restorative practices in response to student sexual misconduct on your campus. Then I will be asking about evaluation tools you are using at your institution, if in fact you are conducting evaluation and how the evaluation was developed.

This interview is estimated to last 90 minutes and your participation is voluntary. You will never be identified by name, and you may choose a pseudonym that I will use to identify you throughout the course of my study.

In order for me to accurately capture our conversation, I would like to digitally record it so I can later transcribe the interview verbatim. You will have the option at that time to review the transcript and edit any of your responses.

May I have your permission to record this interview? *[start recording]*  
*[Reconfirm oral consent once recording has started]*

1. Tell me briefly about how you came to be at XX institution and how long you have been in your current role.
2. How would you describe your role in relation to restorative practices in response to student sexual misconduct on your campus?
3. How long has your institution been using restorative practices and specifically for student sexual misconduct?
4. My understanding from reading your policy is that you offer (customize for institution) restorative options. What else can you share about what types of restorative practices your institution offers in response to student sexual misconduct?
5. Why did your department/area establish restorative justice practices as a response to student sexual misconduct?  
*Possible probe:* Who contributed to this decision? Who were the stakeholders?
  - a. How if at all, did the needs of students, particularly BIPOC and nonbinary students, influence your establishment of this response?
  - b. How if at all, did the needs BIPOC and nonbinary students influence your establishment of this response?
  - c. Ask about vision for implementation



6. Who were the individual people, departments or areas involved in the creation and design of this response on your campus?
7. What resources or support were needed to establish such a response?  
*Possible probe:* Is there anything unique or specific about your institution in particular that fostered the development of RJ as a response to student sexual misconduct?  
*If participant has not mentioned these factors, ask about them:*
  - a. Institutional mission
  - b. Departmental mission
  - c. Campus culture
  - d. Financial resources
  - e. Availability of trainer/training
  - f. Availability of facilitator
  - g. How COVID-19 has impacted establishing response
8. How did your department/area know you were ready to establish such a response? (What did you do to get ready?)  
*If participant has not mentioned these factors, ask about them:*
  - a. Support from supervisor
  - b. Support from higher leadership
9. How did you address concerns that your campus community had, if any, about the use of RJ for student sexual misconduct?
10. What steps would you recommend administrators take to ensure that they are ready to implement restorative practices in response to student sexual misconduct?
11. How are you currently evaluating the use of restorative practices in response to student sexual misconduct?
  - a) *If evaluation is not currently occurring:*
    - i. If an evaluation has not been implemented, what have been the barriers to implementing such an assessment at your institution?
    - ii. If an evaluation has not been implemented, what aspect of your current practices are you most interested in understanding more about?
    - iii. Do you have ideas about how you would go about the evaluating what you just described?
    - iii. How would you describe the culture around evaluation in your department/area? In your division?
  - b) *If evaluation is occurring:*
    - i. How was the evaluation developed?
    - ii. What are key components of the evaluation?
    - iii. How did you choose the focus of the evaluation?
    - iv. Have you made changes to your restorative response based on evaluation findings?

- v. If so, did you also make changes to how you evaluated the response?
  - vi. Who are evaluation findings shared with?
  - vii. How are evaluation findings shared?
  - viii. How would you describe the culture around evaluation in your department/area?  
In your division?
12. What institutional factors make implementing evaluation challenging (such as resources, staffing, leadership, campus culture)?
  13. What non-institutional factors make implementing evaluation challenging (such as time, knowledge or expertise)?  
*Possible probe:* How, if at all, has COVID-19 impacted your implementation of evaluation?
  14. What advice would you give to other institutions seeking to implement evaluation of restorative practices?
  15. What demographic or other kinds of data, if any, are you collecting about students who participate in the restorative justice process for incidents of sexual misconduct? Is this something you would be willing to share with me in aggregate?
  16. Is there anything else you'd like to share regarding your implementation of RJ processes for student sexual misconduct and evaluations on your campus?

Thank you very much for your time and participation.

Transcribing this interview is the next step in the process for me, and you have the option to review the transcript of the recording. Please contact me before September 1st if you would like to review the transcript.

I'll be sending you a link in the next few days for your Etsy gift card.

## **APPENDIX D: DOCUMENT ANALYSIS PROTOCOL**

### **Analysis of the following information for Policy or Process Flowchart Documents**

1. Institution
2. The Department name or website area where the document was retrieved from
3. Document featured on a stand-alone webpage or where it is housed
  - Description of the webpage if housed elsewhere
4. The year and/or specific date the document was last updated
5. Primary audience for the document
  - Students
  - University community
  - Unspecified/unclear
6. Name/title of process
7. Process types with description
  - Conference
  - Circle
  - Shuttle process
  - Victim impact process
8. Administrator title of who determines a restorative process is appropriate
9. Whether restorative processes can be used for all cases
  - Explanation of determination process
10. Evidence of evaluation in policy
11. Evidence of similar language to any other institution's policy reviewed
  - Name of institution

### **Analysis of the following information for Evaluation/Assessment Instruments**

1. Institution
2. Administrator title of who provided document
3. The year and/or specific date the document was last updated
4. Number of questions
5. Primary question type
6. Indication on document of when administered
7. How administered
8. Description of themes assessed/key assessment elements
9. Evidence of process assessment
  - Procedural design
  - Implementation
  - Documentation of process
  - Changes in plan
  - Quality of process
10. Evidence of product assessment
  - Outcomes
  - Goals
  - Satisfaction
  - Needs met
  - Behavior change

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