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Exploring Restorative Justice as an Adaptable Resolution for Gender-Based Misconduct

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Abstract

Restorative justice, an approach to harm rooted in Indigenous culture, asks three central questions: 1) What is the harm? 2) Who is impacted? 3) How can we repair it? This is a vastly different approach to most criminal justice procedures that instead seek to determine who broke what rule and how they should be punished. Although a modern resurgence of restorative justice has exploded across college campuses, higher education has been slow to adopt the approach for relationship violence and sexual harm. In this study, victim advocates, conduct professionals, and university administrators at the University of San Diego participated in stage-matched interventions, evolving through the transtheoretical model of change with a growing motivation to explore restorative justice for gender-based harm. Participation in restorative justice practices not only removed a shroud of uncertainty about the process but also deeply connected the group while revealing that restorative philosophy mirrored their values. Ultimately, the participants stepped up to action, working collaboratively to plan a forthcoming proposal to implement a restorative justice option as an adaptable resolution for gender-based misconduct.

Keywords: restorative justice, gender-based misconduct, sexual misconduct, relationship violence, Title IX, organizational change, transtheoretical model of change

Exploring Restorative Justice as an Adaptable Resolution for Gender-Based Misconduct

Traditional conduct processes are not designed to heal. Emulating the criminal justice system, many university conduct processes focus on determining who broke what rule and how they should be punished. In contrast, restorative justice (RJ) is centered on the harm and repairing it to the extent possible. Although the University of San Diego (USD) has a strong foundation in restorative justice practices that span cross-campus initiatives including student conduct, a restorative model is not an option for cases of gender-based misconduct. Impacted parties can choose an investigative hearing process with the Critical Issues Board, or they can do nothing. A Critical Issues Board at USD is made up of one administrator, one faculty member, and one student representative who hears cases where students are at risk of suspension or expulsion. The board reads the incident report and information collected on the case, questions the complainant, respondent and witnesses, decides whether the respondent is responsible, and, if applicable, sets sanctions.

I have served on Critical Issues Boards for cases of gender-based misconduct on campus and am also certified in Restorative Justice Facilitation and Leadership, which uniquely positions me as a researcher to see the ways a restorative option meets the needs of victims and offenders as well as the educational and student development goals of universities.

Through this study, I engaged conduct professionals, victim advocates, and university administrators at USD in their own exploration of restorative justice while addressing the following research questions:

1. What attitudes and beliefs do staff and administrators have on how cases of gender-based misconduct should be resolved?
2. In what ways can restorative justice practices be used to inspire staff and administrators to believe in and advocate for a restorative justice option to resolve cases of gender-based misconduct?

Background

Although some universities have different policies to define and respond to gender-based misconduct, for this paper, I use the term *gender-based misconduct* as an umbrella term encompassing the wide range of harm, including relationship violence and sexual misconduct from verbal harassment to nonconsensual penetrative sex. *Victim, survivor, person harmed* and *complainant* are used interchangeably. Victim or survivor can be a personal preference of the victim/survivor*,* person harmed is the preferred term in restorative justice contexts, and complainant is the legal term used in Title IX and in many university conduct procedures. *Offender, person responsible*, and *respondent* are also used interchangeably in this study, with offender common in the literature and on college campuses, person responsible as the restorative justice term, and respondent as the legal term in Title IX investigations. All genders on the continuum of gender identity can be victims or offenders of gender-based harm.

Restorative Justice 101

Restorative justice is a broad term for a set of guiding principles to a more peaceful life and equitable society, with roots in Indigenous culture and applications in various contexts across the world. For the purpose of this study, the term *restorative justice* refers to the restorative justice approach to harm that asks three central questions:

1. What is the harm?
2. Who is impacted?
3. How can we repair the harm (to the extent possible)?

This is a vastly different approach compared to our punitive criminal justice system that instead centers on offenders and asks the following:

1. What rule is broken?
2. Who is to blame?
3. How should they be punished? (Zehr, 2015)

Restorative Justice on College Campuses

Restorative justice is becoming a more common practice for universities handling a wide variety of student misconduct as the approach aligns with universities' goals for education and student development. When administrators in student conduct dialogue with students using a restorative framework, the conversation moves beyond rules being broken and students can instead begin to understand that their behavior impacts the community and that membership to the community implies a social contract (Karp, 2019). On campus, restorative justice is often implemented in three models: restorative justice conferences, restorative justice circles, and restorative justice boards. Restorative justice conferences are facilitated dialogues between the offender and people who were harmed (Karp, 2019). Conferences require several individual meetings of support, or preconferences, that assess who should participate, goals of each party, and the readiness for participation. Restorative justice circles are similar but often include more people from the community and use a talking piece to ensure everyone is heard while each participant responds to prompts in four rounds that focus on: a) Connection (Building Trust), b) Concern (Exploring the Issue), c) Collaboration (Brainstorming Next Steps), and d) Closing (Assessment and Appreciation) (Karp, 2019). Restorative justice boards are structured like a hearing board, but use restorative practices to focus the dialogue on impact. The boards have private deliberation to determine responsibility and set sanctions (Karp, 2019).

Restorative justice has proven to be an effective tool, as evidenced through The Student Accountability and Restorative Research (STARR) Project conducted by David Karp, now Director of USD's Center for Restorative Justice. Karp (2019) compared a conduct approach with restorative justice in 659 conduct cases at 18 universities and measured six indicators of student development, including a) Just Community/Self-Authorship, b) Active Accountability, c) Interpersonal Competence, d) Social Ties to the Institution, e) Procedural Fairness, and f)

Closure. Students involved in the restorative cases reported more learning on all six indicators with the most learning reported when harmed parties were included (Karp, 2019).

Restorative Justice and Gender-Based Misconduct

As one restorative justice advocate asserted, “while colleges and universities have been responding to sexual misconduct for decades, the ability to reach a satisfactory outcome for all involved remains elusive,” further noting that traditional conduct policies are often driven by legal mandates and risk management rather than designed around the healing of victims (Williamsen, 2017, p.3). Some laws and policies, including Title IX, the Clery Act, Violence Against Women Act, state laws, and campus policies support a quasicriminal approach to cases. However, as evidenced by lawsuits, appeals, and under-reporting, this approach is not working: “If survivors find the complaint process to be too intrusive, disruptive, and prolonged, they are not likely to make use of it as a resource” (Karp, 2019, p. 148).

The use of restorative justice as an adaptable resolution to addressing sexual harm and other gender-based misconduct is an emerging practice for college campuses and the modern U.S. community more generally. Although restorative justice can be applied using three levels of intervention, my review of the literature focused on Tier 2, which is a direct response to an incident of harm. Most common applications within this tier are circles, conferences, and shuttle facilitation (Naidu & Karp, 2022). See Figure 1 for a comparison of the models.

Restorative justice, used as an alternative approach to investigative conduct procedures in cases of gender-based misconduct, is also fraught with barriers such as misconceptions about restorative justice, legal compliance in the way cases are handled, and punitive mindsets. Thus, the use of restorative justice on college campuses, and therefore, research on its impact, is limited.

Studies do show that victims often need answers, empowerment, and vindication, and the facilitated dialogue between victims and offenders that restorative justice provides is

designed to offer just that (Oudshoorn et al., 2015). A personalized experience that centers on repairing harm based on the victim's needs, the nature of restorative justice facilitates healing:

> A consensus of published studies is that sexual assault victims need to tell their own stories about their experiences, obtain answers to questions, experience validation as a legitimate victim, observe offender remorse for harming them, receive support that counteracts isolation and self-blame, and above all have choice and input into the resolution of their violation. (Koss et al., 2014, pp. 246–247)

Figure 1

Comparison of RJ Models for Gender-Based Misconduct

Models	**Circle**	**Conference**	**Shuttle Facilitation**
Purpose	Widespread community harm; ripple harms; addressing climate/culture	Specific incident of harm; face-to-face communication	Specific incident of harm; no face-to-face interaction between person harmed and person responsible
Process	Circle process with talking piece	Structured and unstructured dialogue; use of a facilitator script	Indirect dialogue via facilitator who "shuttles" between parties
People to Include	Trained RJ facilitator and co-facilitator, person(s) responsible, person(s) harmed, impacted community members, other stakeholders	Trained RJ facilitator and co-facilitator, person responsible, person harmed, support people for each, impacted community members	Trained RJ facilitator and co-facilitator, person responsible, person harmed
Examples	Rape chants, Incidents involving groups and organizations, Incidents with several bystanders	1:1 incident of harm	Harmed party wants something restorative but does not want to be in the same room as the person responsible; When risk of revictimization is high
Roots	North American Indigineous peacemaking circles	Indigineous Maori conflict resolution; Australian policing	Shuttle diplomacy and mediation; preconference process

Note. From Chapter 5: Building Restorative Options, by J. Naidu & D. Karp (2022), In *Reframing Responses to Campus Sexual Misconduct: A Restorative Justice Approach*, E. Wessel & K. Williamsen (Eds.). [Manuscript Submitted for Publication].

In one well-known case study, a victim known as Anwen wanted the offender, Sameer, to read everything she had ever written about the incident: poems, essays, journal entries, her formal impact statement. According to Orenstein (2021), “it was the hardest thing Sameer had ever done.” Although traditional conduct procedures might have called for passive accountability, such as suspension, Sameer repaired the harm to the extent possible in what restorative justice practitioner Danielle Sered (2019) calls “doing sorry” (p. 96). Through their restorative justice conference, Anwen and Sameer agreed to coauthor an article for their school newspaper educating others about the incident and for Sameer to facilitate trainings for fraternity members on behaviors that contribute to rape culture. He also advocated for that training to be mandatory (Orenstein, 2021). Sameer opened dialogues with his friends and presented what he had learned to boys at local high schools, too (Orenstein, 2021). Through this case study, Orenstein (2021) illustrated the following principle:

> Instead of relying on the severity of the sanction as its metric, RJ relies on the testimonials of harmed parties and concrete measures of behavioral change. Rather than simply assigning passive offender accountability, in which punishment is delivered but change is not measured, RJ cultivates active accountability in which offenders can repair harm and demonstrate responsible behavior.
>
> (The Campus PRISM Project, 2016, p. 3)

In a restorative justice framework, harm creates obligations and justice is about meeting those obligations (Oudshoorn et al., 2015). Part of the preconference process is ensuring that an offender is ready to take responsibility for their actions. Treating offenders with dignity demonstrates hope. “We know that having hope gives us a reason to move forward in healthy ways, to be able to take responsibility for our behavior, to engage in pro-social ways with our environment. When people are remembered for the worst thing they ever did rather than the good they have contributed, hope is difficult to maintain” (Oudshoorn et al., 2015).

Barriers to Restorative Justice for Cases of Gender-Based Misconduct

Although evidence points to the promise of restorative justice and many universities have adopted the approach for student misconduct, few institutions have gone so far as to use restorative justice for cases of sexual harm and other gender-based misconduct. A review of the literature points to what Karp (2019) calls a “complex web” of policies and procedures that campuses must navigate to respond to cases of gender-based misconduct, complicating the use of restorative justice for administrators who may have misconceptions about the approach.

One hesitation about the use of restorative justice is that it is a voluntary process for both the person harmed and the person responsible. There could be a perception that universities put pressure on students to choose a restorative justice alternative, which could jeopardize Title IX compliance, even if the process truly is voluntary (Karp, 2019). Given the fact that the very basis of gender-based misconduct cases are often rooted in manipulation and unwanted pressure on the victim, it also raises questions on how to assess whether the parties come to the process of their own volition. For example, in some circumstances, restorative justice is traded as an option to avoid punitive sanctions so there is concern an offender might manipulate a victim to agree to the process so the violation is not on their record. This, of course, skirts the intentions of true accountability and deep reflection. There are also concerns whether an admission of guilt or statements from the offender could later be used against them criminally (Coker, 2016). In restorative justice conferences, victims and offenders typically meet face to face (although some campuses use shuttle facilitation as an indirect option), which institutions might consider a potential safety concern or point of retraumatization (Karp, 2019). Proponents of restorative justice argue that clear policies can address many of these concerns and that policies should be adapted with guidance from local district attorneys and institutional counsel (The Campus PRISM Project, 2016).

Context

This study took place against a backdrop of nationwide social unrest, with calls to defund the police and shift criminal justice responses to the community. Although this movement is rooted in the racial inequities and police brutality that plague the nation, it speaks to a larger narrative of a criminal justice system that continues to fail the very people it is meant to protect. Concurrently, the Biden-Harris administration had committed to re-examining the Title IX policies that govern the way gender-based misconduct cases are handled by school administrations, an action that was expected to benefit complainants who currently suffer what many would consider an adversarial process that requires them to be cross-examined by their respondents ("Biden Begins Process To Undo Trump Administration's Title IX Rules," 2021). Given the larger sociopolitical context, the time was ripe for higher education to advance its own shift to community responses to harm.

The study was conducted at USD, a private Catholic university "committed to advancing academic excellence, expanding liberal and professional knowledge, creating a diverse and inclusive community, and preparing leaders who are dedicated to ethical conduct and compassionate service." The contemporary liberal arts college is a predominately White Institution serving 9,000 students, including about 3,000 graduate students. About 57% of students identify as women. In addition to being an Ashoka Changemaker campus, the institution is also home to the Joan B. Kroc Institute of Peace and Justice known as the West Coast capital of Peace Education, and the Center for Restorative Justice (USD, 2021).

When relationship violence and sexual harm are reported, complainants are paired with a CARE advocate, the Department of Public Safety investigates the case, and the Title IX Office reviews the report. For cases that have been investigated where the complainant wants to move forward to a hearing board and for cases that have been investigated where it is determined that for community safety, the case must move forward to a hearing board, the case is referred to

USD's student conduct office, the Office of Ethical Development and Restorative Practices (OEDRP). A Critical Issues Board hears the case to determine responsibility of the offender and, if applicable, set sanctions. On average, the Title IX office said it could refer approximately 50 cases annually to the student conduct hearing process, but far fewer complainants choose to go through with the hearing process. Under USD's current policy, complainants can go through the hearing board process, or do nothing. Based on the date the incident occurred (not the time the report was received), OEDRP received eight cases for 2017-2018, four of which withdrew before the hearing process was complete; of the remaining four cases, two were found responsible and two were found not responsible. For 2018-2019, five cases were heard and two were found responsible and three were found not responsible. For 2019-2020, five cases were referred and one withdrew; the other four were found responsible. For 2020-2021, eight cases were referred and two withdrew; five were found responsible and one is pending after being reported this year to be heard when the complainant returns from abroad (OEDRP, 2022).

Rationale

USD has an extensive history with restorative justice. In 2011, the institution founded its restorative justice program, which introduced the approach to student affairs, residential life, and student conduct. In 2019, the Restorative Justice Strategic Committee was born out of the Department of Student Affairs' desire to continue advancing the work. The School of Leadership and Education Sciences now offers graduate students and professionals the opportunity to earn a Certificate in Restorative Justice Facilitation & Leadership. In 2019, the university welcomed The Center of Restorative Justice, which brings together practitioners and researchers from across the nation to advocate for, train others in, and implement restorative practices in numerous settings (The Center for Restorative Justice, 2021).

When students violate the code of conduct, hearing officers at USD incorporate restorative practices to help students understand the impact of their actions. Over the past three

years, in one-on-one administrative hearings for less serious violations of the code, alleged offenders at USD have reported understanding the responsibility to others and accepting responsibility at a similar or higher rate than offenders at other universities, according to survey data collected annualy by The National Assessment of Student Conduct Adjudication Processes (NASCAP) Project. Offenders also reported being more likely to reflect on their personal integrity and less likely to engage in similar misconduct or any misconduct in the future (Janosik et al., 2020).

Although USD has a strong foundation in restorative justice and uses the philosophy to guide hearings for other types of student misconduct, the university does not currently have a formal restorative justice option for cases of sexual misconduct or other gender-based misconduct. Instead, cases are routed through a quasicriminal system known as a Critical Issues Board, whose members seek to determine responsibility of the alleged offender and set sanctions. Although the preponderance standard[1] offers victims a better chance at proving their claims than the evidence required in a court of law, and sanctions for offenders can include education and support for reintegration, the process still fails to provide an option that centers the victim or focuses on repairing the harm rather than issuing a punishment. Considering the university's otherwise strong commitment to a restorative approach, this study was designed to discover how USD can further explore restorative justice as an adaptable resolution to gender-based misconduct.

This study was particularly timely at USD following protests in spring 2021 where students voiced concerns about the outcome of a sexual misconduct case. Without knowledge on details of the case, students called for harsher punishments of the person found responsible for sexual misconduct, including automatic expulsion for anyone deemed responsible in the future. The calls for action sparked a renewed interest in policies for sexual misconduct cases,

[1] The preponderance of evidence standard means the burden of proof is met when claims have a greater than 50% chance of being true.

catching the attention of many departments and administrators including wellness and the university president, making it a prime time to explore alternatives such as restorative justice, to provide more holistic support, and seek active accountability. Although the calls for retribution are not aligned with a restorative approach, it is clear that students are not satisfied with the outcomes of the systems that currently exist, and restorative justice provides a promising alternative.

Methodology

Study Design

The study used Prochaska and DiClemente's transtheoretical model of change (TTM) (1983) to assess participants' willingness to explore, and eventually, adapt new restorative policy. The TTM, which was initially designed to assess individual readiness to quit smoking, has since been successfully used to change a variety of behaviors. The TTM positions participants in the following stages:

1. *PreContemplation:* Unaware of problem
2. *Contemplation*: Aware a problem exists, but no intention to change behavior
3. *Preparation*: Intends to change behavior in foreseeable future
4. *Action*: Currently engaged in behavior change
5. *Maintenance*: Working to continue new behavior, avoiding old habits
6. *Relapse*: Reverting to previous behavior

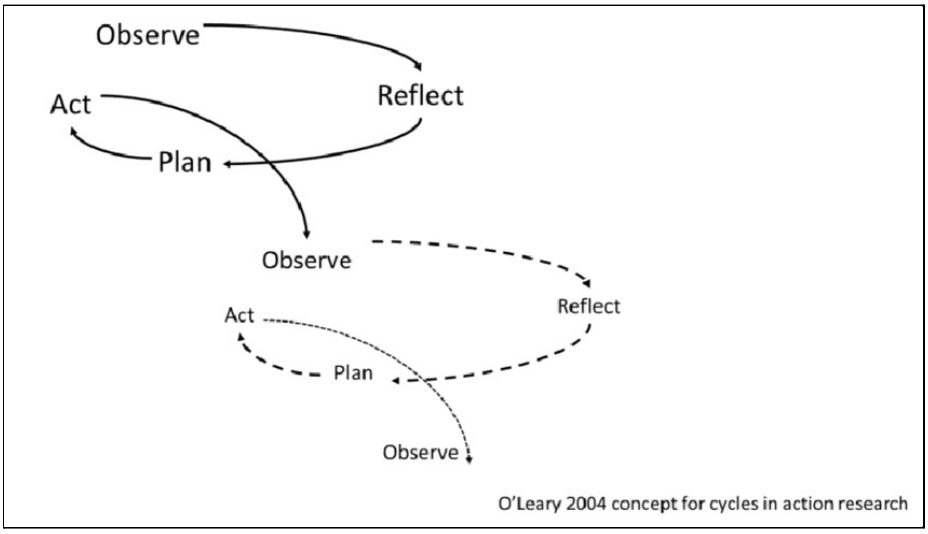
I designed the study to move through the first four stages given the timeline limitations and relevance to the topic.

Informed by the Stage Assessment survey detailed in the section on data collection that follows, I designed interventions with the intention of moving participants to later stages of the model. It was vital to the heart of the study that each step of the process was informed by and for the needs of the group, which exemplifies restorative practices. Therefore, opportunities for

participants to help co-facilitate each cycle and determine next steps were embedded into the model. This collaborative approach, with each cycle informing the next, follows O'Leary's (2004) concept of action research cycles (see Figure 2).

Figure 2

O'Leary's Concept of Action Research Cycles



Note. Reprinted from *Action Research for Improving Practice: A Practical Guide* by V. Koshy, p. 7, 2005. Paul Chapman Publishing.

Each action research cycle corresponded to a stage within the TTM with the intention of creating stage-matched interventions that were responsive in addressing the specific areas of resistance within each stage. This stage-matched application is considered to be a more effective behavioral change method than a one-size fits all approach, as evidenced through years of research on organizational change and the application of the TTM across disciplines (Prochaska et al., 2001). Particularly when attempting to create organizational change, stage-matched interventions reduce stress and provide an opportunity for individuals who might not be ready for action to still participate in the change process (Prochaska et al., 2001).

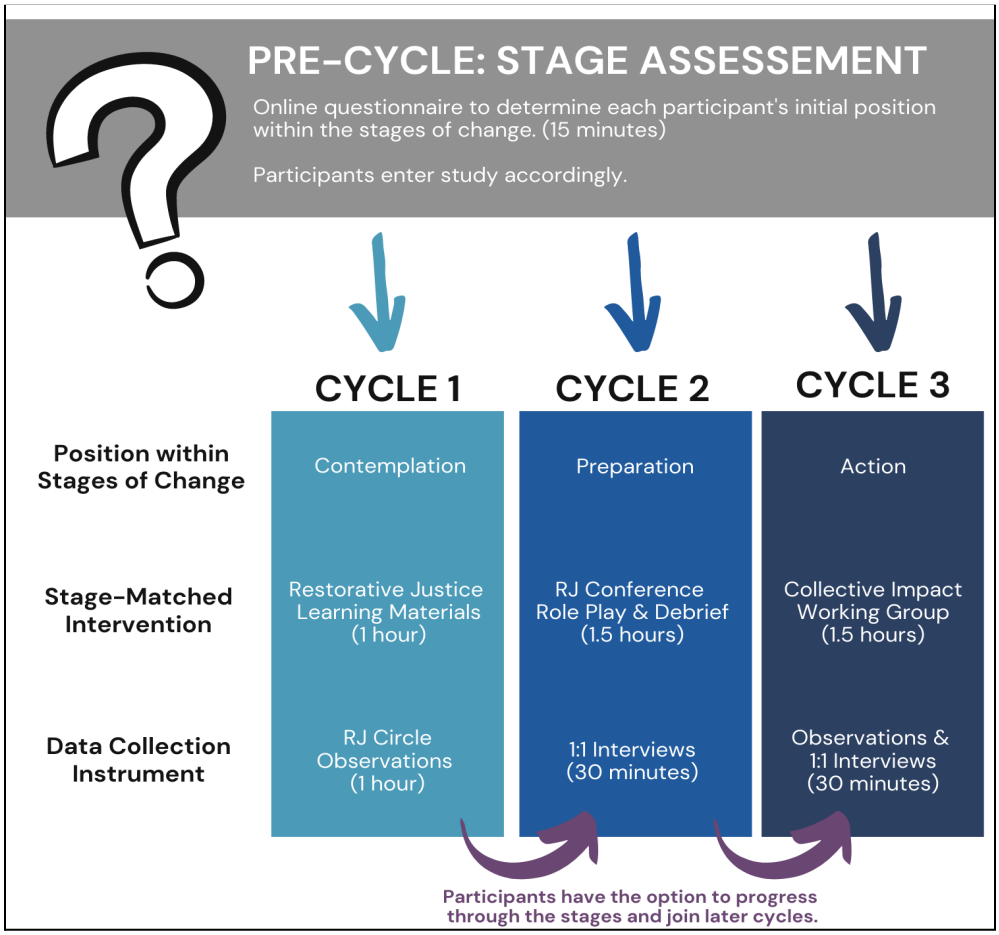
Staff and administrators who interact with cases of gender-based misconduct in a variety of contexts were invited to participate in the study. Ten key players from relevant departments agreed to participate, including three senior-level administrators, three staff /administrators who

serve as victim advocates, two administrators who work in student conduct, and two administrators who serve on conduct hearing boards periodically.

Participants in each cycle were grouped based on their restorative justice knowledge and initial level of willingness to adopt restorative justice for cases of gender-based misconduct (see Figure 3). The interventions at each level were designed to meet organizational change process goals, detailed below (Prochaska et al., 1992). Although the initial project design intended to include participants in the PreContemplation Stage, participants with no intention of changing behavior, no one was identified to be within that stage of the model.

Figure 3

Action Research Cycles: Exploring RJ for Gender-Based Misconduct



Note. Original graphic detailing the action cycles for this study.

The first action research cycle consisted of participants who, based on the analysis and assessment, were in the Contemplation Stage, meaning they might be aware that an additional conduct approach may be needed but have no commitment to making it happen. Goals of the first cycle included the following change processes from Prochaska, et al. (1992): “a) *Conscious Raising*: Becoming more aware of a problem and potential solutions b) *Dramatic Relief*: Emotional arousal, such as fear about failures to change and inspiration for successful change, c) *Self-Reevaluatio*n: Appreciating that the change is important to one’s identity, success, happiness, d) *Environmental Evaluation*: Appreciation that the change will have a positive impact on the social and work environment.” Participants from the first cycle had the option of joining the second group, which served as another data collection point as I observed participants’ willingness to progress.

The second action research cycle consisted of participants in the Preparation Stage, who were intent upon taking action in the near future. At this stage, participants often need additional resources to meet the goal of: “*Self-Liberation*: Believing that a change can succeed and making a firm commitment to change” (Prochaska et al., 1992). Again, participants who were initially in earlier stages but then progressed had the option to join this cycle.

The third and final cycle consisted of participants who were in the Action Stage. As these participants engaged in the project, they had opportunities to take leadership roles to support the learning of participants in earlier stages of the model, which achieved the goal of: “*Helping Relationships:* Using social support to implement change” (Prochaska et al., 1992).

Data Collection and Analysis

The research data were collected using a mixed methods approach. Participants first completed a stage assessment survey, designed to determine their initial position within the stages of change. Subsequently, data from each cycle were collected through participant observation and interviews in both group and individual settings.

Stage Assessment

First, I conducted a Stage Assessment to determine what stage participants were within Prochaska and DiClemente's transtheoretical model of change (TTM). This online assessment captured participants' familiarity with restorative justice, frequency of restorative justice use, and personal beliefs regarding appropriate responses to gender-based misconduct cases (see Appendix A). The survey was derived from the staging algorithm adapted from the TTM, which was initially used to assess participants' willingness to quit smoking. Using similar indicators that instead related to participants' willingness to explore restorative justice for cases of sexual misconduct and relationship violence, the online survey was designed to assess participants' position within the model of change.

All 10 participants completed the online Stage Assessment. I considered the scores to four core questions:

1) How familiar are you with restorative justice?
2) How often do you use restorative justice practices in your work?
3) Do you believe restorative justice should be available as an alternative resolution option for cases of gender-based misconduct?
4) Are you seriously thinking about exploring the use of restorative justice in cases of gender-based misconduct?

Questions were answered on a 1- to 5-point Likert scale and the total mean score of the four core questions was 15.4 out of a total possible 20 points. Participants with a standard deviation of less than -2 were grouped in the Contemplation Stage, participants with a standard deviation between -2 and 2 were grouped in the Preparation Stage, and participants with a standard deviation greater than 2 were grouped in the Action Stage (see Table 1).

Table 1

Initial Stage Assessment Analysis

Initial Position within TTM	Standard Deviation from Mean Score of 15.4	Number of Participants
Contemplation Stage (Cycle 1)	<-2	3
Preparation Stage (Cycle 2)	>-2, <2	4
Action Stage (Cycle 3)	>2	3

Note. Data analysis methodology for initial placement within TTM based on four core questions measuring participant general knowledge and use of restorative justice, as well as their belief in and plans to explore RJ for gender-based misconduct. PreCycle Stage Assessment results. November 2021.

Cycle 1: Contemplation

The three participants positioned in the Contemplation Stage attended the restorative justice circle for Cycle 1, which took place in person in February 2022. This restorative justice community building circle, further described in the section on results, used a talking piece for a facilitated dialogue about response to gender-based misconduct (see Appendix C for facilitator script). The participants included three student affairs administrators, one of whom is also a victim advocate. One participant positioned in the Action Stage agreed to co-facilitate the circle with me, the principal researcher. The co-facilitator was a student affairs administrator from student conduct.

Data from Cycle 1 were collected by coding the transcript of responses from the 1-hour restorative justice circle. I initially determined 28 codes and then consolidated the data into 15 codes (see Table 2). I divided the codes into relevant categories including: Values, Current Process, RJ Process Benefits, RJ Process Concerns, and Methodology: RJ Circle Outcomes.

Table 2

Cycle 1 Codes

Dignity	Healing Vs. Not Healing	Legal Concerns
Inclusion	Education Vs. Not Educational	Accountability
Empowerment to Express	Motivated Vs. Discouraged to Report	Hopeful
Care	Agency Vs. No Agency	Connected
Trauma-Informed	Perception & Buy-In	Moving Toward Action

Note. These 15 codes emerged from data in Cycle 1, the Contemplation Stage.

Cycle 2: Preparation

The four participants initially positioned in the Preparation Stage engaged in the restorative justice role play for Cycle 2, which took place in March 2022. The role play centered on an incident of sexual harassment in which *Kevin,* a pseudonym for the person responsible, posted pictures of his ex-girlfriend's feet on a foot fetish website (see Appendix D for the script). Participants included two staff members who volunteered as victim advocates, one administrator who voluntarily served on conduct hearing boards and one administrator who also worked closely with the conduct process. All three participants from the Contemplation Stage expressed an interest in joining the Preparation Stage. Two joined in a hybrid format; one observed virtually and the other read the role play script asynchronously. The third participant from the Contemplation Stage could not attend due to scheduling constraints, but rejoined the study for the Action Stage. Two participants positioned in the Action Stage, both student affairs administrators in student conduct, agreed to co-facilitate the role play conference.

Data from Cycle 2 were collected in the group debrief after the role play and in one-on-one interviews with each participant, including those who participated virtually, asynchronously and as co-facilitators. The administrator who participated asynchronously was not part of the group debrief. The interviews were conducted within one week of the role play,

and they lasted 15 to 30 minutes each depending on the length of participants' answers (see Appendix E for interview questions). I coded the transcripts of the group debrief and individual interviews using 9 codes (see Table 3).

Table 3

Cycle 2 Codes

Community	Unrealistic Role Play: Defense Vs. Remorse	Prevention
Healing	Training	Gaining RJ Knowledge
Accountability	Staff Capacity	Moving Toward Action

Note. These 9 codes emerged from data in Cycle 2, the Preparation Stage.

Cycle 3: Action

Cycle 3 consisted of a collective impact working group in April 2022. A collective impact working group is when people from various departments work together toward a shared goal. In this study, participants collaborated to plan a proposal for adding a restorative justice option as an adaptable resolution for cases of gender-based misconduct on campus (see Appendix F for Collective Impact Working Group meeting agenda and script). Of the seven participants initially positioned in the Contemplation and Preparation stages, all said they wanted to progress to the Action Stage. Four participated in Cycle 3 and three said they could not attend due to last-minute scheduling issues. Two of the three administrators initially positioned in the Action Stage agreed to co-facilitate the collective impact working group. One administrator, who had a Stage Assessment score of 20 out of 20, co-facilitated all cycles and helped design Cycle 3. One administrator in the Action Stage could not directly participate in the study at all due to unanticipated scheduling issues, but they supported the project in other ways including mentoring me as the researcher.

Data collected in Cycle 3 included researcher observations during the working group, such as responses from the six participants in the meeting and responses from post-cycle one-on-one interviews with eight participants. The interviews were conducted within one week of the working group meeting, and they lasted 15 to 30 minutes each (see Appendix G for interview questions). I coded the conversations from the circle and interviews using 6 codes.

Table 4

Cycle 3 Codes

Group Dynamics	Proposal Pieces	Timeline for Implementation
Staff Capacity	Larger Strategic Package	Maintaining the Momentum

Note. These 6 codes emerged from data in Cycle 3, the Action Stage.

Results

Stage Assessment

All 10 participants completed the Stage Assessment online survey, so I could better understand the ways they interact with cases and determine their position within the TTM. Participants included senior-level administrators, victim advocates, conduct professionals and hearing board officers who work at USD. For more insight into the assessment design, see the section on data collection and analysis (see Appendix A for the full questionnaire). All 10 participants rated their familiarity with the current conduct process as 4 or greater, with nine participants stating they were at a 5: Extremely familiar with the process. When ranking perception of the current process, five of 10 participants said they thought, on average, victims/complainants, alleged offenders/respondents, and the campus community were dissatisfied with the current process (see Figure 4). This subset of data were not used to determine positionality within the stages of change but affirmed the rationale that an exploration into an alternative resolution process is needed.

Figure 4

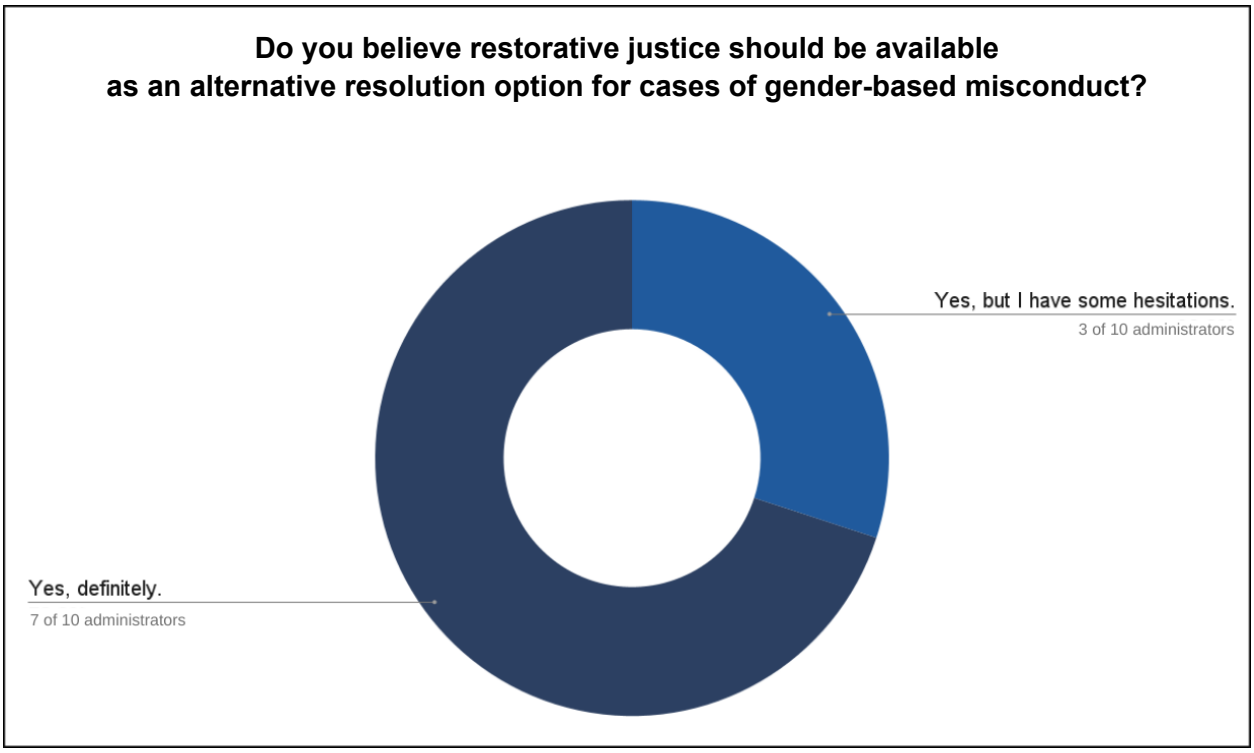
Perception of Conduct Process Satisfaction for Gender-Based Misconduct

Note. Ten administrators rated their perception of current conduct processes for gender-based misconduct, including relationship violence and sexual harm. At the time of this study, impacted parties could choose to participate in a Critical Issues Board that seeks to determine responsibility and set sanctions, or do nothing. November 2021.

All participants said they were at least somewhat familiar with restorative justice, and nine of 10 participants surveyed said they were moderately to extremely familiar with the philosophy. The administrator who identified as only somewhat familiar had only worked at USD for a couple of months at the time of taking the survey. All 10 administrators said they believed restorative justice should be available as an alternative response to gender-based misconduct, with only three stating they had some hesitations (see Figure 5). Four of the 10 participants said they use restorative justice as part of their work every day in other contexts.

Figure 5

Belief in Using RJ as Response to Gender-Based Misconduct

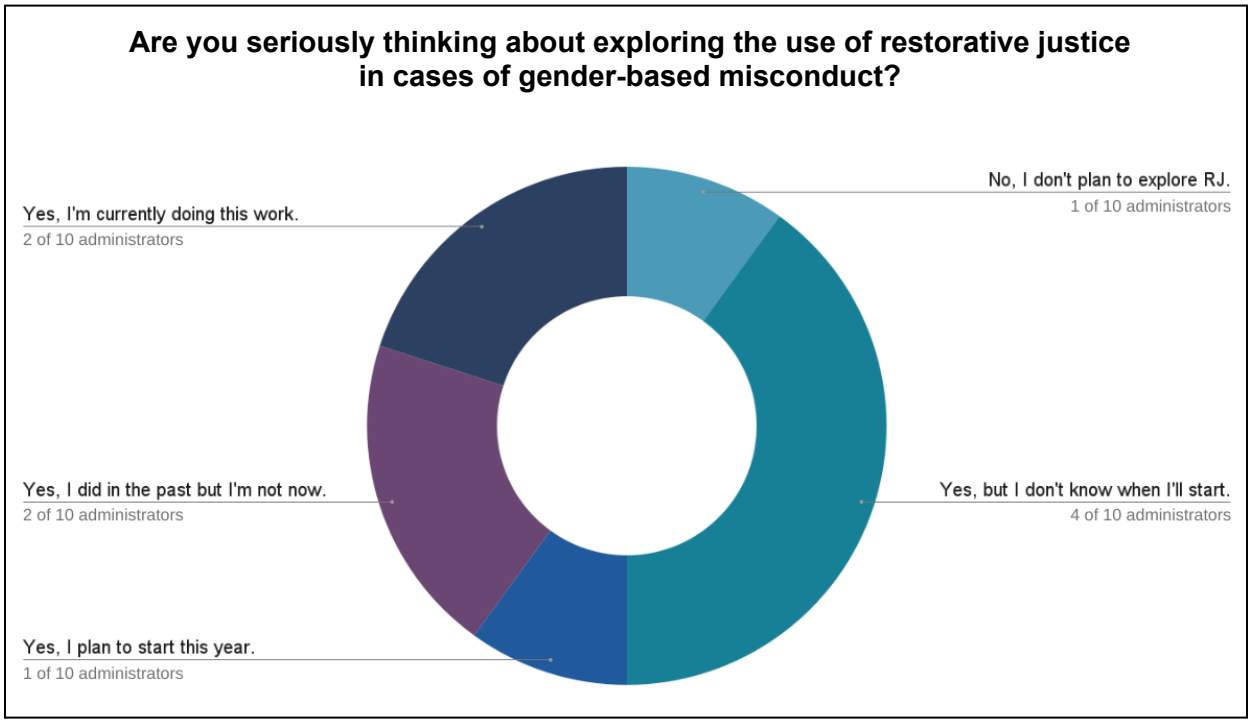


Note. Seven out of 10 administrators surveyed said that RJ should “definitely” be used as an alternative response to gender-based misconduct. PreCycle Stage Assessment results. November 2021.

Despite the high level of agreement with the restorative justice process among the participants, only two administrators said they were currently taking action steps to further explore bringing the approach to USD. Another two said they had explored it in the past, but were not currently engaged in the work. Those who were previously or currently active said they had read research and case studies or consulted with other professionals and experts on the topic. Eight were not currently taking action steps but agreed to participate in this study to explore institutional readiness for bringing restorative justice to campus for gender-based misconduct (see Figure 6).

Figure 6

Plans to Explore RJ as Response to Gender-Based Misconduct



Note. Although 10 of 10 staff/administrators surveyed said they thought RJ should be used as an alternative response to gender-based misconduct, only two were currently involved in exploring it. PreCycle Stage Assessment results. November 2021.

The assessment results pointed to a direct correlation between knowledge and use of restorative justice and willingness to take action. Participants who had rated themselves as more familiar with restorative justice and as frequent users of the model, for example, were far more likely to be currently engaged in expanding the ways in which RJ is applied on campus (see Table 5). Based on this assessment, participants in the Contemplation Stage were provided with foundational knowledge on using restorative justice specifically in cases of gender-based misconduct. Participants in the Preparation Stage acted out a role play of a restorative justice conference on sexual harassment. See the following sections and appendices for further details on Cycle 1 and Cycle 2.

Table 5

RJ Knowledge & Use Linked to Readiness to take Action

Participant (TTM Stage)	Rate your familiarity with Restorative Justice	How often do you use restorative justice practices in your current work?	Do you believe restorative justice should be available as an alternative resolution option for cases of gender-based misconduct?	Are you seriously thinking about exploring the use of restorative justice in cases of gender-based misconduct?
Participant 1 (Contemplation)	Somewhat Familiar	Never	Yes, but I have hesitations	No, I don't have any plans to explore restorative justice for cases of gender-based misconduct
Participant 2 (Contemplation)	Moderately Familiar	At least once per semester	Yes, but I have hesitations	Yes, but I don't know when I'll start
Participant 3 (Contemplation)	Moderately Familiar	At least once per semester	Yes, but I have hesitations	Yes, but I don't know when I'll start
Participant 4 (Preparation)	Moderately Familiar	Never	Yes, definitely	Yes, and I'm currently doing that work
Participant 5 (Preparation)	Extremely Familiar	Once or twice per month	Yes, definitely	Yes, but I don't know when I'll start
Participant 6 (Preparation)	Extremely Familiar	Daily or almost daily	Yes, definitely	Yes, and I plan to start this academic year
Participant 7 (Preparation)	Extremely Familiar	Daily or almost daily	Yes, definitely	Yes, but I don't know when I'll start
Participant 8 (Action)	Extremely Familiar	Daily or almost daily	Yes, definitely	Yes, I was engaged in that work in the past but not currently
Participant 9 (Action)	Extremely Familiar	Daily or almost daily	Yes, definitely	Yes, I was engaged in that work in the past but not currently
Participant 10 (Action)	Extremely Familiar	Daily or almost daily	Yes, definitely	Yes, and I'm currently doing that work

Note. This is a raw data set. Participants were positioned as follows: Contemplation Stage (3), Preparation (4), Action (3). See Table 1 for quantitative data analysis and TTM stage placement methodology. Appendix H contains the information in this table in graph form.

Cycle 1: Contemplation

Stage-Matched Intervention: Video Guide

All participants who started in the Contemplation Stage (n=3) were initially hesitant about applying restorative justice to gender-based misconduct and were less confident in their familiarity with restorative justice than their peers in the study. To build foundational knowledge on the subject, they asynchronously watched a 10-minute video about RJ and gender-based misconduct (see Appendix B). The video described some basic tenets of restorative justice as an approach to harm, such as the model's focus on understanding the impact and repairing harm versus criminal justice's goal of determining responsibility and punishment. It also reviewed the main restorative justice models for cases of relationship violence and sexual harm: circles, conferences, and shuttle facilitation (see Figure 1). The video featured a true case study about two students who chose to participate in an RJ conference when offered the option as an alternative to the investigative conduct process at another school (Naidu & Karp, 2022).

Stage-Matched Intervention: Reading

Prior to participating in the in-person restorative justice community circle described in the following section, administrators in the Contemplation Stage also read Karp and Williamsen's (2020) *Five Things Student Affairs Administrators Should Know about Restorative Justice and Campus Sexual Harm.* The 22-page report (see Appendix B) reviews the following concepts:

1) Restorative justice is a philosophy of justice as well as a set of practices.
2) Restorative justice seeks to address harm through active accountability.
3) Restorative justice has a strong evidence base that guides assessment and successful implementation.
4) Restorative practices must be voluntary, trauma-informed, protected, and safeguarded.
5) Restorative practices require extensive training and preparation.

The report provided more in-depth information beyond the video primer to continue building participants' knowledge of the subject. Setting up the foundational knowledge helped give participants the language and tools necessary to talk about restorative justice as they began to more deeply explore the model.

Stage-Matched Intervention: Circle Participation

After reviewing the video and article asynchronously, administrators in the Contemplation Stage met for an in-person restorative justice circle. The researcher and an administrator from the Action Stage co-facilitated the circle. The opening rituals of the circle included: a land acknowledgement, community guidelines, and a review of the symbolism of each talking piece placed in the centerpiece. Each person also contributed to the centerpiece by writing a value they thought should be at the center of the resolution process for cases of gender-based misconduct. The values emerged as a significant part of the research outcomes as participants talked about the value congruence between restorative justice and their own values for a resolution process (see Figure 7 for an image of the centerpiece and Figure 8 for a chart illustrating the values). Participants passed a talking piece during the circle discussion, which consisted of four rounds of question and response (see Appendix C for the full circle script):

1) *Connection*: What is your "why" for investing in this work?
2) *Concern*: After reviewing the training materials, what is a question you have or something you want to explore further?
3) *Collaboration*: What potential benefits do you think an RJ option for gender-based misconduct would bring to our students and campus community?
4) *Closing*: Share a takeaway from this circle process.

Figure 7

Circle Centerpiece Image

Note. The centerpiece included symbolic talking pieces relevant to the topic. See the Circle Script in Appendix C for details about the talking pieces. Each participant also contributed a value they thought should be at the center of a resolution process for gender-based misconduct.

Dissatisfaction with Investigative Hearing Board Process

Although there were no questions about the current conduct process, every participant discussed it, weaving their perceptions of the investigative hearing board process into various answers throughout the dialogue. The participants only used negative terms to describe the current, often highly punitive process, characterizing it as “devastating” and “nasty.” One senior-level administrator directly compared the hearing board process to a restorative justice approach, asserting a strong preference for the latter:

> I don't think people are learning [through the current process for gender-based misconduct]. The focus isn't on learning or restoring or addressing the harm. It's on who

> wins and who loses — and I think typically everyone loses and no one wins. I think restorative justice might have the power to change that, to make it more of a focus on actually holding space for lifting the hurt and lifting the pain, getting some healing done, and actually having some lessons, deep lessons, learned.

The discussion of the dissatisfaction with the current process demonstrated successful conscious raising, which is a change process where people become more aware of a problem and potential solutions (Prochaska et al., 1992).

Benefits of Restorative Justice Process

When discussing the benefits of restorative justice for gender-based harm, participants spoke freely, easily naming multiple positive aspects of the model. For this group, the most salient benefits of a restorative justice process included: healing, trauma-informed care, educationally focused, agency for the person harmed, and space to express both impact and remorse. Administrators spoke about how the process would benefit not only the person harmed but also the person responsible and the larger community. One participant said:

> I think there's more movement in the accountability piece and the understanding of the harm that is much more educationally focused and restorative focused that may end up as a much better place for the community in the end, rather than sending somebody away for a semester or until the victim survivor graduates.

In particular, the focus of restorative justice on harm was anchored to many benefits, including accountability and educating the person responsible but also as a way for the person harmed to speak their truth as a means of gaining agency over the process and as a path to healing.

Values Desired in a Resolution Process Mirror Restorative Justice

The circle process started with participants writing a value they thought should be at the center of a resolution process for gender-based misconduct but did not specify what the resolution process should be. As participants discussed potential benefits of a restorative justice

model, however, it became clear that RJ was in direct alignment with their personal values and beliefs (see Figure 8).

Figure 8

Chart comparing current process, desired values, and restorative process

Perceptions of Current Investigative Conduct Process	Values Desired in a Resolution Process	Perceptions of Restorative Justice Process
Dissatisfaction	Dignity	Dignity
Does not heal	Care	Culture of Care
Causes harm	Trauma-Informed	Healing
Not educational	Developmental	Educational & Developmental
Discourages reporting	Encourages reporting	Could encourage reporting
Impacted parties have no say in outcome	Agency & Empowerment	Ability to express impact/remorse & voice in outcome

Note. Themes for each category were derived by coding the transcript of the circle. Participants were not asked about the current investigative process, which uses a hearing board, however many participants talked about the process using negative terms. In contrast, the perceptions of a restorative justice process were positive and mirrored the group's values for what should be centered in a resolution model.

While most participants did not explicitly draw parallels between their personal values and a restorative model, one administrator spoke to the alignment between restorative justice and the university's values:

> It's about alignment … this restorative justice piece aligns with our culture of care. … It aligns with trauma-informed because it is allowing the survivor to make the choice … and it also aligns, I think, with building a culture of reporting.

The recognition of value congruence illustrates a successful shift in attitudes because it speaks to both self-reevaluation and environmental evaluation, which is an appreciation that the change is important to one's identity and will have a positive impact on the social environment, respectively (Prochaska et al., 2001).

Questions about Restorative Justice and Gender-Based Misconduct

Participants framed their concerns as curiosities and questions to be answered rather than hesitations about the process. They questioned how the larger campus community would perceive restorative justice. This was especially salient in light of recent protests where students demanded a zero tolerance policy that would expel people found responsible of sexual misconduct. Staff and administrators in this study said that, as a result of the protests, they thought community buy-in could be a hurdle. One administrator also acknowledged that some survivors are pressured into a punitive mindset by their peers but that is not always how they feel when they first report the incident. One victim advocate said:

> I have a perception that the biggest hurdle would be the community and making meaning of how this is a helpful or valuable option for folks .. it's about how we would engage the community in learning. I don't know that it's a huge stretch for a survivor to be like, 'Oh, to have this type of option is huge.'

Considering the background research on institutional concerns with implementing restorative justice for gender-based harm, it was unsurprising that participants in this study also said they worried about the "litigious nature" of society in the United States. The group pondered whether taking responsibility in a restorative justice conference could be used in a criminal or civil case against the offender, and whether that might dissuade someone from taking full accountability for their actions. However, the administrators approached the topic as questions to find answers to, rather than reasons not to implement the process.

The Journey from Contemplation to Preparation

All participants spoke positively about their experience in the restorative circle, stating that they wanted to continue exploring the topic. When asked to share one takeaway, many used terms to describe forward-thinking emotions, such as: “encouraged,” “hopeful,” and “energized.” Initially, participants in the Contemplation Stage had not indicated plans to explore expanding restorative justice for gender-based misconduct cases on campus. The connection between present emotions and future aspirations is significant because it demonstrates a growing readiness to take action (see Figure 9).

Figure 9

Community Building Circle Word Cloud

Note. Administrators who participated in the community building circle were asked to write down their takeaways from the experience, using the Head / Heart / Feet tradition of restorative justice. Head: What did you learn? / Heart: How do you feel? / Feet: How are you called to action? This word cloud was created from the circle transcript, with the size of the words representing thematic sentiments.

One senior-level administrator joked that she was going to pull rank so she could share two takeaways. The prompt used the restorative justice tradition framework of Head / Heart / Feet (*Head*: What did you learn? / *Heart*: How do you feel? / *Feet*: How are you called to action?). To represent Heart / Emotion, the senior-level administrator shared that they felt "connected" and to represent Feet / Action, they shared: "I'm really interested in exploring how this could happen here." Although they did not express specific action steps or commitments, the sentiment to continue exploration was in line with what people typically experience within the Contemplation Stage of the change model (Prochaska & DiClemente, 1983).

One participant remarked that it was their first time being in circle, noting the powerful experience, they said:

> I really feel connected. It's hard to explain, but this group ties us together in ways we hadn't been connected or tied together before, and so I feel connected to each of you in ways that I didn't before. At the same time, I feel very vulnerable because it's not every day, you sit in a restorative justice circle with your colleagues and, you know, reveal very personal things about yourself. So I'm feeling all of that, which I think, you know, isn't good or bad, it's just what I'm feeling.

As the researcher, I interpreted the feelings of connectedness and vulnerability as a good thing, given that dramatic relief, or emotional arousal, helps participants move from the Contemplation Stage to later stages of change. Vulnerability is a sign of courage, and it takes courage to lead change initiatives. This administrator — who initially scored the lowest on the Stage Assessment based on their self-identification of knowledge and use of RJ, belief in the model for gender-based misconduct, and plans to further explore the approach — showed the most growth in this cycle. The co-facilitator, specifically recalling the quote from memory, also translated the moment as a win: "It was everything you could have dreamed of."

Cycle 2: Preparation

Stage-Matched Intervention: Role Play

Most participants in the Preparation Stage self-identified on the Stage Assessment survey as being extremely familiar with restorative justice and using RJ practices in their jobs. All participants initially within the Preparation Stage (n=4) said they thought restorative justice should be used in response to gender-based misconduct, but most had not explored the approach or taken steps to try to change the current policy. To apply their knowledge and use of RJ in other contexts, this group role played a restorative justice conference for a case of sexual harassment. The script included roles for the person harmed, the person responsible, one support person for each, and two facilitators. The facilitator parts were read by two volunteers from the Action Stage. The other parts were read by the four participants in the Preparation Stage. One participant from the Contemplation Stage observed via video conference and another participant from the Contemplation Stage read the script on their own asynchronously. The scenario involved the person responsible posting pictures of their ex-girlfriend's feet onto a foot fetish website (see Appendix D for full scenario and script). *Sandy,* a pseudonym for the person harmed, was impacted by the degrading comments the photos collected online and the fact the photos overshadowed her accomplishments when putting her name in an internet search engine. Her reputation and job prospects were affected.

Defense vs. Remorse

Although all participants said they thought participating in the role play was valuable because it helped them to visualize the structure of a restorative justice conference, some also commented that they thought it was unrealistic. "Most situations probably wouldn't be this perfectly packaged," one participant reflected. Another similarly said, "Maybe in real life not everything would be so pretty and tied with a bow at the end." The doubts centered around the person responsible not acting defensively in the role play, which demonstrated the effects of

participants' expecting that behavior due to being socialized to a punitive system of justice where people who cause harm are labeled *defendants* who legally have to justify their actions or deny them altogether. However, the role play was modeled after a true case study and experts in the field say that when the punitive system falls away, it makes room for remorse.

Some counter discussion emerged regarding the responsible person's readiness to take responsibility in the case study, as well. One participant pointed out that the character's use of words minimized the impact, which probably would not have landed well with the person harmed. Participants from the Action Stage who were acting in the role of facilitators used this opportunity in the group debrief to talk about how, had the role play not been scripted, they would have interrupted to unpack the comments further. Their interjection demonstrated a point of leadership and advocacy for the process.

Overall, the discussion on each of these nuances was in the service of strategizing how the conference process would be feasible. Participants noticed these factors, but noted that with properly trained facilitators, the conference was a plausible alternative to the traditional conduct process. The participant who had initially raised the concern about the person harmed potentially feeling offended when the person responsible had a moment of minimizing impact later said in their follow-up interview: "Actually seeing it in real time was proof that it works."

Community

Collectively, participants used the term "community" more than 50 times within the span of approximately 4 total hours of one-on-one interviews and a 30-minute group debrief. The term was used in a variety of contexts and overall reveals the institution's mission and focus on creating an intentional community. "I think [restorative justice] is a more community-based approach and that's what we need to be moving towards if we're trying to really change things," one participant said. Participants talked about community in terms of the community impact that

gender-based misconduct on campus can have, weaving the thread through as an approach to accountability, healing, and prevention.

Accountability. The thread of community was woven through the discussion on accountability in context of the community's responsibility to support and reform people who make mistakes and the community's perception of accountability. Victim advocates participating in the study said they thought the previous year's protests calling for a zero tolerance policy that expels people found responsible for sexual misconduct has shaped the community's idea of accountability. They said that in many cases victim survivors feel pressured to pursue the conduct process so an offender will be punished. Punishment is not a synonym for accountability, however, and restorative justice goes one step further than accountability, requiring that people who cause harm repair it to the extent possible. One participant said:

> There's nothing soft about RJ, and I think that that's a misconception. People are like, oh you have your cute talking piece or whatever. And it's like, no, no, no, no; RJ is hard if you do it right. It's about getting to real humanness; you're talking about hard shit and accountability is hard.

Another victim advocate remarked:

> At the end of the day, these people are still our community members, even when they do something wrong, so we can either pretend that it didn't happen and cast them out or be invested in their personhood and invite them in, to be a better part of our community.

Healing. Participants continued weaving the importance of community as a thread, tying it in as a way to find closure in the healing process. Many participants commented on the benefit of the support people who attend the conference, stating that they were surprised by how impactful they were to the process during the role play. Not only were they there as people to help support the person harmed and person responsible, but both support people spoke to the ways they had also been impacted by the incident, revealing the ripple harms that gender-based

misconduct often has. Participants also said they liked how, in their own ways, both support people committed to helping the person responsible grow and learn from the experience as well as stay accountable to the agreements made during the conference. Support people can range in position from a peer to a professional equipped to provide more technical support, such as a victim advocate or therapist, which the participants in the study said was ultimately valuable for both impact parties and in turn, the wider community. One administrator said, “There might be the opportunity for them to have more healing and closure through this process and for it to be restorative for the entire community.”

Prevention. Beyond a response to harm, many participants in this group discussed a desire to incorporate restorative justice into prevention education models. This likely surfaced given many participants’ positionality as victim advocates and leaders in prevention education for relationship violence and sexual harm. Some ideas for developing stronger prevention efforts with a restorative lens included: community building circles to dialogue about consent or masculinity and implementing more widespread consent education through in-depth workshops in orientation and student org onboarding.

Implementing a Tier 1 preventative, community building approach is often more palatable to new adopters of restorative justice. That said, it’s also a necessary step in building a foundation of acceptance of the practice in response to harm (Tier 2). Although USD has a strong foundation of restorative justice practices in both tiers, it has not been applied to gender-based misconduct. Participants noted that sex and sexuality has been a difficult topic for the insitution to address given its ties to Catholicism. One participant said:

> We don't have a lot of consent education on campus in general, which I think is partially a Catholic thing. My impression is that previous iterations of leadership here were very much like we pretend sex doesn't happen … We're just like, ‘we're Catholic, no condoms and no birth control, don't have sex until you're married.’

Another participant said:

> I hope that in the future, USD will be able to move their needle more on conversations, not only about sexuality and sexual behavior, but also, masculinity and what that means, but we seem to be stuck in a wheel and haven't been able to … I could imagine this being a really healthy tool for folks to have conversations like this about sensitive topics.

Questions Answered about Restorative Justice and Gender-Based Misconduct

Similarly to Cycle 1: Contemplation Stage, participants in Cycle 2: Preparation Stage framed their hesitations about applying restorative justice as response to gender-based misconduct as questions to explore rather than roadblocks to implementation. In this stage, however, participants often spoke in circles, naming a hesitation or concern but then revealing that they had an answer or suggestion to their own question about the process. For example, the two participants who spoke about USD's Catholic identity as a barrier to more progressive prevention education and discussions about sex also acknowledged that the Catholic social tradition aligns with restorative justice. In another example, at least three participants who had questions about how a conference process would overcome moments of tension or surprise said that well-trained facilitators would be able to handle it. One participant summarized the sentiment perfectly: "The preconference would have to be so well done, which I'm sure it can be with a gifted set of facilitators. But what happens if it still goes off the rails? …I guess it all comes back to this skilled facilitator."

The need for intensive training was echoed throughout the group debrief and one-on-one follow-up interviews. The participants suggested that facilitators receive additional training beyond just restorative justice training, ensuring that they were equipped to handle cases of relationship violence and sexual harm. Many also noted that with the national Center for Restorative Justice housed at USD, resources were available to provide training.

In addition to training, staff capacity more broadly was cited as a significant barrier to implementation. Nearly every participant said they wondered what the time commitment would be and worried whether student affairs staff, already burnt out from managing the pandemic, could take anything else on. However, at least three participants said they wondered if additional staff could be hired to support the new process.

The Journey from Preparation to Action

In this cycle, participants shifted from talking about *if* restorative justice should be an alternative response to gender-based harm to *how* it could be implemented. Exposure to restorative justice in a more tangible sense through the exploration of the role play created this shift. All of the participants discussed how participating in the script helped them to better visualize the process. One participant said: “Now being able to see [a RJ conference], I’m wanting to advocate for it.” This comment demonstrates achievement of the change process, self-liberation, “or belief that a change can succeed and making a firm commitment to change” (Prochaska et al., 1992). The commitment to change was further realized through suggestions to start creating a proposal to add a restorative justice option to the conduct process policy. One participant said: “I also wonder what would happen if we just put together a proposal…what happens if we just do it?” When asked about next steps, another participant shared similar sentiments: “Let's just write something up and throw it out there and see how far it goes.”

For one participant who started out in the Contemplation Stage, however, it was clear that the progression to the Preparation Stage felt rushed, stretching their capacity to advocate for the process. In their 25-minute interview, the participant said they were “curious” nine times and “I don’t know” seven times, demonstrating a lingering knowledge gap about restorative justice and its application to gender-based misconduct. The participant recognized their hesitancy, naming it as “being jaded” with their work supporting victim survivors but acknowledging that they had “continued to evolve in my understanding of healing and justice

and accountability." The participant also elaborated on the benefits of restorative justice, saying "I think there are far more benefits than there are drawbacks to offering this as an option." This participant said they had planned to attend the Action Stage to help plan next steps, but then could not attend due to a last-minute scheduling issue. They did provide a final exit interview, findings of which are included in the following section on Cycle 3 results.

In terms of *how* to move forward, participants also shared wisdom from their collective decades of experience in creating change in higher education. "We can't build an RJ process using a white male standard or Western business practices in a meeting … as a number one, center RJ practices in that meeting itself and try and get equal voice," one participant shared. Many participants suggested adding voices to the planning process through further coalition building and bringing people together to create further buy-in. Some key stakeholders they wanted to include: students, victim survivors, offenders, and legal counsel.

At least half of the participants said that benchmarking would also be a necessary next step in convincing upper administration to move forward. They said hearing stories of what worked and lessons learned from similarly-sized Catholic insitutions would be helpful in creating a meaningful proposal. One participant called this mindset a form of work avoidance, pointing out that it had slowed other change initiatives and progress in the past. "If we really want to be cutting edge, we are going to be the first or the second or the third and there's not going to be a lot of data to show us," they said. "We could excuse ourselves to death."

Others said they thought new leadership within the division, including one administrator participating in the study, was less risk averse and willing to try new things. One participant said they had worked with other colleagues to try to propose restorative options for gender-based misconduct in the past, but leadership at the time was not receptive. "I just didn't have the energy to keep fighting for it," they said, noting that several of those administrators have since

left the institution.“This was reenergizing; and feeling like some of the right people were in the space, I think it feels like there could be real movement.”

Cycle 3: Action

Stage-Matched Intervention: Collective Impact Working Group

The participants initially placed in the Action Stage (n=3) self-identified as being extremely familiar with restorative justice and using the practices in their work daily or almost daily. All of the Action Stage participants said they “definitely” thought restorative justice should be used as an adaptable resolution for gender-based misconduct, and were currently exploring the approach or had in the past. The participant who scored the highest on the Stage Assessment, 20 out of 20 possible points, also volunteered to co-facilitate and support the earlier stages of the research model most frequently.

All seven other participants said they had progressed in their willingness to take action in implementing restorative justice as an adaptable resolution for gender-based misconduct. Four of the seven were present for the Action Stage’s collective impact working group. The three other participants had scheduling issues, as did one participant initially placed in the Action Stage, which speaks to the concerns regarding staff capacity to further this work. Collectively, from all three stages, all 10 participants said they wanted to participate in the final Action Stage and six of the 10 participants were physically present for the working group. The six who participated were victim advocates, student conduct professionals and senior-level administrators, representing partnership across the areas that interact with these cases.

Participants viewed the report of initial findings, and affirmed that the researcher’s interpretation of the data synthesized their own perceptions about the cycles (see Appendix H for the report). The collective impact working group started in a restorative justice circle format to review community guidelines and debrief the report. Since the consensus was to move toward drafting a proposal, each participant wrote their ideas for what should be included in a

proposal, writing one idea per sticky note (see Figure 10) during the brainstorm session. As members finished writing their ideas, they organized the group's ideas into categories. Then, the group had an open discussion about the timeline for proposing restorative justice as an adaptable resolution and when it should be implemented. The meeting closed in a restorative circle format, with participants passing a talking piece to share a one-word takeaway from the action planning process (see Appendix F for the collective impact working group meeting agenda/script).

Figure 10

Proposal Pieces Image

Note. Participants individually wrote their ideas on what should be included in the proposal before working together to categorize their thoughts. This allowed participants time to reflect and process their ideas while giving everyone equal voice.

Piecing Together a Proposal

The working group began piecing together a proposal, categorizing 10 components that should be included. The categories are:

- Rationale and mission alignment
- Overall description of restorative justice (clear executive summary of the philosophy)
- Menu of restorative justice options for response to gender-based misconduct
- Applicability for process, including legal considerations and parameters for RJ use
- Identify potential abuse of process: readiness, commitment to agreements
- Community Perception
- Staffing, Budget, and Resources
- Training
- Assessment
- Timeline and Implementation Plan

“I think the momentum of the group is pretty high,” one participant later said during their one-on-one reflection interview. “But I think that there is still some lack of clarity or need for clarity on, ‘what are the next steps to getting this approved?’

The Journey to Maintaining the Momentum

Discussion around the proposal revealed participants were on a continuum with their restorative justice knowledge and buy-in. As one victim advocate put it: “There were different concerns present, even with like the initial place being, ‘yes, let's go!’” Some of those concerns manifested as a small minority of participants pondered limiting the types of gender-based misconduct for which a restorative justice response could be applied and wanting to plan for potential abuse of a restorative process. Others demonstrated fewer hesitations. This revealed that the journey to action is not a straight line, but a process with ups and downs along the way.

The victim advocate continued, “I think hesitations are good. I think they make us pause. They make us think. We can take that and push us forward.”

For the closing circle to complete the working group and research cycles, each participant shared a commitment to continuing the work beyond the scope of this research project. One student conduct professional explicitly volunteered to reconvene the group. At least two participants later shared in their one-on-one interviews that they did not feel it was appropriate for them to take up leadership of the group due to their positionality on campus, adding that creating change initiatives for conduct did not fit squarely within their regular roles. However, they said they would attend the group when it reconvened so they could continue supporting the process. Although the group had a lot of forward momentum, the concerns raised about staff capacity to implement a restorative option were felt in the group’s commitment to help create the proposal. As one participant aptly put: “Honestly, I think the fact that there was such good energy around it says a lot. It is challenging to look at new initiatives when we're kind of trying to just keep our head above water.”

Despite limited capacity and only a month between research cycles, nearly all participants said they explored restorative justice for gender-based misconduct on their own outside of the research group, which demonstrated some effort and ability to maintain the momentum. Two participants said they read other materials on the topic in addition to what was presented during the research project. Three participants said they found new ways to incorporate restorative justice into the work they are already doing. For example, one victim advocate said they became more intentional about asking restorative questions while supporting students and one conduct professional said they organized a workshop with the Student Conduct Leadership Team about how to make their Peer Review Boards and Critical Issues Boards more restorative. Three participants who met with university legal counsel to discuss the strategic direction of Title IX and sexual assault prevention efforts said they seized the

opportunity to discuss whether restorative justice would align with new regulations passed in the state legislature.

All the participants rated themselves as a 5 on a scale of 1-5 for how willing they would be to continue meeting about implementing restorative justice for gender-based misconduct. One senior-level administrator took the lead to recommend the proposal be submitted by early fall 2022 with implementation beginning fall 2023. Several participants, particularly those who interact with cases from a victim advocacy perspective, suggested that the restorative justice response to cases be part of a larger initiative on the strategic direction of Title IX that includes improving prevention efforts and a confidential victim advocate model. Although the idea to broaden implementation of restorative justice practices into prevention efforts was accepted, some worried that bundling the proposals together would slow down the implementation. One participant suggested that the efforts be rolled out using a multi-year implementation plan to showcase the larger strategic goals without impeding any one portion of the plan or trying to do too much too soon.

Although the specifics of *how* to implement restorative justice as an adaptable resolution for cases of gender-based misconduct needs further consideration as the proposal takes shape, all participants agreed the option *should* be available on campus. Participants shared a resounding “let’s do it”-attitude. “I think our mission and who we are and how we want to do things align with RJ,” one participant said. “RJ should be something to consider for everything.”

Limitations

Time

Organizational change takes time. Time was a limitation of this study, given that the project was executed over a short, six-month timeline. On the other hand, some participants commented that the pace allowed the group to follow the momentum, moving to action quickly without the risk of the interest waning. Although the study moved participants to the Action

Stage, the research period was complete before a proposal for adding restorative justice options for gender-based misconduct could be drafted. It was outside the scope of this study to determine whether participants continue to the Maintenance Stage of the TTM, following through with their plans to complete the proposal and implement restorative justice as an adaptable resolution option, or if they enter the Relapse Stage and revert to complacency on creating policy change.

Participant Sample

The sample size of 10 was relatively small compared to the amount of buy-in required to create organizational change. The study zeroed in on key decision makers and the staff and administrators represented the array of stakeholders within the university who respond to cases of relationship violence and sexual harm, but the sample lacked student and faculty perspectives. Recommendations for next steps in advancing the proposal include collecting additional feedback from students, in particular. All participants started out with some level of willingness to explore the approach, and results may have varied had there been participants starting out completely opposed to the initiative. It was also telling data to have all participants begin ready and open minded to explore restorative justice as a response to gender-based misconduct. Although participant demographics included professionals of various races, genders, and sexual identity, the majority of participants were white or white-passing, cis-gendered, heterosexual women. The lack of diversity in the participant sample was also reflective of the predominantly white institution's employee demographics.

Group Dynamics

Because the sample focused on staff and administrators who interact with cases of gender-based misconduct in some way, shape or form, the participants naturally knew one another and often worked closely together. Although these relationships were important for coalition-building, they also impacted group dynamics. The use of restorative justice practices

helped to flatten the hierarchy, but there were still moments when administrators with more seniority naturally took lead of the conversation — particularly during the working group in Cycle 3 when we broke circle to brainstorm. Some participants said they felt that including senior-level administrators from the beginning was important because they were able to buy in to the restorative model through the research process and their direction was helpful during the discussion, but others noted that if the administrators had not been so open minded that it could have shut down the group's momentum. It is also possible that participants filtered their responses because their supervisor or division leadership were present, however, that was not directly observed or stated in one-on-one follow-up interviews.

My positionality as a researcher was another factor in group dynamics. I was able to capitalize on my social influence, which is necessary in coalition building, to recruit colleagues with whom I worked on campus. Three of the participants were current or former supervisors of mine, but I recognized this implicit bias and worked to remain objective when synthesizing the data. Securing a full-time position at the university in a separate division from all the participants while the study was ongoing also helped to offset any hesitations I might have had in sharing unfiltered findings. As a graduate student, all of the participants in the study were in a hierarchical position above me, but one participant commented that my positionality was an asset in convening the group because the campus is committed to graduate student learning which motivated people to come together in ways they had not in the past.

Recommendations

Restorative justice should be an option to resolve gender-based misconduct on campus. All 10 staff members and administrators in the study, all of whom interact with cases of relationship violence and sexual harm in various contexts, said the approach is unequivocally aligned with the university's mission and values. They said they thought having the option on campus would also encourage more victim survivors to report, provide a path to healing, and

hold offenders accountable while providing developmental and educational opportunities that could reduce recidivism. Their recommendation to propose restorative justice as an adaptable resolution for gender-based misconduct by fall 2022 with implementation in fall 2023 should be prioritized as the university aims to better its response to relationship violence and sexual harm. In effort to realize this goal, many of the next steps outlined here are a compilation of ideas from the staff and administrators who participated in the study, as conveyed throughout the cycles in circle, the role-play debrief, action planning, and one-on-one interviews.

Benchmarking and Consultation

USD should connect and consult with other universities who are using restorative justice as a response to gender-based misconduct. Some Catholic institutions to consult include: Loyola Marymount University and Notre Dame. Other universities include The College of New Jersey, James Madison University, Rutgers and University of Michigan. Additionally, The Campus PRISM Project (Promoting Restorative Initiatives for Sexual Misconduct), within the USD Center for Restorative Justice, is a team of international researchers and practitioners with the goal of assisting campuses in their exploration of restorative justice for gender-based misconduct.

Options within Restorative Justice Pathway

It is recommended that the new policy includes a menu of restorative justice options for response to gender-based misconduct, such as circles, conferences, and shuttle facilitation (see Figure 1 for a chart comparing the models and Appendix B for a link to a video guide). Options allow the person harmed more agency in selecting a process that works for them as well as providing flexibility for the many nuances that come with these cases. The options within the restorative justice pathway should be introduced on an equal playing field as the conduct process. For example, a restorative justice practitioner and Title IX coordinator should both be present for intake meetings that include discussing options for next steps with the person

harmed. This ensures that the restorative justice option is presented accurately by someone intimately familiar with the process and that it is seen as an equally relevant resolution process.

Legal Considerations

As the new policies for restorative justice options are developed, consultation with university legal counsel and the local District Attorney's office will be helpful in ensuring that the infrastructure is in accordance with Title IX, the Violence Against Women Act, and other legislaton guiding university response to gender-based misconduct. California Senate Bill 493, for example, prohibits mediation as a means to resolve Title IX cases. Although restorative justice is distinct from mediation, it is often conflated so the difference will need to be clearly defined in any forthcoming policy. Mediation does not require the offender to take responsibility and focuses on problem solving, whereas restorative justice requires offender responsibility and accountability and focuses on repairing the harm. Particularly because restorative justice requires the offender to take responsibility, many universities already doing this work recommend developing a Memorandum of Understanding to ensure what is said in the process cannot be used against the person responsible in a criminal proceeding.

Community Perception

Securing student buy-in is key as it could be a significant barrier given the punitive climate that currently exists on campus in regards to sexual harm. The Student Conduct Leadership Team, who serve as peer hearing board members, should be involved in coalition building and training key audiences within the student body. In particular, SCLT members who serve on boards for cases of gender-based misconduct are uniquely positioned to reach other students while also speaking to the need for and benefits of a restorative approach. SCLT could potentially help train other students on restorative justice and/or lead focus groups about using the model as a response to gender-based harm. Due to their positionality on campus, the Associated Student Government should also be included. Fraternity and Sorority Life leaders

need to buy in to the process, particularly because many members were part of the protests demanding more punishment for people found responsible of gender-based misconduct.

Staffing, Budget, and Resources

Although some larger universities have a separate office to manage adaptable resolutions for gender-based misconduct, smaller campuses often house the program within student conduct. Given the ways in which USD's Office of Ethical Development and Restorative Practices already supports RJ initiatives across campus, it is positioned to expand its conduct response to also include restorative justice pathways for gender-based misconduct. In an effort to provide adequate resources and attention to the restorative justice pathway, it is recommended that the proposal include some restructuring of staff to provide oversight of the program administration and facilitator training and development. Additional facilitator support can be recruited through USD's Center for Restorative Justice's Certificate Program and hearing board members of the current process.

The U.S. Department of Justice's Office of Violence Against Women administers about a dozen grant programs to reduce gender-based misconduct and strengthen response efforts. Institutions, including universities, can apply for the grants to develop and pilot restorative justice programs that prevent and address gender-based misconduct, including relationship violence, stalking, and sexual assault. Grant proposals can also include training and assessing best practices of restorative justice (OVW Grants and Programs, 2021).

Training

Facilitators of a restorative justice process for gender-based misconduct should undergo comprehensive training, including trauma-informed practices and restorative justice certification. Additionally, it is recommended that facilitators receive additional training, specifically for leading restorative justice models for cases of relationship violence and sexual harm. New facilitators should be paired with more experienced practitioners as they continue to build their skillset.

Training could be developed in partnership with USD's Center for Restorative Justice and the Office of Ethical Development and Restorative Practices as well as the local rape crisis center, the Center for Community Solutions. Ongoing continuing education should be part of the implementation plan to ensure facilitators have access to best practices as they emerge.

Conclusion

USD has spent years laying a strong foundation of restorative justice across campus, and the institution is ready to apply the approach as an option to resolve cases of gender-based misconduct. With a renewed focus on the university's response to relationship violence and sexual harm, now is the time to explore ways to bring students impacted by gender-based misconduct a sense of accountability, healing, and hope. Research has shown restorative justice can meet those needs and more. The staff and administrators in this study are now positioned to be leaders who can advocate for the implementation of restorative justice as an adaptable resolution process at USD. The framework of this research project can be applied to bring more of the USD community along in their own restorative journeys by replicating the stage-matched interventions of training, circle dialogue, conference role-play, debrief, and action planning on a larger scale. Additionally, the recommendations derived from the project provide a road map for completing the policy proposal. As a result of the momentum developed through this action research project, the goal is to submit by early fall 2022, a proposal to offer restorative justice as an adaptable resolution for gender-based misconduct and to begin implementation by fall 2023.

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Appendix A

PreCycle: Stage Assessment | Online Survey

Resolutions for Gender-Based Misconduct:
Action Research Project Online Survey

Start of Block: Biographical Data

Q1 What is your full name? (Your answers will be kept confidential, but researchers need to know your identity for methodological purposes.)

_____

Q2 What position do you currently hold on campus?

_____

Q3 How long have you worked in that position?

_____

Q4 Briefly describe the ways in which you interact (or have interacted) with cases of gender-based misconduct, including sexual misconduct and relationship violence. Include how long you have engaged in this type of work.

_____

End of Block: Biographical Data

Start of Block: Campus Conduct Processes

Q5 Rate your familiarity of your institution's current conduct processes for cases of gender-based misconduct, including sexual misconduct and relationship violence.

	Not at all familiar (1)	Slightly familiar (2)	Somewhat familiar (3)	Moderately familiar (4)	Extremely Familiar (5)
Familiarity of Current Conduct Processes for Cases of Gender-Based Misconduct	○	○	○	○	○

Q6 Rate your perception of the average satisfaction with the current conduct process for cases of gender-based misconduct, including sexual misconduct and relationship violence.

	Extremely dissatisfied (1)	Somewhat dissatisfied (2)	Neither satisfied nor dissatisfied (3)	Somewhat satisfied (4)	Extremely satisfied (5)
Victim Survivor Satisfaction (1)	○	○	○	○	○
Alleged Offender Satisfaction (2)	○	○	○	○	○
Hearing Officer Satisfaction (3)	○	○	○	○	○
Campus Community Satisfaction (4)	○	○	○	○	○

Q7 How much do you agree or disagree with the following statement: Alternative options to resolve cases of gender-based misconduct **are** needed on campus.

	Strongly disagree (1)	Somewhat disagree (2)	Neither agree nor disagree (3)	Somewhat agree (4)	Strongly agree (5)
Alternative options to resolve cases of gender-based misconduct are needed on campus	○	○	○	○	○

End of Block: Campus Conduct Processes

Start of Block: Restorative Justice

Q8 Rate your familiarity with restorative justice.

	Not at all familiar (1)	Slightly familiar (2)	Somewhat familiar (3)	Moderately familiar (4)	Extremely familiar (5)
Familiarity restorative justice	○	○	○	○	○

Q9 How often do you use restorative justice practices in your current work?

○ Daily or almost daily (5)

○ At least once per week (4)

○ Once or twice per month (3)

○ At least once per semester (2)

○ At least once per academic year (1)

○ Never (0)

End of Block: Restorative Justice

Start of Block: Alternative Resolutions

Q10 Do you believe restorative justice should be available as an alternative resolution option for cases of gender-based misconduct?

- ○ Yes, definitely. (5)
- ○ Yes, but I have some hesitations. (4)
- ○ I'm not sure. (3)
- ○ Not really, but I remain open to the idea. (2)
- ○ No definitely not. (1)

Skip To: Q12 If Q10 = I'm not sure.

Display This Question:

If Q10 = Not really, but I remain open to the idea.

Or Q10 = No definitely not.

Q11 Briefly explain why you believe restorative justice should NOT be available as an alternative resolution option for cases of gender-based misconduct.

_____

Skip To: End of Survey If Condition: Briefly explain why you bel... Is Displayed. Skip To: End of Survey.

Page Break

Display This Question:

If Q10 = Yes, definitely.

Or Q10 = Yes, but I have some hesitations.

Or Q10 = I'm not sure.

Q12 Are you seriously thinking about exploring the use of restorative justice in cases of gender-based misconduct?

- ○ Yes, and I'm currently doing that work. (5)
- ○ Yes, I was engaged in that work in the past but not currently. (4)
- ○ Yes, and I plan to start this semester. (3)
- ○ Yes, and I plan to start within this academic year. (3)
- ○ Yes, and I plan to start within 5 years. (2)
- ○ Yes, but I don't know when I'll start. (1)
- ○ No, I don't have any plans to explore restorative justice for cases of gender-based misconduct. (0)

Display This Question:

If Q12 = Yes, and I'm currently doing that work.

Or Q12 = Yes, I was engaged in that work in the past but not currently.

Q13 What have you done to explore or take action to bring a restorative justice option for cases of gender-based misconduct to campus? (Check all that apply)

- ☐ Reading research, case studies or other material on the subject
- ☐ Consulted with the Center for Restorative Justice, professionals at other institutions or other experts on the subject
- ☐ Started or joined a committee or working group
- ☐ Began writing policies
- ☐ Piloted a program
- ☐ Other _____
- ☐ None

Q14 Briefly list what barriers you are currently facing or think you might face in your exploration of restorative justice as an alternative resolution to cases of gender-based misconduct.

_____

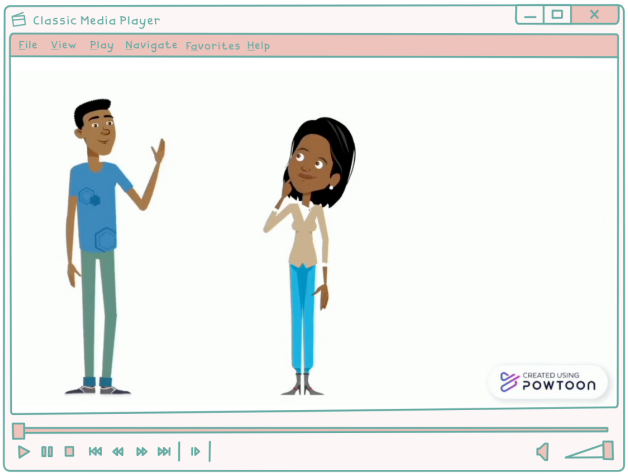
End of Block: Alternative Resolutions

Appendix B

Cycle 1: Contemplation Stage | Training Materials

Video: A Quick Guide to Restorative Justice and Gender-Based Misconduct

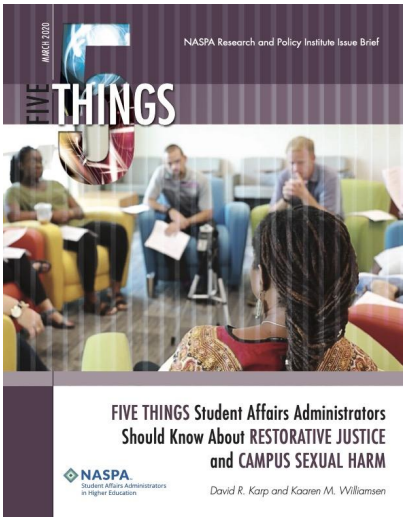
By Jessica D. Naidu



Link: https://bit.ly/RJ-GenderHarmVideo (9:31)

Article: Five Things Student Affairs Administrators Should Know about Restorative Justice and Campus Sexual Harm

By David R. Karp and Kaaren M. Williamsen



Link: https://bit.ly/RJ-SexualHarmNASPAarticle (22 pages)

Appendix C

Cycle 1: Contemplation Stage | Restorative Justice Circle Script

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Introduction 5 minutes

- ***Present the Roadmap — What to Expect*** (Researcher)
    - Research Purpose
        - to determine attitudes about the resolution options universities should provide for cases of gender-based misconduct
        - assess readiness to adopt restorative justice alternatives in the conduct process at USD
        - support those who wish to continue exploring restorative justice for gender-based misconduct in their endeavors to do so.
    - Research Timeline
        - Survey - Done!
        - Asynchronous Training - Done!
        - Community Building Circle - Today
        - Mock Role Play - March 10
        - Focus Group - April 7
        - Interviews in between
    - Circle Purpose Today
        - Debrief the asynchronous training
        - Begin the discussion on this topic
        - Take a pulse of where we're at in our exploration
        - *Recording for Research Purposes Disclaimer*

Opening the Circle 10 minutes

- ***Land Acknowledgement*** (Co-Facilitator)
    - Our institution and the San Diego community hold great respect for the land and the original people of the area where our campus is located. We want to acknowledge that the land on which we gather is the traditional unceded territory of the **Kumeyaay Nation**. We honor the generations of Indigenous communities who have cared for our world and have existed over time and space. We acknowledge and honor the past, the present and the future to help all heal from our collective wounds and work towards dismantling the ongoing injustices brought on by colonization. Additionally, **restorative practices**, a philosophy of centering relationships and healing in the midst of conflict and harm, **are rooted in practices of indigenous communities from around the world**.

- ***Introduce the Talking Piece*** (Researcher)
    - We will use a talking piece today as part of our circle process. A talking piece allows us to focus on who is speaking rather than worrying about how we will respond. It also creates some equity for our discussion, so everyone can share. You are encouraged to share, but are welcome to pass at any point.
        - *Sage*: in many indigenous cultures is used for its cleansing and healing properties
        - *Worship Bell*: in Hinduism, it is rung to signify the start of a sacred ceremony; considered to be auspicious
        - *Labradorite Crystal:* Considered to be the most powerful protector; known to heal from within
        - *Chanchito*: In Chile, this three-legged little clay pig is known to be good luck

        - *Boomerang*: In Australia's Aboriginal cultures, boomerangs are a symbol of strength. And we also know that like a boomerang, whatever good we put into the world will come back to us.
        - *Apophyllite Crystal:* Symbolizes positivity and is used when you want to see the glass half-full instead of half-empty

- ***Review Community Guidelines*** (listed on back of name tag tent) (Co-Facilitator)
    - Our community guidelines and norms for our circle process today:
        - **Speak from the Heart:** Share authentically. Speak your first draft.
        - **Listen from the Heart:** Listen actively. Listen to understand others.
        - **Welcome Contradictory Points of View:** Let's learn from different perspectives.
        - **Without Feeling Rushed, Say Just Enough:** Be mindful of the time.
        - **What's Shared Here Stays Here:** Take the lesson, leave the story. Anonymity.
        - Is there anything else anyone would like to add?

- ***Round of Introductions*** (Researcher)
    - On the other side of our community guidelines, write a value you think should be at the center of the resolution process for gender-based misconduct.
    - Go around the circle to share.
    - Place your name tent in front of you with the values facing toward the center.

Connection 25 minutes

- ***Share your Why*** (Co-Facilitator) *(Model longer storytelling response - 3 to 4 minutes)*
    - I know we are all very busy, so why did you decide to invest time in this work? Why are you interested in exploring RJ as an option to resolve gender-based misconduct?

Concern 5-6 minutes

- ***Questions about the Topic*** (Researcher)
    - After reading the article and watching the video, what is a question you still have or something you want to explore further?

Collaboration 5-6 minutes

- ***Benefits*** (Co-Facilitator)
    - After reading the article and watching the video, what potential benefits do you think an RJ option for gender-based misconduct would bring to our students and campus community?

Closing 3-4 minutes

- ***Head - Heart - Feet*** (Co-Facilitator)
    - It is a Restorative Justice tradition to close with Head-Heart-Feet. Think about the asynchronous materials (the article and the video) and our circle together here today.
    - *If time allows - ask folks to write down all three, then share out one.*
        - *Head*: What is something you learned?
        - *Heart*: How do you feel?
        - *Feet*: How are you called to action?

*** Collect values and Head-Heart-Feet notecards ***

Thank you & Next Steps 1 minute

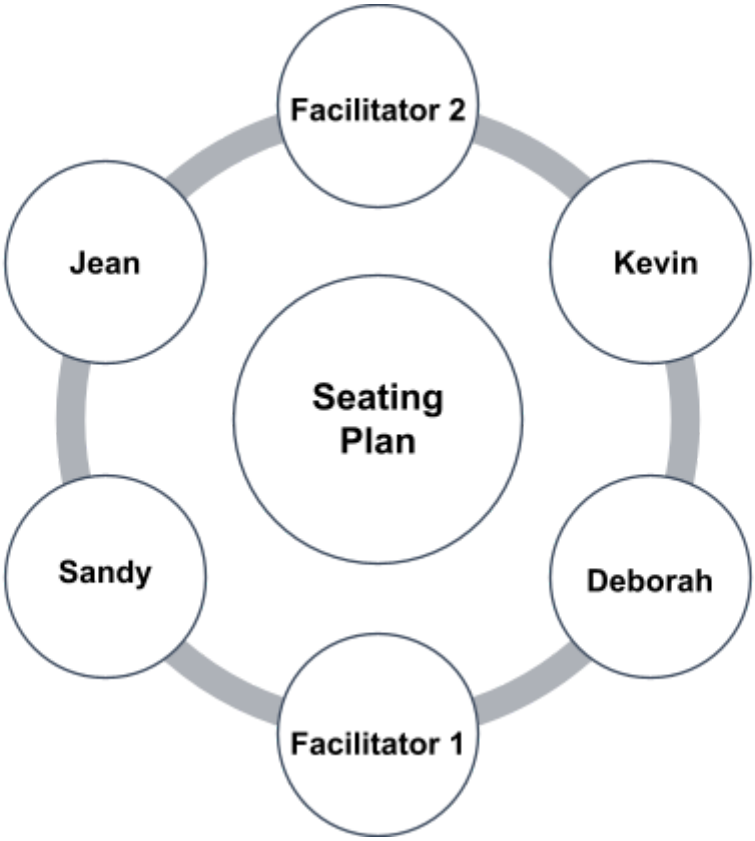
Appendix D

Cycle 2: Preparation Stage | Role Play Script

MEDICAL STUDENT SEXUAL HARASSMENT

Kevin is a fourth-year nursing student, age 25, who attends the University of San Diego. Following a break-up with a female classmate, **Sandy**, Kevin posted a few social-media photos of her onto a website for foot-fetish fans. Sandy reported the incident and requested a restorative process.

**Case Study and Roles developed by the USD Center for Restorative Justice.*
Specific script for each character developed for this research by Jessica Naidu in consultation with the CRJ to maintain authenticity to the real case study.



1. **Kevin** (student responsible)
   You are a fourth-year nursing student. Both of your parents are family medicine physicians who work in underserved communities. As a result, you have always been interested in family medicine and serving communities in need. You have been performing well in medical school. You dated Sandy for a few months, but she recently broke up with you. That night, after drinking heavily, you saw her post photos on Instagram showing off a new pedicure. Infuriated that she seemed to be having fun while you were miserable, you posted these photos on a foot fetish website as a hurtful act. You had never visited such a site before, but simply chose it because she had posted pictures of her feet. You are terribly remorseful for this childish act and realize it was not appropriate.

2. **Deborah** (Kevin's support person)
   You are a fourth-year nursing student and Kevin's roommate. You have known Kevin for nearly eight years, having attended undergraduate school together. You are aware that Kevin and Sandy dated for a few months and that Sandy recently broke up with him. You think that Kevin is a good person who made a bad decision during a heated moment. You have never known Kevin to act with malice or cruelty. But you are concerned that Kevin acted out in this way while drinking. You want to support Kevin as he corrects his action.

3. **Sandy** (harmed party)
   You are a fourth-year nursing student. You dated Kevin for a few months, but recently broke up with him. You like him, but you weren't falling in love, and you felt too overwhelmed maintaining a relationship with all of your other professional demands. The day that you broke up with him, you were depressed and decided to do a little "self care" by getting a pedicure and posted pictures of it on Instagram. You were shocked to discover that Kevin posted them on a foot fetish website. You don't believe Kevin is a foot fetishist and do believe he only did this as a hurtful act after the break up. You want him to take responsibility for the harm he caused, but you don't want him to be formally punished. In addition, you are a peer educator in a women's health and sexual assault prevention program and think part of Kevin's decision was linked to how much you dislike the objectification of women.

4. **Jean** (Sandy's support person)
   You are a faculty member and educator in the women's health and sexual assault prevention program. Sandy is a mentee and peer educator in the program. You value Sandy's passion and dedication to women's rights and health and provided her support when this incident took place. You are concerned about the impact this incident had on Sandy as well as the student cohort. You also believe a restorative process can be helpful to resolve the situation.

Role Play Script

*This script is an RJ circle/conference blend for a case of harassment. It's based on a true story.

*The opening rituals are borrowed from RJ circle tradition and then the conference follows a typical RJ conference script. It's also an example that while the process is very formal and there are tried and true scripts, trained facilitators have the flexibility to adapt the process specific to the people involved.

*Note: Facilitators are highly trained and have preconferenced with all of the individuals multiple times before the conference.

OPENING RITUALS

Facilitator 1: Welcome everyone. To begin our restorative justice conference process, I would first like to acknowledge the land on which we gather.

- Our institution and the San Diego community hold great respect for the land and the original people of the area where our campus is located. We want to acknowledge that the land on which we gather is the traditional unceded territory of the Kumeyaay Nation. We honor the generations of Indigenous communities who have cared for our world and have existed over time and space. We acknowledge and honor the past, the present and the future to help all heal from our collective wounds and work towards dismantling the ongoing injustices brought on by colonization. Additionally, restorative practices, a philosophy of centering relationships and healing in the midst of conflict and harm, are rooted in practices of indigenous communities from around the world.

Let us all take three deep breaths to center ourselves before we begin our dialogue.

(Breaths)

Now I'd like to Invite you to Our Brave Space by reading a poem by Micky Scottbey Jones

AN INVITATION TO A BRAVE SPACE
Together we will create brave space
Because there is no such thing as a "safe space"
We exist in the real world
We all carry scars and we have all caused wounds.
In this space
We seek to turn down the volume of the outside world.
We amplify voices that fight to be heard elsewhere,
We call each other to more truth and love
We have the right to start somewhere and continue to grow.
We have the responsibility to examine what we think we know.
We will not be perfect.
It will not always be what we wish it to be
But It will be our brave space together,
And We will work on it side by side.

Facilitator 2: At today's conference, we will be focusing on the pictures that were posted to the foot fetish website in October. We will focus on what Kevin did and its impact on Sandy and others. We will identify what harm was caused and how it might be repaired. We will also focus on what can be done to reassure us that the behavior will not be repeated.

Facilitator 2: As a reminder, this conference is voluntary. We do not have to reach an agreement today, and if we do not, the case may be referred to the Office of Ethical Development and Restorative Practices and handled in a different way. I am hopeful that we will reach an agreement. Does everybody understand this?

COMMUNITY AGREEMENTS

Facilitator 2: We will now review our community agreements:

- **Speak from the Heart:** Share authentically. Speak your first draft.
- **Listen from the Heart:** Listen actively. Listen to understand others.
- **Welcome Contradictory Points of View:** Be open to learn from different perspectives.
- **Without Feeling Rushed, Say Just Enough:** Be mindful of the time.
- **What's Shared Here Stays Here:** Take the lesson, leave the story. This is a confidential space.
- Is there anything else anyone would like to add?

INTRODUCTIONS

Facilitator 2: First, let us all introduce ourselves and share briefly why we are here. We can use this talking piece for this round. This talking piece is called labradorite and it is known to be the most powerful protector in the metaphysical world. It also heals from within.

Facilitator 2: I'll go first. My name is ___ and I'm the facilitator for today's conference. My role is to remain multi-partial. I say multi-partial because impartial can come across as apathetic or disengaged. But as you know after meeting with me for these past few months, that's not the case. I'm multi-partial, which means I have an equal alliance, respect and care for each of you here today.

Kevin: I'm Kevin and I'm a fourth-year nursing student here. Both of my parents are family medicine physicians who work in underserved communities. I'd say I have a lot to live up to, but I'm grateful for their influence. I'm also interested in family medicine and serving communities in need. I am here today because I made a thoughtless mistake in posting those photos and I hurt Sandy.

Deborah: My name is Deborah. I am also a fourth-year nursing student and I'm Kevin's roommate. I have known Kevin for nearly eight years; we attended undergraduate school together. I'm here as Kevin's support person because I think that Kevin is a good person who made a bad decision during a heated moment. I have never known Kevin to act with cruelty, but I am concerned that Kevin acted out in this way while drinking. I want to help him take accountability.

Facilitator 1: My name is ___ and I'm the facilitator for today's conference. My role is also to remain multi-partial and to help facilitate this dialogue.

Sandy: I'm Sandy. I'm also a fourth-year in the nursing program. I used to date Kevin, but I broke up with him and that's what started all of this. I'm here because I've been really impacted by Kevin's actions. We were obviously close at one point, so I'm really hurt by what happened. I want him to understand what he's done.

Jean: My name is Jean. I am a faculty member and educator in the women's health and sexual assault prevention program. Sandy is my mentee and a peer educator in the program. I provided her support when this incident took place and I'm concerned about the impact this incident had on Sandy as well as the rest of her cohort. I am also hopeful that this restorative process can be helpful to resolve the situation.

HARM IDENTIFICATION

Facilitator 1: Thank you. We will now begin the conference and (Facilitator 2) and I will facilitate the dialogue. We can return to using the talking piece if we need to, but I'll place it back in our center piece for now as we won't be sharing in a circle. Kevin, Tell us what happened from your perspective. What were you thinking and what have you thought about since?
Kevin: Well, Sandy and I were dating for a few months, but then she broke up with me. I was really

surprised because I thought things were going well. I was upset and I didn't know how to handle it so I started drinking. That night, I got pretty drunk, and I was scrolling through Insta and saw her post photos showing off a new pedicure.

To be honest, I was pissed. Here she was out having fun and I was alone and miserable. I felt like she didn't care about me at all. I wanted to get back at her, but I honestly didn't think it would go this far. I posted her photos on a foot fetish website. I had never been on a site like that before, but just did it because the photos were of her feet. I didn't realize how it could spin out of control like it has.

Since then, I've been embarrassed by my actions. I regret it, for sure.

Facilitator 1: Sandy, How has this impacted you?

Sandy: This whole thing has been really terrible. I really liked Kevin, but as we get closer to graduation, I have been thinking about my future and I know I'm not in love. I didn't want to keep stringing him along. I knew the break-up would hurt him, but this – his reaction — is just inexcusable. Kevin, I really don't think you have any idea how this has impacted my life.

After the photos were posted, I started getting messages from all sorts of people. The messages were degrading, and honestly, some of them just made me sick to my stomach. I started to worry about my safety. You just never know what can happen when things are on the internet.

Of course people at school also found out – and it has put my reputation in danger. Rumors are running wild. I had to make my socials all private because of all the comments. The last thing I needed was my professors and potential employers finding out about this. Now when you Google my name, instead of my LinkedIn or my accomplishments coming up, it's sexualized pictures of my feet. Not only does it diminish everything I've been working toward, it's also embarrassing. Who is going to want to hire me?

I really feel betrayed. Kevin knows how much I hate the objectification of women. I am a peer educator in a women's health and sexual assault prevention program, and this just felt too personal – like he picked the one thing he knew would really get under my skin.

Facilitator 1: How has this impacted you, Jean?

Jean: I would say that I'm just really troubled by how this has hurt Sandy. I know many of her peers in the cohort are also worried about her. It has affected our whole group. I'm also concerned about how Kevin's behavior reflects on our nursing program and the reputation and professionalism of our school as a whole. I'm worried about whether he can prove to be an ethical professional who treats patients with respect and not the way he has treated Sandy.

Facilitator 1: How has this impacted you, Deborah?

Deborah: I want to be a good friend and a good roommate, but I honestly am afraid to be associated with all this. More importantly, I'm worried about Kevin. This isn't you, Kevin. I'm concerned about your drinking.

Facilitator 1: Now that you have heard how this has impacted everyone, Kevin, is there anything you would like to say at this time?

Kevin: Listening to all of you, and especially you, Sandy, I had no idea that what I did would cause all of this. That is not an excuse. It's just to say what I did was really thoughtless. And I'm sorry. I wish I would have thought about the impact before I posted the photo. This has really taught me to not be so reckless. I've realized the decisions I make actually have consequences, and not just on me but on other people, too.

Sandy, I'm really sorry I betrayed your trust. Our relationship meant a lot to me and this is not the way you deserve to be treated. I feel terribly that on top of our breakup, which I know wasn't easy for you either, you have now had to deal with this potentially affecting your career.

This type of objectification of women is exactly what you're always preaching about, and I know better. This isn't the type of person I want to be.

It's obvious after listening to you, Deborah and Jean, that the incident really spiraled and affected even more than just Sandy, too.

I'm really sorry to everyone, and especially to you, Sandy.

Facilitator 2: Is there anything you would like to say in response?

– leave space for Sandy, Jean, or Deborah to respond –

Facilitator 2: We will now summarize our list of harms.

As folks were speaking (Facilitator 1) was writing the list of harms. Let's review them together. (Review List on Flipchart). Is there anything that needs to be changed or added?

AGREEMENT PROCESS

Facilitator 2: We have all spoken about the harms caused by this incident and are now at the stage of identifying what can be done to make things right. Two basic questions will guide us forward. 1) How can the harm be repaired? 2) How can we regain confidence in Kevin, so that we can trust that he will be a responsible member of our community?

Please remember our focus is on finding solutions. If you do not believe we can work on solutions together, we can discuss this and, perhaps, end the conference. Would you like to continue with the conference?

–check for agreement–

Kevin, looking at this list of harms, what do you think can be done to repair each harm? What else can you do that can demonstrate you can be a positive member of our community?

Kevin: I've been in counseling for my drinking and to help me build healthier relationships. I think I should continue that. I will also write to all the websites and social media handles who have reposted the picture, asking them to take it down. I want to make sure your reputation is intact, Sandy.

Facilitator 2: Sandy, looking at this list of harms, what do you need to move forward? What else would you need to see from Kevin?

Sandy: I think it's important that the societal norm of objectifying women is addressed here. I would like Kevin to take part in educating our peers so this type of behavior is not so normalized. I think others would really benefit from hearing about the impact, especially coming from someone like Kevin.

Facilitator 2: Jean, Deborah, would you like to add anything?

Deborah: I think this is a good plan, but do you mean that you want Kevin to share his story publicly? I think that could further jeopardize his reputation and career.

Kevin: Thanks for considering that, Deborah. Everything is already out on social media, so I think it's best that I own up to what I did and do what I can to make amends. I think it would be beneficial for people to hear a response from me personally – not just to save my own reputation but for Sandy's and

so that I can advocate for others not to behave this way.

Jean: Thank you, Kevin, for being willing to share your response in an effort to teach others. I like what Sandy is suggesting with this education piece, too, and am wondering if we can build on that a bit more. Sandy, can you tell us more about what you have in mind?

Sandy: I was thinking that Kevin could host a peer-to-peer workshop on campus. Maybe he can record a podcast or make a short PSA video about it as part of the lesson, too.

Jean: I like that idea. I'd like to add that Kevin do some volunteer work for the women's health and sexual assault prevention program first. I can mentor him which will accomplish two things 1) Ensure he makes the progress necessary to remain in our nursing program. 2) Help impart the knowledge he will need to create an effective PSA and training that Sandy is suggesting.

Facilitator 1 (who has been writing on the flip chart): Here are the list of agreements we've come up with through this process. What do you think? Are we addressing the harms? Are we meaningfully responding to the larger social concerns as well?

— check for agreement —

Facilitator 1: Kevin, would you be willing to agree to these suggestions? Do you have any concerns about the plan that we should address?

Kevin: I don't have any concerns. I commit to this agreement. I can't take back what I did, but I can try to fix it as best I can.

Facilitator 1: What do you think of what we have come up with so far? Is this a fair and reasonable outcome?

Sandy: This seems fair. But what happens if Kevin doesn't follow through?

Facilitator 1: As facilitators, we will work with Kevin to monitor his progress. If he doesn't complete the agreements by the end of the term, the case will automatically be referred back to the hearing process through the Office of Ethical Development and Restorative Practices, which could delay Kevin's graduation timeline and/or have sanctions such as suspension.

Deborah: I also volunteer to help keep Kevin accountable to what we've agreed upon. I'm confident that he can do this.

Kevin: I will.

Sandy: Thank you.

Facilitator 2: Now that we have reached an agreement, I will write it up and send you all copies electronically. If after we leave, you believe this process was conducted unfairly, Kevin and Sandy, you can appeal the agreement we have reached.

CLOSING RITUAL

Facilitator 1: Thank you all for your time and investment in this process today. Let's take a couple deep breaths to close out our conference space. (Deep breaths)

Facilitator 1: For our closing round, how are you feeling about how things went?

Kevin - Deborah - Facilitator 2 - Sandy - Jean - Facilitator 1

Appendix E

Cycle 2: Preparation Stage | Interview Script

Thank you for participating in the restorative justice conference role play. As part of the study, I'll now ask you a series of questions about your experience. This interview will take an estimated 30 minutes and your responses will remain anonymous.

1. What were your initial thoughts and reactions after participating in the role play? What have you thought about since?

2. What was the most valuable part of participating in the role play?

3. After participating in the role play, in what ways are you thinking differently about the conduct process for cases of sexual misconduct? (For Action Stage participants who helped co-facilitate the role-play and the debrief: After taking a leadership role in this way, in what ways are you thinking differently about adding RJ as an option for resolving cases of gender-based misconduct?)

4. What is challenging for you about exploring restorative justice as an adaptable resolution to cases of sexual misconduct?

5. What other resources would you be willing to explore to address those challenges?

6. In what ways do you see the restorative justice conference process supporting impacted parties?

7. In what ways do you see the restorative justice conference process supporting the person responsible?

8. How might restorative justice as an alternative option in cases of sexual misconduct affect the campus climate and culture?

9. In what ways do you see restorative justice fitting into the work you're already doing?

10. What about restorative justice resonates with your personal values?

11. Are you interested in collaborating with others to begin making action plans to further this work? How would you like to spend that time together? What do you see as necessary next steps?

Appendix F

Cycle 3: Action Stage | Collective Impact Working Group Plan

Opening (in a circle): (Co-Facilitator)

We are in the final cycle, so everyone here today is here because they are interested in restorative justice as an option to resolve cases of relationship violence and sexual harm, and they have opted into this working group as a way to begin generating momentum for moving this option forward.

Land Acknowledgement
As restorative justice is rooted in indigenous practices, it is particularly important that we begin with a land acknowledgement before we start this work. We want to acknowledge that the land we gather is the traditional and unceded territory of the Kumeyaay Nation. We want to pay respect to the citizens of the Kumeyaay Nation, both past and present, and their continuing relationship to their ancestral lands.

We will open and close our working group today with the circle process. As a reminder, since this working group is part of a research study, Jess will be recording. However, your comments will remain anonymous. I also ask that we honor confidentiality as a group.

That brings us to our community values.

- ***Review Community Guidelines***
    - **Speak from the Heart:** Share authentically. Speak your first draft.
    - **Listen from the Heart:** Listen actively. Listen to understand others.
    - **Welcome Contradictory Points of View:** Let's learn from different perspectives.
    - **Without Feeling Rushed, Say Just Enough:** Be mindful of the time.
    - **What's Shared Here Stays Here:** Take the lesson, leave the story. Anonymity.
    - Is there anything else anyone would like to add?

- ***Introduce the Talking Piece*** (Researcher)
    - We will use a talking piece today as part of our circle process. A talking piece allows us to focus on who is speaking rather than worrying about how we will respond. It also creates some equity for our discussion, so everyone can share. You are encouraged to share, but are welcome to pass at any point. For those of you who were part of our first circle, some of these items might look familiar. ***(Choose one or two to highlight)***
        - *Sage*: in many indigenous cultures is used for its cleansing and healing properties
        - *Worship Bell*: in Hinduism, it is rung to signify the start of a sacred ceremony; considered to be auspicious
        - *Labradorite Crystal:* Considered to be the most powerful protector; known to heal from within
        - *Chanchito*: In Chile, this three-legged little clay pig is known to be good luck
        - *Boomerang*: In Australia's Aboriginal cultures, boomerangs are a symbol of strength. And we also know that like a boomerang, whatever good we put into the world will come back to us.
        - *Apophyllite Crystal:* Symbolizes positivity and is used when you want to see the glass half-full instead of half-empty
- I've also added a new talking piece for us to use today as we continue to think about how we can build a system that promotes accountability, healing and repair.

- *Kintsugi Pottery:* Kintsugi is a Japanese art form that means golden repair. It is a reminder of human fragility and symbolizes that even when we are broken, we can be repaired with enormous care. Although we will not look the same, there is beauty in our scars and beauty in finding the strength to go on.

Participants go around the **circle**, responding to the following prompts in turn: (Co-Facilitator)

1. What surprised you about the findings in the report?
2. What in the report resonated with you?

Mind Map Activity: (Researcher)

One of the themes from the report was that many people in the group were ready to start putting a proposal together. We're going to work together to generate some more ideas for what that would look like.

1. Writing one idea on each sticky note, completing as many sticky notes as possible: If we were to implement restorative justice as an alternative resolution for cases of gender-based harm, what should be in the proposal? Try to be specific with suggestions.
2. 2-3 Participants work together to categorize or group the sticky notes and title each category.
3. Bring categories to timeline mapping group when complete.

Timeline Mapping: (Co-Facilitator)

1. The rest of the group begins creating a timeline of what categories of tasks should be completed in what order. Make notes on what tasks could be worked on simultaneously. Go around the circle, to ensure each person in the group gets equal voice in discussion:
    a. What is a realistic timeline goal for submitting the proposal? (End of summer? End of fall? End of next academic year?)
        i. Write agreed upon time goal on the chart. Write submit proposal on the chart.
    b. What needs to happen before the proposal can be submitted? (i.e. any additional information gathering? Benchmarking other campuses? Legal research? Student voice?)
    c. Where in the timeline do those things fit? Is there anything from the BEFORE category that can actually be done while the proposal is being written or after it is submitted?
        i. Complete the chart as the group comes to agreement.

Closing (in a circle): (Researcher)

Participants go around the circle, responding to the following prompts in turn:

1. With 1 being absolutely not and 5 being definitely, using your fingers, hold up your hand to indicate your willingness to continue meeting about this. Ask for 1-2 volunteers who commit to reconvene the group next time.
2. In one word, how are you feeling after working together today?
3. What is one way you plan to continue exploring restorative justice, cultivating interest in others, or advancing this work after you leave here today?

<u>RAFFLE</u>

Appendix G

Cycle 3: Action Stage | Interview Script

Thank you for participating in the collective impact working group. As part of the study, I'll now ask you a series of questions about your experience. This interview will take an estimated 30 minutes and your responses will remain anonymous.

1. What was challenging for you about planning actions steps with the group?

2. What was your biggest takeaway from participating in the working group?

3. How would you describe the momentum of the group?

4. What have you done to further explore or advocate for RJ for gender-based misconduct outside of our research process?

5. Describe what it was like for you to go through this exploratory process with the research group as a whole.

6. How has the knowledge you gained from the process impacted your ability to advocate for RJ as an approach to gender-based misconduct?

7. Is there anything else you would like to add?

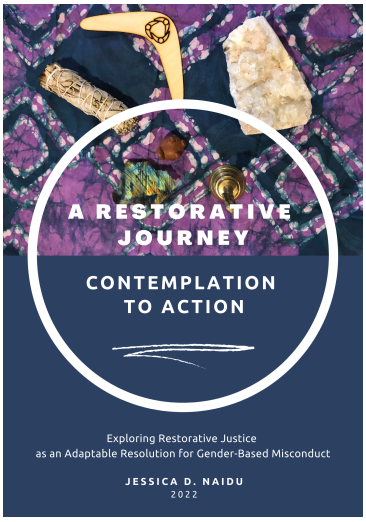
Appendix H

Report

A Restorative Journey | Contemplation to Action:

Exploring Restorative Justice as an Adaptable Resolution

for Gender-Based Misconduct



A draft of this summary report was given to participants during Cycle 3, so they could read preliminary research findings, have space to respond, and use the information to craft next steps.

After gaining participant feedback and completing Cycle 3, the report was finalized as documented on the following pages.

A RESTORATIVE JOURNEY

CONTEMPLATION TO ACTION

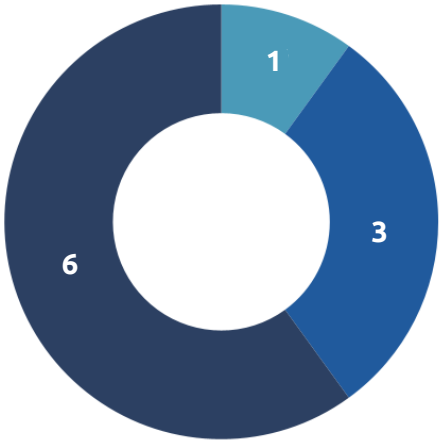
Exploring Restorative Justice
as an Adaptable Resolution for Gender-Based Misconduct

JESSICA D. NAIDU

2022

WHERE WE STARTED

Ten key players who work with gender-based misconduct cases in various contexts
Three senior-level admin, three victim advocates, two conduct professionals, two hearing board members



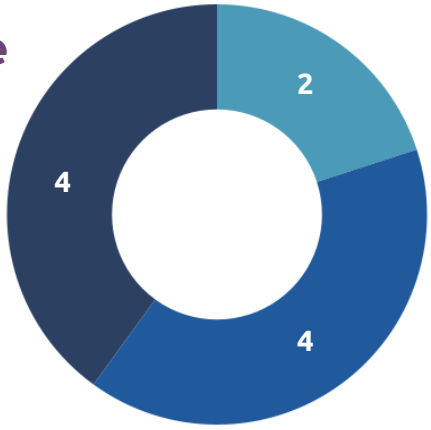
Familiarity with Restorative Justice

- Somewhat Familiar
- Moderately Familiar
- Extremely Familiar

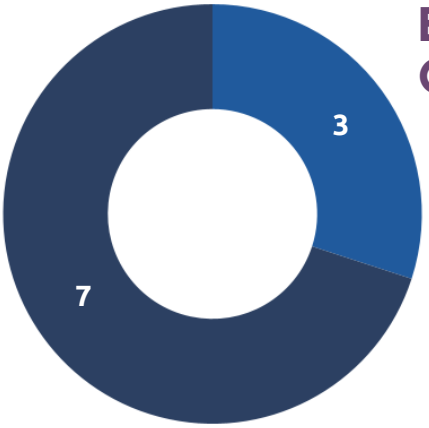
USD has a strong foundation of restorative justice familiarity.

Frequency of RJ use

- Never
- Once per semester to monthly
- Daily



Restorative justice is used less frequently among senior-level administrators.



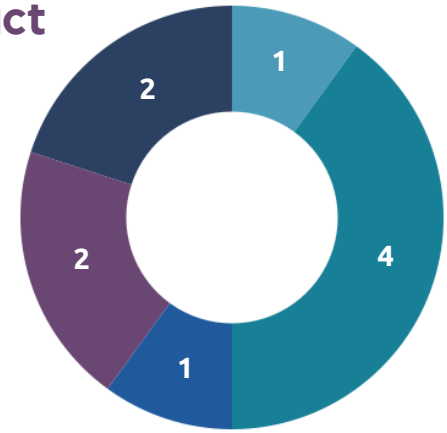
Belief in using RJ for Gender-Based Misconduct

- Yes, but I have hesitations.
- Yes, definitely.

Administrators believe in the promise of restorative justice for gender-based misconduct.

Plans to Explore RJ for Gender-Based Misconduct

- No, I don't have plans.
- Yes, but I don't know when.
- Yes, l plan to start this year.
- Yes, I had in the past, but am not now.
- I'm currently doing this work.



Although they believe in the approach, 8 of 10 were not currently taking action.

OUR VALUES

Comparing our values to our perceptions of resolution options for gender-based misconduct

USD has a strong foundation of restorative justice across campus, including in student conduct, but there is no RJ option for cases of gender-based misconduct.

Perceptions of Hearing Board Process for Gender-Based Misconduct	Values Desired in a Resolution Process	Perceptions of Restorative Justice Process
Dissatisfaction	Dignity	Dignity
Does not heal	Care	Culture of Care
Causes harm	Trauma-Informed	Healing
Not educational	Developmental	Educational & Developmental
Discourages reporting	Encourages reporting	Could encourage reporting
Impacted parties have no say in outcome	Agency & Empowerment	Ability to express impact/remorse & voice in outcome

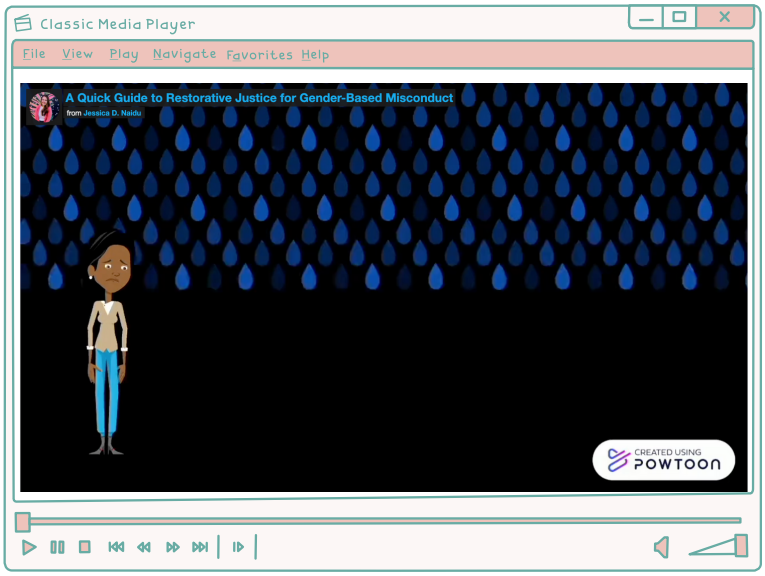
"As someone who currently sits on conduct boards for sexual violence and gender-based misconduct, this [RJ] approach is a million times better."

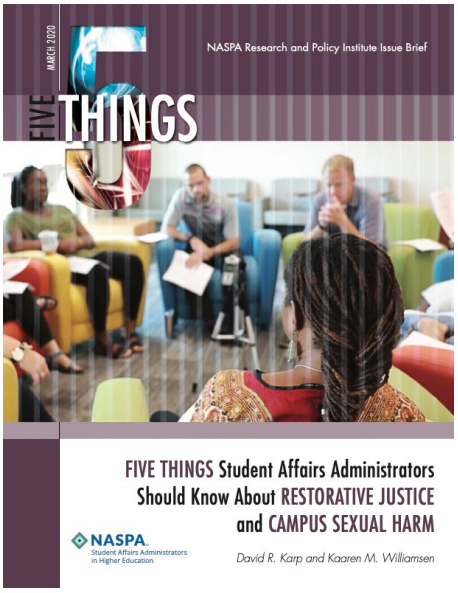
I don't think people are learning (through the current process). The focus isn't on learning or restoring or addressing the harm. It's on who wins and who loses — and I think typically everyone loses and no one wins.

I think restorative justice might have the power to change that, to make it more of a focus on actually holding space for lifting the hurt and lifting the pain, getting some healing done, and actually having some lessons, deep lessons, learned.

CONTEMPLATION

- **Foundational knowledge built to strengthen capacity for exploring restorative justice.**
- **Discussion revealed dissatisfaction with current conduct process for gender-based misconduct.**
- **RJ model mirrors values desired for resolution process of gender-based misconduct.**





Knowledge Gap

There was a direct correlation between lack of restorative justice experience and hesitancy to apply the approach to gender-based harm.

The learning materials built a foundational knowledge of RJ for how the approach could be used to address relationship violence & sexual harm.

RESTORATIVE CIRCLE

- Takeaways from the circle included forward-thinking emotions, such as "encouraged," "hopeful," and "energized," demonstrating a willingness to further explore this approach.

- Participating in the restorative justice community-building circle created a brave space for vulnerability, empathy, and connection. Research shows "emotional arousal" is a necessary step for change, particularly in the early stages.

"Now being able to see one, I'm wanting to advocate for it."

PREPARATION

- **RJ conference role play participation moved the approach from theoretical framework to tangible model.**
- **Focus on accountability as way to repair harm and an opportunity to educate the person responsible and wider campus community.**
- **Term "community" used more than 50 times in the group debrief and individual follow-up interviews, revealing the need for an inclusive process and some concerns about perception.**
- **Ideas for application beyond response to harm emerged, specifically using restorative justice as dialogue tool in sexual assault prevention and consent education.**

"At the end of the day, these people are still our community members, even when they do something wrong, so we can either pretend that it didn't happen and cast them out, or be invested in their personhood and invite them in to be a better part of our community."

Defense Vs. Remorse

Many participants said that although the role play was very valuable in helping them imagine an RJ conference process, they felt it was unrealistic.

The US. criminal justice system and punitive conduct processes socialize alleged offenders to be defensive. But when the focus is on the harm and repairing it, that truly falls away — leaving space for authenticity, remorse, and accountability.

KEY QUOTES

"I think RJ provides an opportunity for self-reflection and growth, to heal, and to forgive and be forgiven. If we don't take these opportunities to really grow and learn, people will just keep repeating the same behavior because they won't recognize the impact."

"I really think we should do it."

"I THINK OUR MISSION AND WHO WE ARE AND HOW WE WANT TO DO THINGS ALIGN WITH RJ. RJ SHOULD BE SOMETHING TO CONSIDER FOR EVERYTHING."

"I think there are far more benefits than there are drawbacks to offering this as an option."

"There's nothing soft about RJ, and I think that that's a misconception. People are like, oh you have your cute talking piece or whatever. And it's like, no, no, no, no; **RJ is hard if you do it right**. It's about getting to real humanness; you're talking about hard shit and **accountability is hard**."

ACTION

- **100% agreement that restorative justice should be an option for gender-based misconduct on campus.**
- **Concerns can be addressed and benefits outweigh drawbacks.**
- **New leadership seems less risk-averse and more open to creating new systems and change.**
- **Suggestions to plan multi-faceted approach that includes RJ resolution options, coordination with efforts to begin confidential advocate model, and integration with sexual assault prevention and consent education.**

Action Planning

For the final cycle, participants formed a collective impact working group and began planning a proposal. Their goal is to submit the proposal by early fall 2022 and begin implementation by fall 2023.

THOUGHTS ON HOW WE SHOULD MOVE FORWARD

"We can't build an RJ process using a White male standard or Western business practices in a meeting."

PROPOSAL PLANS

Recommendations for information to include in the proposal to add restorative justice as an adaptable resolution for gender-based misconduct

Pieces of the Proposal

- Rationale and mission alignment
- Overview of RJ philosophy
- Menu of RJ options for gender-based misconduct response
- Applicability for process, including legal considerations and parameters for RJ use
- Identify potential abuse of process: readiness, commitment to agreements
- Community Perception
- Staffing, Budget & Resources
- Training
- Assessment
- Timeline and Implementation Plan

Timeline Goal

Submit proposal by early fall 2022 → Implementation by fall 2023

"Let's just write something up and throw it out there and see how far it goes."