In the early 2000s, Suzy Exposito was a busy, ambitious art student at The New School in New York City. She was always hustling. She had a full schedule of classes, worked multiple jobs and was also involved in
Students Push for Restorative Approaches to Campus Sexual Assault

After a late-night party with her teammates from the debate team, she knew she wanted to hold the man who assaulted her accountable. It happened after a late-night party with her teammates from the debate team. The students decided to crash in one room. As they were accustomed to being on the road together while competing in tournaments, Exposito thought nothing of it. But when she was sleeping, her team captain groped her. The incident was witnessed by a few of her teammates who were still awake, one of whom told the captain to stop.

From a prior experience helping another student navigate having a stalker, Exposito knew that if she reported what happened to the school, it would refer her to the local police precinct. The New School’s sexual misconduct policy at the time was basically nonexistent — which was unfortunately not that uncommon. A 2005 Department of Justice report on college sexual assault found that “many schools either do not have a sexual assault response policy or could not provide it for the study.”

So Exposito decided not to report the assault. She broke up with her boyfriend and dealt with the situation largely by ignoring him. But, a year later, when she was assaulted again, this time by the captain of her debate team, she knew she wanted to hold the man who assaulted her accountable.

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involved, Exposito says she was forthright about how his actions harmed her. “I was like, ‘You can’t violate me and go on with your life like this,’” she says. “He knew that I wasn’t going to go away silent about it.”

As part of the accountability process, Exposito suggested that he seek rehab for substance abuse and use affirmative consent going forward. While she says he apologized and agreed with her summation, his behavior did not change. She quit the team along with some of her other teammates, but he stayed on. Exposito wasn’t entirely happy with this outcome, and says if she could do it again she would seek a facilitator for the accountability process. Still, she says, “I felt like it was the best thing I could have done given the circumstances.”

**A Survivor–Centered Approach**

Exposito’s meetings with her teammates and with the team captain who harmed her came out of her desire to adopt an approach loosely based around restorative justice principles. As summed up by Tikkun Magazine, “Our criminal justice system asks these three questions: What law was broken? Who broke it? What punishment is warranted?” In contrast, “Restorative justice asks an entirely different set of questions: Who was harmed? What are the needs and responsibilities of all affected? How do all affected parties together address needs and repair them?”

As a process that emphasizes repairing the harm caused by a wrongdoing, restorative justice can involve restorative circles or conferences, wherein community members who have been affected by the harm have an open dialogue with each other and with the person who perpetrated the harm.

With more support, the process that Exposito initiated could have taken a more structured form, such as longer–term, facilitated restorative process.

David Karp, a Skidmore University sociology professor and co-founder of Promoting Restorative Initiatives for Sexual Misconduct (http://www.skidmore.edu/campusrj/prism.php) (PRISM), has been
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[https://truthout.org/articles/students-push-for-restorative-approaches-to-campus-sexual-assault/]

studying restorative justice for almost 20 years. He describes it as a process that creates a space for the accused to hear the complainant’s experience and respond in a meaningful way. “A restorative justice process is really trying to get at this fundamental question: What are the conditions in which it’s possible for someone to take responsibility for the harm that they’ve caused?” Karp says.

Karp and his colleague Kaaren Williamson started PRISM with the intention of supporting campuses that are trying to incorporate restorative approaches into their schools’ sexual misconduct policies. Karp says that traditional disciplinary approaches are by nature adversarial. Colleges, in an attempt to follow federal guidelines, are primarily concerned with determining whether the accused student has violated campus policy. They are tasked with looking for evidence and determining the appropriate punishment. Traditional approaches generally do not center the survivor’s needs, nor do they offer the alleged perpetrator a process by which they might change themselves and repair the harm they have caused.

“Most survivors want more than anything else some real acknowledgement of the harm that was caused them,” Karp says. “And some assurance that this person understands this well enough that they won’t do it again to anybody else. And what they get, through a formal hearing process, is denial or even a retrenchment into a belief that they’re not responsible, that they’ve done nothing wrong.”

Though restorative justice has become a more mainstream idea in recent years, it has a long history of use within Indigenous communities, where there is a focus on healing (https://www.iirp.edu/eforum-archive/restorative-justice-practices-of-native-american-first-nation-and-other-indigenous-people-of-north-america-part-two) in the aftermath of harm, and a desire to reintegrate the offender into the community. This focus is the throughline that extends to activists advocating for restorative or transformative justice in prison abolition work (https://www.pbs.org/newshour/nation/can-restorative-justice-help-offenders-reintegrate-society). Some states that have offered restorative justice for offenders as an alternative to the traditional legal justice system have proven their effectiveness through low recidivism rates (http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/07/20/victims-and-offenders-come-together-to-make-their-own-justice). The quickly spreading interest in the option of restorative justice in the aftermath of a sexual assault can be traced to the longtime application of it in the context of prison abolition.
Since PRISM began about three years ago, Karp says he has seen interest in restorative justice grow exponentially. In a 2016 report (http://www.skidmore.edu/campusrj/documents/Campus_PRISM_Report_2016), the group noted that three US schools — Skidmore College, the University of San Diego and the University of Michigan — “clearly articulate the role of [restorative justice] in their student conduct policies,” while Michigan State University, Swarthmore College and the University of North Carolina (UNC) at Chapel Hill introduced language “that supports restorative responses.”

The restorative options actually offered at each school vary widely. At UC San Diego (https://www.sandiego.edu/conduct/restorative-justice/), employees in the Student Life and Residence Life departments are trained as restorative justice facilitators, and offer dialoguing circles and restorative conferencing to students, staff and faculty. The University of Michigan offers a range of what it calls “adaptable conflict resolutions (https://oscr.umich.edu/article/adaptable-conflict-resolution-acr).” Trained university staff can facilitate restorative justice circles or students can choose a facilitated dialogue. Similarly, Michigan State employs (http://studentlife.msu.edu/sccr/restorative-justice) restorative justice principles in all of its conflict resolution services and explicitly offers restorative conferencing and peace circles. Its website does not stipulate what resolutions are available for certain types of misconduct.

Language at some of the other schools is decidedly more vague. Skidmore writes that (https://www.skidmore.edu/sccr/restorative-justice.php) “restorative justice guides much of the conduct philosophy” and that faculty and staff “are trained in restorative practices,” but it is unclear what student misconduct violations can actually be remedied through such practices, or what those practices are. Swarthmore is similarly vague, noting that “appropriate forms of restorative justice (https://www.swarthmore.edu/share/procedures-resolution-complaints-against-students#Resolution)” can potentially be used as a remedy in sexual misconduct cases. The UNC website has no mention of restorative justice options, and the school’s Title IX office did not respond to requests for information.

Moreover, while these schools may include alternative approaches in their policies, that doesn’t always translate to students’ actual experiences with reporting sexual misconduct.

Swarthmore Students Fight for Title IX Reform
In December of 2017, a senior at Swarthmore College published an anonymous letter (https://voices.swarthmore.edu/content-1/2017/12/5/the-system-is-broken-an-experience-with-the-title-ix-process) in a student-run publication detailing her experience with what she referred to as the school’s “broken” Title IX system. The student, who later identified herself as Makayla Portley, wrote at length about the administration’s lack of communication, the frustration of having her case handled by a changing roster of staff members, the school’s violation of its own 60-day investigation timeline and, ultimately, how the entire process retraumatized her.

“I am angry that we were promised a system that would support us and that ultimately, this promise was a lie,” Portley wrote.

The article caused a stir on campus, bringing to light the fact that the school was leaving many students dissatisfied with its handling of sexual assault cases. This wasn’t a new problem for Swarthmore. In 2013, a group of students led a federal complaint with the US Department of Education, alleging the school created a “hostile environment (https://thinkprogress.org/swarthmore-college-allegedly-underreported-sexual-assaults-dissuaded-victims-from-coming-forward-fe48b7e3c0ca)” on campus that dissuaded students from reporting sexual assault. That complaint led the administration to overhaul its approach to Title IX complaints (https://www.swarthmore.edu/share/history-college-action-steps), including hiring a full-time Title IX coordinator, Kaaren Williamson. She joined the Swarthmore staff in 2014, a year before PRISM was officially launched.

Over the course of Portley’s adjudication process, however, Williamson and another colleague in her office left their positions. The vacancies made the resolution process that much more difficult for survivors, resulting in prolonged delays, interruptions in the investigations and other missteps.

Portley’s experience resonated deeply with Lydia Koku, a senior in the middle of her own Title IX adjudication process. “I caught wind of that article on the day that it came out, and I felt a variety of ways,” Koku says. “I didn’t feel as alone as I’d felt because there was somebody who had outlined the exact same harm that I had endured throughout my process.”

Koku had been assaulted by her then–partner at the beginning of the school year. She chose the school’s traditional, disciplinary–based adjudication process after feeling dissatisfied using the school’s
alternative resolution process, called Intimate Partners for Peace, after a previous incident. Swarthmore’s website does claim restorative justice is an option under its “remedies-based resolution” (https://www.swarthmore.edu/share/procedures-resolution-complaints-against-students),” but Koku says nothing resembling restorative justice was offered to her.

She filed her complaint in September 2017, but the investigation lasted well over the school’s stated commitment to resolve cases within 60 days. “When I came back from winter break in the spring, my case had been finalized,” she says. “I received my outcome towards the end of January, beginning of February. I was not satisfied with it, and I wanted to mobilize.”

Koku wrote her own op-ed in the student paper, outlining her adjudication experience, and including a call for anyone interested in working to fix the Title IX process to be in touch. She was overwhelmed by the response she got. From that call to action grew Organizing for Survivors (O4S), a core group of students who held community forums and meetings throughout the semester to hash out concerns about Title IX. They ultimately drafted a list of demands (https://voices.swarthmore.edu/content-1/2018/3/19/organizing-for-survivors-title-ix-policy-change-demands) for the administration.

Included in their demands is a call for the school in general, as well as specific school administrators, to admit to the harm they have caused “in the name of restorative justice and accountability.” They ask that all staff involved in the Title IX process issue a public letter “acknowledging this harm and committing to immediate transformation of the structures that have created it.” In an interview published in Voices, a Swarthmore student publication (https://voices.swarthmore.edu/content-1/2018/4/2/the-next-steps-an-exclusive-interview-with-o4s), an O4S core member says that the group envisions a “new system of Title IX ... where transformative justice is the core.” In the same interview, Koku expands on this idea, saying, “When I think about and dream about what our campus culture could look like, I see transformative justice as the ultimate response to the inequities we face when attempting to address harm. I read that transformative justice differs from restorative justice in...
that it calls into question whether healing and justice can truly occur in contexts where structural inequality is upheld. The main goal of transformative justice is to address harm on the micro level while simultaneously addressing and shifting the power structures that create and sustain the perpetuation of violence.”

The group wanted to center their demands around a vision of transformative justice because it felt like the best way to “capture and center the most marginalized,” Koku says. Though campus administrators have sat down with O4S to address their concerns, the group says most of their demands are as yet unmet. (One administrator, Dean of Students Liz Braun, did resign following a nine-day sit-in at her office, although she did not cite O4S as a reason for her leaving.)

Koku and several of the other O4S core members graduated in the spring, but Koku hopes that members still on campus this fall are able to play a role in training the new violence prevention educator and advocate and the new Title IX coordinator. Swarthmore administrators did not respond to requests for comment.

“I hope that the desire to push for change does not stop,” Koku says. “Although we have made a lot of progress this year, I think that what’s going to be important for next year is really pushing the institution to begin to think about what we find acceptable. Because we can’t be an institution that promotes social justice values, we can’t be an institution that constantly claims to be fighting against inequality, and also to support nonviolent peaceful protest — when we can’t even identify what we find acceptable and what we don’t find acceptable for ourselves.”

Restorative Justice and Student-Driven Changes

While O4S has not yet seen the transformative changes at Swarthmore that they are asking for, historically, student-led movements for Title IX reform have had success. It is perhaps not surprising that transformative change tends to be driven by students, whose interests by default differ from those of university administrators. Of the schools Truthout spoke with that offer alternative resolutions to the formal complaint procedure, most report that student survivors drove the change to more flexible
options. Jordan Draper, a Title IX coordinator and the interim dean of students at The College of New Jersey (TCNJ), began drafting an alternative resolution process in 2017, after several students reported incidents of sexual misconduct but declined to move forward with the traditional investigation process. “They just thought it was an overwhelming process, having to share their story multiple times, and weren’t sure that they wanted to go that route,” she says.

She invited these students, along with peer educators from the schools’ Anti-Violence Initiatives Office, to participate in putting together a slate of alternative options for student survivors. TCNJ’s Title IX policy (https://titleix.tcnj.edu/files/2017/11/XI.1.19–Title-IX–Policy.pdf), which went into effect in October 2017, now offers students three options: an administrative hearing, an investigatory model and an alternative resolution model.

“Alternative resolution is a voluntary process that allows the Respondent to accept responsibility for their behavior,” the policy reads. Both students must voluntarily choose the alternative resolution process in order to move forward. Once that happens, they can elect to have a face-to-face formal restorative conference with a trained facilitator (which involves both parties and possibly other community members), an informal restorative conference (where a campus official meets separately with both parties), and an informal restorative statement, which is similar to a victim impact statement.

The resolution agreement that comes out of an alternative resolution process can also incorporate workshops on consent or alcohol consumption, counseling, community service, regular check-ins with the Title IX coordinator, and no-contact directives between the students. According to Draper, so far this school year, seven students have inquired into the alternative resolution process, and three have fully completed it.

“We want to be creative about the different types of educational activities or responses in the agreement if we want to craft something that’s going to be meaningful in repairing the harm,” Draper says. Each agreement is individualized to the student who experienced the harm, and is based on conversations about the incident and what the student’s desired outcome is. “Having more options and more choices makes students more comfortable to utilize the process,” Draper adds. “Really what we’re trying to do is create a situation where more people feel comfortable coming forward, and feel comfortable getting the type of validity they need, so that there’s a healing that feels appropriate for them.”
This survivor-focused approach is one reason why it was so crucial for Draper to involve previously harmed students in the process of crafting the new Title IX policy. “I talked to them about what I was creating with the alternative resolution, asked them what they thought, and asked them if they would have participated had this been an option last year,” Draper says. “All of them said ‘yes.’”

The University of Michigan has one of the longest-running restorative justice-inspired programs in the country. It began offering a process based on restorative principles for instances of student misconduct in 2007. In 2013, a restorative process was sanctioned for use in cases of gender-based misconduct, but just this year the practice expanded to sexual assault cases. Carrie Landrum, the assistant director of the Office of Student Conflict Resolution at the school, says that prior to this year, she can recall many student survivors requesting restorative processes.

Landrum affirms Karp’s observation that most survivors primarily want acknowledgement from the offender of the harm caused and an assurance that they won’t repeat the wrongdoing. “They want assurance that the person will never hurt another person in the same way again,” Landrum says. She notes that a face-to-face restorative justice approach is often an effective learning experience for the accused student. “I have actually seen from my process a face-to-face encounter is more likely to get somebody to understand the impact of their action than a third party disciplinary process because they don’t actually get to see the impact,” she says.

Though data on informal resolutions for the current school year are not yet available, since July 2013, the process was used to resolve only two incidents of sexual misconduct (https://hr.umich.edu/working-u-m/workplace-improvement/office-institutional-equity/student-sexual-misconduct-policy). These numbers are perhaps not that surprising — after all cultural notions of justice have long been framed around the concept of punishment. Still attitudes are changing. In 2017, an American Bar Association task force endorsed restorative justice (https://www.americanbar.org/content/dam/aba/publications/criminaljustice/2017Due-Process-Task-Force-Recommendations-and-Report.authcheckdam.pdf) for campus sexual misconduct cases. “I think that there's been a significant shift in terms of the resistance to the idea,” Karp says.
Exposito also helped drive changes to her school’s Title IX policy. After her assault, she interned with Students Active for Ending Rape, where she compiled a database of campus sexual assault policies across the country. Taking from the best policies at other schools, Exposito and her fellow New School Feminist Collective members drafted a comprehensive campus sexual assault policy for their school, which was implemented the year after she graduated. The policy includes an explicit definition of consent and protection against retaliation, and also precludes past sexual history from being considered in the investigation. While the policy is largely focused on disciplinary sanctions, it also allows survivors the option not to pursue that route, offering alternative accommodations such as a change of classes or housing assignment, or a no-contact order against the accused.

“It was a big victory for us, and for me personally,” she says. “I just don’t think that the worst should have to happen before we have a sensible policy.”

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