

MODEL CODE AND RESTORATIVE JUSTICE:
EXPERIENCES AND PERCEPTIONS OF CAMPUS SEXUAL MISCONDUCT
ADJUDICATION

A Dissertation
By
ELLEN P. GRULKE

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APPROVED BY:

Dr. Amy Dellinger Page, Ph.D.
Chairperson, Dissertation Committee

Dr. Alecia Jackson, Ph.D.
Member, Dissertation Committee

Dr. Greg McClure, Ph.D.
Member, Dissertation Committee

Dr. Vachel Miller, Ed.D
Director, Doctoral Program in Educational Leadership

Dr. Marie Hoepfl, Ph.D.
Interim Dean, Cratis D. Williams School of Graduate
Studies

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ABSTRACT

MODEL CODE AND RESTORATIVE JUSTICE: EXPERIENCES AND PERCEPTIONS OF CAMPUS SEXUAL MISCONDUCT ADJUDICATION

Ellen P. Grulke

B.S, University of Connecticut
M.A, Appalachian State University
Ed.D., Appalachian State University

Dissertation Committee Chair: Amy Dellinger Page, PhD.

The purpose of this dissertation was to explore and examine whether restorative justice practices would be a utilized and meaningful resolution for campus adjudication of sexual misconduct. Specifically, this study examined if reporting parties and responding parties would be more likely to pursue reporting options through a restorative justice process and if restorative justice should be an alternative approach to addressing sexual misconduct cases on university and college campuses. This study was conducted using a feminist legal theory framework. Through the use of survey research, 200 participants completed a survey to share their experiences and perceptions with Model Code and restorative justice processes. This study is timely considering the political and legal landscape we find ourselves in today regarding Title IX. As some colleges and universities consider the implementation of restorative justice to adjudicate sexual misconduct, campus administrators should seek the voices, experiences and perceptions of their student population.

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I want to thank the university in this study for their support in allowing me to collaborate with them on the Title IX Campus Climate Survey as part of my dissertation. This study would not have been possible without them and my hope is that they see the significance of their roles. I also give a major thank you and recognition to the students who participated in this study. Their courage in sharing their experiences will have impact on not only others who share similar experiences, but on the options and outcomes for addressing such concerns on university and college campuses. Their contributions are what will help push the cultural shift needed to address sexual misconduct.

Others who served to consult, guide and advise on this dissertation are: Dr. Heather Strine-Patterson, the Office of Institutional Research, and the Office of Research and Design. Thank you! You all were an integral part of the creation and completion of this dissertation.

To my family: I would not be where I am today without you. You have continued to provide undeniable and unwavering support in all aspects of my life. Your continuous encouragement to keep pushing through this dissertation, even when obstacles presented themselves, gave me the courage and motivation to get here. Thank you for steadfast love and commitment to me on my journey to becoming Dr. Ellen Grulke.

DEDICATION

This work is dedicated to my daughters, Emmery and our little one on the way, and to my nephews Adam and Ben. May you always find there is a way to accomplish anything you put your mind to and that your family will do whatever it takes to support you to achieve your goals.

To my nephew Wells, keep shining down on us!

You all are very loved.

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CHAPTER 1: INTRODUCTION

Overview

Sexual misconduct is a widespread national issue, particularly on college campuses. The National Sexual Violence Resource Center (NSVRC) (2015) found that one in five women experience sexual misconduct while attending college, and that approximately 90% goes unreported. As university and college administrators address reports of sexual misconduct, they must comply with the federal law of Title IX, under the Education Amendments. Title IX was first enacted in 1972 by President Richard Nixon. Enforced by the U.S. Department of Education's Office for Civil Rights (OCR), the statute specifically states,

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. (Office for Civil Rights, 1998, para. 2)

Over the past several years, the interpretation and guidance of Title IX has undergone significant revisions. The rescinding of the Obama Administration guidance along with the new regulations under the Trump Administration increased interest in utilizing restorative justice for resolving some sexual misconduct cases on college and university campuses. Prohibited under the 2015 Title IX guidance, informal processes, such as restorative justice, were seen as forms of mediation. This created perceived liability for colleges and universities, causing many to refrain from implementing such practices. Under the Trump Administration however, colleges and universities had the opportunity to provide informal resolutions under Title IX, including the use of restorative justice. Some stakeholders are supportive of this change and believe offering a restorative justice avenue to resolve sexual misconduct cases would provide a more meaningful form of justice to reporting parties. The assumption among university and college administrators

is that offering restorative justice process options would increase the number of reports of sexual misconduct. The question remaining is whether students would utilize a restorative justice process, and whether the process would be a meaningful experience. It is one thing for university and college administrators to advocate for such a process on the basis of assumption that it would be utilized by students, and another to know that students are interested in pursuing this option.

Purpose and Research Questions

The purpose of this study was to explore and examine whether restorative justice practices would be a utilized and meaningful informal resolution for campus adjudication of sexual misconduct. Specifically, this study examined whether reporting and responding parties would be more likely to pursue reporting options through a restorative justice process and whether restorative justice should be an alternative approach to addressing sexual misconduct cases on university and college campuses, where available. In order to accomplish the goals of this study, the following research questions were employed:

1. What do reporting and responding parties hope to gain from or have resolved in an adjudication process?
2. What are the experiences and perceptions of reporting and responding parties regarding Model Code processes for adjudicating sexual misconduct cases?
3. What are reporting and responding party experiences and perceptions of restorative justice processes?

Positionality Statement

As a feminist researcher engaging in the topic of adjudication procedures related to sexual misconduct on college campuses, it is important to identify my positionality and explain formatting, structure, and language decisions for the following sections. As a practitioner in the field of Title IX and sexual misconduct, objectivity, equity, and fairness are paramount. These

qualities are engrained in my everyday practice as a professional, and they are how I approached and conducted this research.

As a feminist researcher engaging in this topic of study, I leaned heavily on what is known as “*strong objectivity*,” a term developed by Sandra Harding (2004). Strong objectivity suggests that regardless of efforts to remove bias, a researcher’s own experiences will always blend into a study because they are unable to completely remove their own knowledge or views of the world. Wigginton and Latfrance (2019) further state that “strong objectivity requires locating and interrogating the researcher’s subjectivity, so that researchers do not speak as invisible ‘god-like’ authorities, but instead as historically-placed subjects, with their own desires and interests” (p. 8). Throughout the implementation of this research, I considered my own positionality, reflexivity and subjectivity. I spent time considering how my personal background, culture and experiences had the potential to influence my approach to this study, as well as my interpretations. The outcome of these considerations is provided in more detail in Chapter 3.

Feminism is grounded in my personal identity. I am an advocate for gender equity and for just and fair processes, hence my journey into this specific research topic. There is debate within the feminist movement about how feminist researchers engage in the research process and the reporting of findings. In this dissertation, I have opted to remove myself as much as possible from data collection methods and also opted to not insert myself (i.e., the use of “I” statements) into the overall writing of this dissertation; a common practice of some, but not all, feminist researchers. This was intentional and strategic for reducing bias and presenting this research in the most objective way possible, given my duality of researcher and practitioner in the field.

This objectivity is paramount given that a diverse audience of practitioners and non-practitioners may engage with the findings of this dissertation. This is also important as a larger

community seeks to understand whether restorative justice would be a meaningful process to incorporate into adjudication procedures for sexual misconduct on college campuses. I believe that best practices are established through collaborative efforts drawing on diverse experiences, knowledge and expertise. My ability to advocate for gender-equitable and fair processes is grounded in my feminist identity and lens as well as my professional experiences. My hope is that we can all engage in a way that most meaningfully benefits reporting and responding parties in sexual misconduct cases to create broader, large-scale change to address and reduce the prevalence of sexual violence.

Feminist Legal Theory

Feminist legal theory was utilized as the theoretical framework for this study as it examines the relationship between women and law, advocates for creating alternative approaches to address gender inequities, enacts large-scale social change through legal avenues, challenges hegemonic ideas and existing social injustices, and enacts and acknowledges communal responsibilities of care (Daly & Culpepper, 1983; Hesse-Biber, 2014; Karp et al., 2016; Levit & Verchick, 2016; Somekh & Lewin, 2011; Sprague, 2016; Whitman, 1991). Feminist legal theory guided the development of this study in that it provided a framework and lens that incorporated the implications of systems and structures along with the historical feminist movements including first, second, and third waves. The application of feminist legal theory and its underpinnings in feminist thought and activism grounded this research as it explored the policies and procedures of adjudication procedures on university and college campuses and whether a restorative justice process would be a utilized and meaningful alternative approach to address sexual misconduct on university and college campuses. In addition, it served to identify ways in which the creation, interpretation and implementation of law has sustained the continued inequality of women (Lawson, 1995) and allowed for a review of what many would consider a pre-existing process that established a neutral procedural framework. In Chapter 2, a more

detailed description and application of feminist legal theory is provided.

Methodology

This study employed a survey research approach to learn about the perceptions and experiences of participants in Model Code and restorative justice adjudication processes as they relate to sexual misconduct on university and college campuses. A survey was sent to all currently enrolled students at a mid-sized southeastern public university and served as the institution's Title IX Campus Climate Survey.

The survey was developed utilizing Qualtrics, an online survey software system and vetted through the dissertation committee, the Office of Title IX Compliance, and the Institutional Research Board of Appalachian State University. The survey contained both open and closed-ended questions regarding experiences as reporting and/or responding parties, perceptions of adjudication processes, and topics of fairness, equity, and meaningfulness. The scale questions were derived from the STARR Project and adjusted with permission from Dr. David Karp, co-author of *Student Conduct, Restorative Justice, and Student Learning: Findings from the STARR Project (Student Accountability and Restorative Research Project)* (Karp & Sacks, 2014).

The survey was deployed via email from the Office of Title IX Compliance in the spring 2020 semester to 5,237 senior enrolled students and again in the fall 2020 semester to 19,800 enrolled undergraduate, graduate and distance education students. Of the total 25,037 participants, 2,028 responded, yielding a response rate of approximately 8%.

The data was analyzed by the researcher, in collaboration with the Office of Research and Design. Following a survey design, the data from closed- and open-ended questions were analyzed separately to facilitate the analysis of the results (Creswell & Creswell, 2018). The quantitative data were entered into SPSS and analyzed using non-parametric inferential statistics.

Open-ended survey data were coded by hand and then categorized into broad themes. The data were then merged and analysis was conducted in order to compare results, and further explore the data collected.

Significance of the Study

Sexual misconduct is a prevalent issue nationwide, not only among the general public, but specifically on college campuses. According to the National Sexual Violence Resource Center (2015) one in five women experience sexual misconduct while attending college. Utilizing the National College Women Survey, Koss, Gidycz and Wisniewski (1987) collected data from 3,187 women and 2,972 men. Ten percent of their participants experienced rape during their time at college, and seven percent were victims of attempted rape. Other research has shown that between three percent and 28 percent of college women have reported an attempted or completed rape (Fisher, Daigle, & Cullen, 2000; Hickman & Muehlenhard, 1997). The Campus Sexual Assault (CSA) Study, authored by Krebs, Lindquist, Warner, Fisher and Martin (2007), indicated 19% of their participants reported similar experiences. In spring 2018, Duke University surveyed all enrolled undergraduate and graduate students in regards to their experiences of sexual assault, including sexual battery and rape. Of the 6,782 responses, 48% of undergraduate women and 14% of undergraduate men indicated they had been sexually assaulted while enrolled at Duke University (Mangan, 2019). Though not a published study, these results show the potential scope of students who could formally report their experiences of sexual misconduct.

Victims of sexual misconduct range in age, ethnicity, race, and sexual orientation. According to the Rape Abuse and Incest Network (2018) and the National Sexual Violence Resource Center (2015), college-aged men are “approximately five times more likely than non-students of the same age to be victims of rape or attempted rape” (para, 4). In addition, minority groups experience higher rates of sexual violence. For example, women of color and indigenous

women experience the highest rates of sexual violence (Paulk, 2014), and “sexual minority students were more likely than their heterosexual counterparts to be victims of sexual [misconduct]” (Edwards et al., 2015). These are important national statistics that demonstrate the high prevalence of sexual misconduct on college campuses, particularly among minority groups. They emphasize the importance of equitable resolution of such crimes and/or misconduct and a need to identify alternative processes for adjudicating these types of cases, which aligns with the theoretical framework of this study: feminist legal theory.

Sexual violence is also the most underreported crime. Yung (2015) shared that “the reported rates of sexual [misconduct] on university campuses are far less than would be expected on the basis of rape reported by municipal police” and suggested that the “widespread adoption of ‘rape myths’ and exaggerated belief in false reporting are the prime culprits” (p. 6). The National Sexual Violence Resource Center (2015) also suggested as much as 90% of college sexual misconduct goes unreported. Victims often choose not to report their experiences for fear of not being believed, fear of retaliation, and the perpetuation of stereotypes that continue the cycle of the victimization of women. Feminist legal theory deconstructs these in order to find more equitable and fair placement and participation of women in legal systems, and for the purposes of this research, university adjudication procedures.

Although underreporting of sexual misconduct is still the norm, there has been an increase in reporting on college campuses. A few factors may play a role in this. First, colleges and universities have increased their support services for survivors on campus and created safer environments to disclose and/or report the crime(s) committed against them. Second, the federal mandates and legislation over the past six years have provided detailed guidance for institutions,

increasing the legal accountability for institutions to provide support to victims and respond appropriately to complaints of sexual misconduct.

With the high prevalence of sexual misconduct on college campuses and the fact that sexual misconduct is underreported, colleges and universities may need to evaluate current policies and procedures and whether they contribute to the lack of reporting and even the high prevalence of sexual misconduct. This study recognizes that several colleges and universities are currently utilizing a Model Code framework and aims to bring an understanding of whether a restorative justice process would be a utilized and meaningful alternate resolution to Model Code procedures for campus adjudication of sexual misconduct. Model Code processes are a form of adjudication that focuses on community standards, responsibility, and the safety and welfare of the larger campus community. The process typically includes reporting and responding parties along with advisors who guide them through an informal or formal (hearing) adjudication process.

Restorative justice processes on the other hand focus on the harm caused, the process of healing and closure, and engagement and collaboration to assist in the accountability of the responding party while addressing how the behavior impacted not only the other party, but the community. This process takes many forms, and typically includes the participation of the reporting and responding party, along with support individuals and community members. Advocates of restorative justice believe that this process results in higher levels of accountability, creates a victim-centered and trauma-informed environment allowing reporting parties to move toward healing and closure while addressing the harm the responding party caused. The outcomes of this process are believed to reduce recidivism and increase reporting and therefore reduce the number of incidents of sexual misconduct (Karp et al., 2016).

As the new Title IX regulations allow for colleges and universities to offer informal resolutions for case adjudication, it is important for institutions to understand whether reporting and responding parties would utilize such a process. Beyond utilization, this study provides an avenue for further exploring the perceived and/or actual impact of a restorative justice process. Grounded by feminist legal theory, this study not only strives to identify restorative justice as an alternative adjudication process, but also strives to understand the long-term impact and outcome of this process. From a feminist lens, the goal of an adjudication process not only includes justice and accountability where applicable, but to bring closure and healing for reporting parties, and educational and behavioral change for responding parties. If a process does not allow for this type of personal outcome and only strives to address the facts of an incident without regard to emotional, psychological and physical impact, it limits the positive change for the individuals involved and the community at large. Adjudication processes need to be seen and used as a means to not only address the incident at hand, but to contribute to a large prevention strategy of sexual misconduct. This study aims to explore and bring an understanding of adjudication processes in order to assist institutions of higher education in deciding whether to implement a process of restorative justice, and/or to assess and revise current policies and procedures.

In addition, there is limited research on Model Code and restorative justice processes within university and college settings particularly as it relates to the experiences of reporting and responding parties in sexual misconduct cases. Much of the research in this area focuses on restorative justice legal proceedings. The research that is available on restorative justice campus proceedings studies the impact of the process on responding parties, which is likely due to many restorative justice processes addressing low-level Code violations such as alcohol and drugs, where there is no reporting party.

This study is timely considering the current political and legal landscape regarding Title IX. Although we are now under the Biden Administration, the Title IX regulations established under the Trump Administration are mainly still in effect. Changes to these regulations are starting to occur, including most recently, the rescinding of the requirement that reporting and responding parties are required to attend a hearing when a formal resolution is pursued. As the Office for Civil Rights conducts a review of Title IX, as instructed by President Biden, it is important to consider the voices, experiences and perceptions of those who have participated in campus sexual misconduct adjudication processes. In addition, as some colleges and universities consider the implementation of restorative justice to adjudicate sexual misconduct, campus administrators should seek to understand what their students expect and want out of such a process. Feminist legal theory provides a framework for the continued assessment and interpretation of the Title IX regulations and enforces a response that incorporates participant feedback, involvement and input when implementing such regulations.

Dissertation Overview

This study is organized into five chapters. The first chapter provides an overview of the research conducted including an overview of the theoretical framework, the purpose of the study, research questions, methodology and the study's significance. Chapter 2 is a literature review containing an examination of both classic and current literature. This chapter also includes a description of feminist legal theory as the theoretical framework which has guided this study. This chapter also includes information regarding the prevalence of sexual violence, along with a history of Title IX federal mandates, legislation, and laws.

Chapter 3 outlines the methodological approach of the study including research questions, design rationale, data collection and participants, Institutional Review Board (IRB) procedures, and data coding and analysis. Chapter 4 describes the results of the research, and

Chapter 5 draws conclusions from these results. Chapter 5 also addresses any gaps identified within the research, limitations of the study, and implications and recommendations for future research on the topic of Model Code and restorative justice adjudication on university and college campuses.

Definition of Terms

Several terms and definitions are needed for common understanding of the subject matter of this study. Although different language is used within criminal justice and student conduct proceedings, the language used throughout this dissertation will remain consistent in order to provide readers with a clearer understanding of both Model Code and restorative justice. Below are terms and definitions used throughout this study.

Adjudication A process that includes the determination of responsibility for an alleged violation and the imposition of sanctions, if applicable.

Model Code A guide and resource for institutions to ensure that they cover their requirements under federal, states and local law to provide substantive and procedural due process in their Codes of Conduct (Codes) and student conduct processes. Recommended language for codes including prohibited conduct, hearing scripts, and student rights are provided. Student conduct processes and Codes uphold students' rights and responsibilities as a member of the university community. The mission is to educate students about community standards and prohibited conduct, promote student learning and accountability, and facilitate the development of thoughtful, responsible engaged members of the community. The student conduct process involves disciplinary review and imposition of sanctions, if applicable. The goals of this process are to facilitate an understanding of the university's community standards, help a student determine level of responsibility for their behavior, determine with the student reasons for their misconduct, help bring the student's behavior into compliance with the community standards, aid

the student in clarifying their values and how the values relate to the behavior in question, assist the student in making future choices that will enable them to be successful, help the student consider in advance the consequences of their behavior and protect the safety and welfare of the university community.

Reporting Party Any person who has alleged to be the victim of conduct that could constitute Sex-Based Misconduct or Retaliation.

Responding Party Any individual who has been reported to be the perpetrator of conduct that could constitute Sex-Based Misconduct or Retaliation.

Restorative Justice The restorative justice process focuses on the harm caused to the reporting party and aims to provide healing to those impacted. The process focuses on accountability and responsibility of the responding party, and goes beyond punishment or administered sanctions. Instead it narrows in on helping the responding party understand that their actions caused harm. The process itself is collaborative and inclusive. It involves the engagement of multiple parties in the process including the reporting party, the responding party, as well as other impacted individuals. The expectation is that each individual will engage in the process in significant ways, up to and including direct communication and dialogue with one another throughout the process. The end resolution of a restorative justice process is an agreement made between the reporting and responding parties including what the responding party needs to do to repair the harm caused.

Sexual Misconduct Behaviors falling under sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation.

Title IX Under the Education Amendments, Title IX was first enacted and signed into law in 1972 by President Richard Nixon. Enforced by the U.S. Department of Education's Office for Civil Rights (OCR), the statute specifically states, "No person in the United States shall, on the basis of sex, be

excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” (Office for Civil Rights, 1998, para. 2).

CHAPTER 2: LITERATURE REVIEW

Introduction

This chapter begins with an explanation of feminist legal theory including its history, foundations and origins. This will lead into an exploration of the underpinnings of feminist legal theory in feminism and feminist movements. A review of the classic literature including the prevalence of sexual assault on university and college campuses, along with the history of Title IX federal mandates, legislation, and laws will be presented. An overview of Model Code adjudication and restorative justice procedures within institutions of higher education will be provided to educate readers on the foundational aspects and procedures for each process. I will then discuss the research literature on student experiences with these proceedings. Specifically, the review of literature will detail the emotional and psychological benefits of participating in a restorative justice process along with perceived fairness, and lowered recidivism rates after participation. Implications of this literature review and how it supports the current study and the implementation of restorative justice as an alternative approach to Model Code adjudication of sexual misconduct cases are also included.

Theoretical Framework

This study was guided by feminist legal theory. The theoretical framework of any study considers the researcher's beliefs and assumptions about reality, knowledge and truth and provides "an overall orienting lens for the study" (Creswell, 2009, p. 62). The framework is a means to approach, guide, and interpret information in the midst of forming research questions, methods for data collection and analysis, and implications for future change (Creswell, 2009). As this study focuses on Model Code and restorative justice processes on university and college campuses, feminist legal theory provides a framework for understanding how and why policies and procedures within institutions of higher education develop and change over time in relation

to gender equity and fairness of reporting parties, which often are women, in its processes. With the Title IX regulations becoming law, this study unequivocally addressed the development of Title IX in tandem with development and implementation of policy and procedures for addressing sexual misconduct on university and college campuses. Particularly, feminist legal theory helped to frame restorative justice as an alternative approach to Model Code processes to address issues of sexual misconduct.

Feminist Legal Theory

Emerging in the 1960s, feminist legal theory, also known as feminist jurisprudence, is the study of the relationship between women and law. It seeks to identify ways in which the creation, interpretation, and implementation of law have sustained the continued inequality of women (Lawson, 1995).

The objective of feminist legal theory is to create social change through equitable treatment, with the “assertion that women and men are similarly situated for all legally relevant purposes” (Whitman, 1991, p. 493). While some argue that legal proceedings are equitable, feminist legal scholars “challenge the assumption that law establishes a neutral procedural framework that provides a fair hearing for all points of view” because law itself is constructed within patriarchy (Whitman, 1991, p. 493).

Although feminists have incorporated the voices and experiences of women in law (McClain, 1992), Marshall (2016) argues that in order to promote and enact change scholars must incorporate the experiences of all individuals. This includes all individuals no matter gender or sex identity, to allow for a more in-depth understanding of legal, and/or university and college adjudication processes and the experiences of participants, especially in cases involving sexual misconduct. This aligns with the fact that victims of sexual misconduct range in gender identity and sexual orientation. If the voices of victims are limited to those who identify as

women, it inherently excludes all other victims, particularly those who are part of the LGBTQ+ community and experience sexual misconduct at higher rates than those in the heterosexual community. The exclusion of these victims would be counter to the advancement of preventing and adjudicating cases of sexual misconduct. Similarly, male victims often suffer in silence and go unrecognized. Therefore, this study aims to gather information about the experiences of all victims, regardless of gender identity, sex, or sexual orientation.

One of the main goals of feminist legal theory is to create alternative approaches to legal systems (Alkan, 2012). This theoretical approach is relevant to the current study because colleges and universities draw upon law for guidance when implementing new resolution procedures, particularly since restorative justice is more commonly utilized in the criminal justice system. In addition, since Title IX has shifted from guidance to regulations, there are larger legal implications for colleges and universities than ever before. This study aligns with feminist legal theory in that it investigates whether restorative justice processes would be beneficial for adjudicating sexual misconduct cases under the federal law of Title IX on university and college campuses. More specifically, this study explored the similarities and differences between participant experiences and perceptions of the existing Model Code procedures versus the proposed implementation of restorative justice procedures. As the study sought to understand whether restorative justice would be a utilized, meaningful process, it also provided an opportunity to improve current systems of adjudication, examined the relationship between women and law, explored gender equitable alternative resolution processes, and discovered avenues to enact large-scale social change by challenging hegemonic ideas and existing social injustices.

Feminist legal theory intersects feminist theory with law and legal proceedings. “Feminist theorizing has an obvious legal nature, given that the founding mothers of feminism voiced their earliest concerns on political and legal platforms” (Sarkaria, 2007, p. 297), including the advocacy for enactment of Title IX. Feminist theory aims to challenge existing knowledge formulated by those who occupy privileged positions, which often excludes the knowledge and experiences of women and other marginalized populations (Hesse-Biber, 2014). Feminist legal theory recognizes most public laws were written by men, and it strives for political, social, and economic equality for men and women (Levit & Verchick, 2016). In doing so, “the many inequities and social injustices” created by hegemonic ideas that “reinforce the existing system of gender inequality” are addressed and become an integral part of creating new systems (Hesse-Biber, 2014, p. 3). It is important to find opportunities to evaluate and advocate for changes within policies and procedures that would produce more gender equitable opportunities and outcomes for women. It places gender, specifically the voices and experiences of women, at the center of knowledge and inquiry, thus disrupting previous ways of knowing in order to create new meaning (Hesse-Biber, 2014; hooks, 2000; Somekh & Lewin, 2011; Sprague, 2016). In order to accomplish this, feminist theory challenges relationships based on power and control while acknowledging that the society and cultures in which we engage influence the production of knowledge (Kelly, 1988; Ramazanoğlu & Holland, 2002). As colleges and universities are tasked with addressing sexual misconduct, including the adjudication of cases and eliminating further instances of misconduct, a review and assessment of current policies and procedures must take place to understand whether these processes produce the intended impact and outcome and contribute to a larger cultural shift. In order to assist in accomplish this, the current study sought to identify and explore the perceptions and experiences of reporting and responding parties in

Model Code and restorative justice proceedings. The concepts of fairness, gender equity and social justice present themselves within the study with the intention of bringing forth the knowledge and experiences of participants as they relate to adjudication processes in order to identify whether restorative justice would be a more meaningful process for parties.

Feminist legal theory is multifaceted in that it is comprised of several branches including Equal Treatment Theory, Cultural Feminism, Dominance Theory, Critical Race Feminism, Lesbian Feminism, Ecofeminism, Postmodern Feminism and Pragmatic Feminism. According to Levit and Verchick (2016), “while the different strands of feminist legal theory have their distinct features, they are generally committed to a similar goal: equal and fair gender relations” (p. 12). Aspects of cultural feminism and pragmatic feminism are especially relevant in the feminist legal framework of this study because they emphasize community engagement, a focus on healing and trauma informed care, and the implementation of large-scale social change through various methods.

Cultural Feminism

Cultural feminism advocates for “using the idea that law [should] encourage communal responsibilities of care” (Levit & Verchick, 2016, p. 18). This includes avenues of mediation, like restorative justice, as opposed to criminal court litigation. Cultural feminism therefore strives for “greater incorporation ...of a culture of care” (Levit & Verchick, 2016, p. 18) allowing for the focus to be on healing around the harm caused and creating behavioral change with a focus on community accountability. Cultural feminism is particularly relevant to this study as means of identifying whether restorative justice would be a meaningful experience for reporting and responding parties of sexual misconduct. Restorative justice as a form of mediation, focuses on healing, identifying harm caused, and creating behavior change through a community of care approach.

Pragmatic Legal Feminism

Pragmatism itself encourages intentional analysis of knowledge development, decision-making, and implementing social change, while acknowledging that truth is pluralistic and dependent on one's own values, habits, and beliefs. Pragmatic legal feminism states there are circumstances that warrant different approaches or outcomes when addressing issues of equality (Levit & Verchick, 2016). In relation to this study, feminist legal pragmatism seeks ways to create new and different approaches to address issues of equity, specifically in regard to sexual misconduct on university and college campuses. The study also focuses on gathering data about reporting party and responding party experiences and perceptions of Model Code and restorative justice processes, allowing for a pluralistic collection of data.

Feminist Movements and the Underpinning of Feminist Legal Theory

In order to understand feminist legal theory, we must also define feminism. bell hooks (2000) defined feminism as:

a movement to end sexism, sexist exploitation, and oppression...Practically, it is a definition that implies all sexist thinking and action is the problem, whether those who perpetuate it are female or male, child or adult. It is also broad enough to include an understanding of systemic institutionalized sexism. As a definition, it is open-ended. To understand feminism, it implies one has to necessarily understand sexism. (p. 12)

This definition was chosen as it illuminates the foundational implication of sexism on systemic institutionalized structures and the policies and procedures within them. As this study aims to explore policies and procedures related to the adjudication of sexual misconduct cases, this definition is used to conceptualize feminism in the context of this study.

Ramazanoğlu and Holland (2002) further distinguished that feminism has “generally indicated the advocacy of women’s rights,” and by the end of the twentieth-century, “feminism

referred more specifically, and more generally to theories of male dominance that took relations between women and men to be political” (p. 5). Feminism looks at the conceptualization and effects of power within patriarchal culture that perpetuate sexist beliefs. Feminism further identifies and disrupts the oppression of marginalized individuals maintained by society in which men are generally in authority over women.

There are numerous definitions and interpretations of feminism; many derived from the historical feminist movements known as first, second, and third waves. These movements influenced the development and enhancement of feminist legal theory, and began as a means to challenge the “suffocating social, economic and political arrangements” of women (Siegfried, 1996, p. 4) through campaigns, legal action, and the development of research and inquiry focused on women’s experiences and perspectives.

The feminist movement began in the mid-nineteenth century when feminists challenged the structure of the social world where men had authority and control over women. During the early 1960s, sexual violence against women became a topic of national debate. Feminists identified the normalization of sexual violence in everyday social, political, and economic sectors of women’s lives. Over time, concerns about domestic violence and marital rape became top agenda items.

Feminists later developed the term *rape culture* to distinguish the perpetuation of sexism, objectification, and sexual violence against women (Daly & Culpepper, 1983). Existing rape laws, pornography, media, and social interactions supported rape culture within a society that identified women as the property of men, whether sexual, material, or otherwise. During this time, feminists gained legal victories including the establishment of Title IX, a federal law that prohibits sex-based discrimination in federally funded educational programs. According to the

Title IX Report authored by Appelbaum et al. (n.d) through the National Coalition for Women and Girls in Education (NCWGE), the law would relieve “corrosive and unjustified” gender bias against women in education (p. 1). The federal law charged institutions of higher education not only by providing equal access to all aspects of higher education including admissions, sports, financial aid, and academic programs, but also with obligations of preventing, responding to, and adjudicating complaints of sexual harassment, including sexual violence. The enactment of this law was a major milestone for feminists, particularly in higher education.

In addition, feminists led the movement to reform laws regarding rape, specifically enacting a change that would no longer deem rape as a property crime, but instead as a personal crime (Brownmiller, 1975). This resulted in the criminalization of marital rape in some states in the 1990s. There was minimal impact regarding university and college adjudication policies and procedures, although the changes in law spurred increased discourse and activism.

The feminist movements later created a new agenda: the elimination of gender-role stereotyping (Lotz, 2003). More specifically, feminists advocated for the incorporation of gender-neutral language in definitions of crimes. In addition to separating laws into graded offenses, feminists believed there would be an increase in the number of offenders found guilty in criminal proceedings, as well as a recognition that men and non-binary individuals could be victims (Brownmiller, 1975).

Along with the elimination of gender-role stereotyping, feminists also began incorporating intersectionality (Lotz, 2003), the overlap of social identities such as race, sexual orientation, class, and gender, as a framework for examining the experiences of not only women, but all marginalized populations. The incorporation of intersectionality into feminist activism catapulted theorists to advance the understanding of feminism through varying theoretical

perspectives, establishing that the lived experiences and identities of women were multifaceted and layered with oppression interjected into various aspects of their lives (Lotz, 2003).

Public discussion about the abuse and rape of women from multiple sources, including feminists, national organizations, college-aged students, and academic scholars furthered advocacy for more legal, social, political, and economic equity. This advocacy led to change in the legal system in regards to criminal proceedings and definitions of crimes for addressing sexually violent crimes and behaviors. It was not until more recently that policies and procedures for adjudicating sexual misconduct on college campuses also changed to reflect the modifications made in the legal system, and incorporated gender-neutral language within their procedures and Code violations. Feminist activism in these areas highlighted key interests for feminist theorists and scholars.

Feminist researchers were among the first to examine sexual violence (Schuiteman, 2001) as a means to oppress women. Susan Brownmiller a feminist journalist, author, and activist focused her research on rape law. Brownmiller (1975) provided insight into how patriarchy promotes sexual violence against women. She stated, “man’s violent capture and rape of the female led first to the establishment of a rudimentary mate-protectorate and then sometime later to the full-blown male solidification of power, the patriarchy” (p. 17). While discussing her research around institutional power and authority, Brownmiller (1975) asserted that men often operated and had ownership over structures, as seen in the legal system and in institutions of higher education, particularly prior to the time women were afforded employment opportunities or access to higher education.

Brownmiller (1975) emphasized that rape was considered a property crime, and a means of securing a wife. The act of losing one’s virginity, whether consensual or not, indicated the

deed of marriage. This essentially categorized marital rape as legal. In addition, rape was defined as a white, heterosexual offense; meaning rape occurred when there was vaginal penetration from a penis, and it was legal to rape a black woman (Brown, 2003; Brownmiller, 1975).

When rape laws were first established, acts of sexual violence were often lumped together as one crime. For example, the legal definition of rape originated as “forcible genital copulation” (Brownmiller, 1975, p. 378). Brownmiller (1975) addressed the disadvantage of such categorization of law, and suggested that such laws “draw lesser penalties ... [and] can only be seen as an outdated masculine concept that no longer applies to modern crime” (p. 378). Brownmiller (1975) further acknowledged that in order for legal reform to occur, laws needed to be gender-free, non-activity specific, and allow sexual offenses to be categorized based on behavior and severity. Others agreed, and believed these changes would allow for an increase in offender accountability throughout the criminal system, and subsequently through other social, political, and educational institutions such as colleges and universities.

Today, some state laws continue to lump sexually violent crimes together. This practice is also seen with sexual misconduct policies on some university and college campuses in the United States. Given that these institutions incorporate a spectrum of sexually violent behaviors under one umbrella category also limits the ability to enforce harsher sanctions for more severe behaviors, unless they indicate an ability to sanction based on extenuating circumstances such as seriousness of the offense. However, some institutions of higher education have created separate categories of sexual misconduct behaviors to include, for example, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, and sexual harassment. This delineation allows institutions to provide different sanctions relevant to the behavior, such as

probation for sexual harassment and suspension or expulsion for non-consensual sexual intercourse.

Prior to 2012, the Federal Bureau of Investigation (FBI) defined rape as “the carnal knowledge of a female forcibly and against her will” (Federal Bureau of Investigation Uniform Crime Reporting Program, 2014). This definition was problematic, and agencies identified that this definition of rape excluded many other types of sexual offenses including oral or anal penetration, and rapes of males, an argument that Brownmiller (1975) had been making for years. This also aligned with the feminist movement as they advocated for more gender-inclusive and intersectional language in criminal law definitions.

In 1983, states began to reassess marital rape and acknowledged the act as a violation of the law (Bennice & Resick, 2003). States began changing rape laws, while the FBI definition of rape remained the same. In 2013, the FBI changed the definition of rape to be more inclusive and representative of the concerns brought forth regarding the prior definition. The new statute defined rape as “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (Federal Bureau of Investigation Uniform Crime Reporting Program, 2014). These changes allowed for the legal identification that rape could be experienced by those who do not identify as women. Although rape statutes at the federal level have changed over the years, some states have remained stagnant in implementing changes in their rape law definitions. Several have maintained the original FBI definitions where rape is the forcible penetration of a vagina (e.g., North Carolina). Numerous colleges and universities have changed their definitions to incorporate the new FBI definition, allowing for the adjudication of rape against males and non-binary-identifying individuals, while also acknowledging that women may be perpetrators.

Brownmiller (1975) acknowledged, current ways of thinking about rape created disparity and confounded the processes of addressing sexual misconduct by holding perpetrators accountable. Although the federal definition of rape changed, some states continue to use outdated laws. Colleges and universities often look to criminal definitions when developing Codes of Conduct and utilize changes made at the federal and state levels to guide their processes for addressing sexual misconduct complaints. As feminist legal scholars continue to conduct research, and provide guidance on addressing sexual misconduct, institutions of higher education will subsequently make changes to their policies and procedures.

Feminist legal theory is a purposeful framework in conducting this study as it looks to distinguish differences and similarities in perceptions and experiences of participants, regardless of gender-identity and specifically those who identify as a reporting party or victim, in both Model Code and restorative justice processes for adjudicating sexual misconduct on university and college campuses. This theoretical framework was selected because one of the main goals of feminist legal theory is to not only make systems and processes more gender equitable, but to develop and implement alternative methods for addressing reports of sexual misconduct. This study explores restorative justice as one of these alternative methods and seeks to understand how this process may bring about an increase in reporting, integrating more community involvement, and focusing procedures to provide trauma-informed care and practice that promotes healing, closure and behavioral change. The implications of this study may result in institutions of higher education changing processes and procedures, thus creating social change through an equitable process that similarly situates both the reporting and responding parties in an adjudicatory system. The study also aims to establish whether reporting and responding party

experiences and perceptions of either Model Code or restorative justice proceedings are fair, equitable, and incorporate the experiences and voices of all parties.

Classic Literature

Prevalence of Sexual Assault on University/College Campuses

Sexual assault is a widespread national issue, particularly on college campuses. Fedina et al. (2016) stated, “A review of research from the last 15 years finds that although prevalence rates vary, they all indicate that a substantial number of college students are sexually assaulted” (p. 79). Utilizing the National College Women Survey, Koss et al. (1987) collected data from 3,187 women and 2,972 men. They found that 10% of their participants experienced rape during their time at college, and seven percent were victims of attempted rape. Research has also shown that between three percent and 28% of college women have reported an attempted or completed rape (Fisher et al., 2000; Hickman & Muehlenhard, 1997). The Campus Sexual Assault (CSA) Study, authored by Krebs et al. (2007), supported this statistic and indicated 19% of their participants reported similar experiences. The National Sexual Violence Resource Center (2015) further echoed this statistic and found that one in five women experience sexual assault while attending college.

As much of the research focuses on the sexual victimization of women, it is important to understand that sexual assault affects all genders, races, ethnicities, and social classes. According to the Rape Abuse and Incest Network (2018) and the National Sexual Violence Resource Center (2015), college aged men are “approximately five times more likely than non-students of the same age to be victims of rape or attempted rape” (para, 4). In addition, minority groups experience higher rates of sexual violence. For example, women of color and indigenous women experience the highest rates of sexual violence (Paulk, 2014), and “sexual minority students were more likely than their heterosexual counterparts to be victims of sexual assault” (Edwards et al.,

2015). While it is important to acknowledge the prevalence of sexual assault among women, victims of sexual assault also vary by age, ethnicity, race, and sexual orientation.

Sexual assault is the most underreported crime, making it difficult to accurately identify the actual prevalence, especially on college campuses. Yung (2015) shared that “the reported rates of sexual assault on university campuses are far less than would be expected on the basis of rape reported by municipal police” and suggested that the “widespread adoption of ‘rape myths’ and exaggerated belief in false reporting are the prime culprits” (p. 6). The National Sexual Violence Resource Center (2015) also suggested that approximately 90% of college sexual assaults go unreported. However, there has been an increase in reporting on college campuses. Three factors may play a role in this. First, colleges and universities across the nation have increased their support services for survivors on campus and created a safer environment to disclose and/or report the crime(s) committed against them. Second, the federal mandates and legislation over the past six years have provided detailed guidance for institutions, increasing the legal accountability for institutions to provide support to victims and respond appropriately to complaints of sexual assault. Lastly, the #MeToo movement created more attention and conversation about the pervasive nature of sexual harassment and assault, creating a vast platform for individuals to share their experiences.

History of Title IX Federal Mandates, Legislations, and Laws

In an effort to assist universities with policies and procedures related to Title IX, the United States Department of Education’s Office for Civil Rights (OCR) provides guidance to address a university’s responsibility in responding to and adjudicating allegations of sexual misconduct. The following section addresses this legislation and guidance in order to provide context on the legal obligations of institutions of higher education.

Title IX, under the Education Amendments, was first enacted and signed into law in 1972 by President Richard Nixon. Enforced by the U.S. Department of Education's Office for Civil Rights (OCR), the statute specifically states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance" (Office for Civil Rights, 1998, para. 2). When initially enacted into law, Title IX was interpreted as a mandate that addressed women's access to higher education and athletics (Nonkov, 2016). However, the mandate also requires equal access to career education, education for pregnant and parenting students, employment, the academic learning environment, math and science, standardized testing, and technology (The National Women's Law Center, nd). Since Title IX prohibits sex-based discrimination, it also prohibits sexual harassment (Brown, 2003). The Department of Education stipulates that Title IX includes sexual misconduct, dating/domestic violence, and stalking (Office for Civil Rights, 2011).

In an attempt to increase compliance with Title IX on university and college campuses receiving federal funding, OCR created *Dear Colleague Letters* (DCL), which specifically address a school's obligation to prevent and respond to sex-based discrimination through procedural guidance. These letters provide direction for developing and implementing policies, and set minimum expectations for institutions of higher education as they respond to and adjudicate cases of sexual misconduct.

According to Winslow (2016), there have been over 20 proposed amendments, reviews, Supreme Court cases, and other political actions taken in regards to Title IX since its enactment 35 years ago. One of the most influential amendments to Title IX occurred under the Obama Administration, at which time OCR provided more detailed guidance to institutions of higher

education than ever before. First, the guidance emphasized the legal obligation to respond to reports of sexual misconduct in a prompt, fair, and impartial manner while ensuring that institutions ended the sexual harassment, prevented its recurrence, and remedied any of its effects. To assist institutions in defining prompt timelines, OCR suggested universities complete investigations and adjudicate cases within 60 days. This timeline provided leniency when there were justifiable reasons for delay. Second, Title IX guidance opposed informal adjudication of sexual misconduct allegations, including any form of mediation or process that did not involve the participation in some capacity of the reporting party. Lastly, this guidance provided institutions with specific obligations to employ or identify a Title IX Coordinator who would be responsible for “overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints” (Office for Civil Rights, 2014, p. 10).

The 2011 guidance affected colleges and universities nationally, requiring institutions to take effective, immediate action when allegations of sexual harassment arose. In 2017, additional amendments were made to Title IX under the Trump Administration. Betsy DeVos, United States Secretary of Education, rescinded the Obama Administration amendments to Title IX and withdrew the 2011 DCL under the premise that the 2011 guidance did not uphold due process rights for responding parties. The new amendments resulted in significant changes to prior guidance. Practitioners often referred to this shift as the “pendulum swing”; noting that under the Obama administration, the pendulum swung too far to the side of reporting party rights, and under the Trump administration, too far to the side of the responding party rights. The guidance provided for Title IX under the Trump administration would now hold schools accountable under the law. In May 2020, the new regulations were shared nationally with colleges and universities,

and required regulations to be implemented by August 14, 2020. This created an urgency for colleges and universities to make considerable changes to current policies and procedures in just four months, and during the time of a global pandemic.

The changes to Title IX included the removal of several articles of the Obama Administration's guidance, including the recommended 60-day timeline for investigation and adjudication. Instead, institutions were instructed to provide prompt, fair, and equitable timelines, instead of a fixed timeframe as noted in the previous guidance. In addition, there was the possibility of DeVos and the OCR adjusting the standard of proof in Student Conduct disciplinary proceedings. This created discourse among practitioners as it would place a higher standard of proof for sexual misconduct violations versus other code violations, contributing the historical barrier of reporting sexual misconduct experiences and the continuity of responding parties not being held accountable. This change would also insert a legal court standard of proof that colleges and universities often steer away from in an effort to distinguish university disciplinary proceedings from court proceedings. DeVos believed that the prior guidance administered under the Obama Administration restricted a respondent's due process rights and required institutions to use the lowest standard of proof, preponderance of evidence. In response to public feedback and comments, the Title IX regulations allow institutions to maintain the preponderance of evidence standard.

Prior to the recent amendments to Title IX regulations under the Biden Administration, reporting and responding parties were required to participate in the investigation and hearing procedures (specifically cross-examination). Otherwise, the hearing officer/board could not utilize the non-participating party's statements to determine responsibility, and if applicable, sanctions. This has since changed. Both parties can choose the extent of their participation, and

universities are able to use information and statements gathered from the investigation to decide the level of responsibility and if applicable, sanctions.

One aspect of Title IX that has not changed with the transition of Administrations is the obligation of Mandatory Reporters. Colleges and universities were and are required to identify specific employees of the institution to serve as Mandatory Reporters. These individuals are frequently employees who have a high level of interaction with students, or have supervisory responsibilities. Typically, residence life and housing staff, faculty, and student affairs professionals are considered to be Mandatory Reporters under Title IX. Additional staff may be identified by the institution to serve in this role as well. A Mandatory Reporter is required to inform the Title IX Coordinator within a certain amount of time of a student disclosing an experience of sexual misconduct. The purpose is to ensure the individual(s) is informed of their rights, available reporting options and support services.

Finally, the new guidance allows informal processes, including mediation, as a form of resolution, allowing institutions to implement processes such as restorative justice. This change created a wave of dialogue among practitioners in higher education and scholars of restorative justice regarding the effectiveness and implications for developing and employing such a process.

Review of Disciplinary Proceedings

Model Code

Universities across the United States have incorporated the holistic development of students and learning opportunities as core outcomes in their disciplinary proceedings. For years, institutions of higher education have relied heavily on the Model Code initially developed by Edward Stoner II. In 1990, Stoner worked with John Wesley Lowery to update and revise the previous Model Code, which evolved the field of student conduct nationwide. It provided a

framework that fostered conformity, while ensuring universities followed best practices for adjudicating violations of Codes of Conduct.

According to Stoner and Lowery (2004), the Model Code is “an attempt to aid the practitioner not only in navigating past the shoals of the spirit of insubordination but also in weathering the breakers of judicial processes followed by courts” (p. 3). Stoner and Lowery (2004) saw that there was much debate about campus disciplinary proceedings taking the structure of a criminal court and therefore developed the Model Code in part to distinguish university disciplinary proceedings from court proceedings. The Model Code assisted in making this clear, addressing the notion that criminal codes were not intended to be models for student conduct Codes.

Overall, the Model Code is a guide and resource for institutions to ensure they cover their requirements under federal, state and local law to provide substantive and procedural due process. Stoner and Lowery (2004) provided the language recommended for Codes including prohibited conduct, hearing scripts, and student rights. They also encouraged institutions to remember that at the foundation of a disciplinary process is the notion “to educate students about their responsibilities as members of an academic community and to impose educational sanctions when student conduct is beyond the limit of the community’s indulgence” (Stoner & Lowery, 2004, p. 5). In order to eliminate any possible safety concerns and remain educational in nature, the Model Code made recommendations on sanctions that would allow institutions to reduce recidivism and ensure the safety of the campus community. The hope was that students found responsible would be able to grow from their experiences participating in student conduct processes and develop into contributing members of the university community.

Model Code disciplinary processes provide two options for resolving an alleged violation: an informal resolution or a formal resolution. Both the informal and formal processes under a Model Code adjudicatory process allow for the participation of the reporting party when the case involves allegations of sexual misconduct. Informal resolutions involve the responding party accepting responsibility for a Code violation and accepting sanctions. The hearing officer, typically an individual appointed by a Conduct Office to adjudicate cases, facilitates this process. The informal process commonly occurs in a one-on-one setting. The formal process of adjudication involves convening a Board, a panel of selected and trained individuals who review the case and evidence to determine responsibility and, if applicable, apply sanctions. When a responding party does not accept responsibility and/or the administered sanction(s), a formal process takes place.

The Model Code processes provide two distinct methods for adjudicating sexual misconduct cases, with limited to no discretion in veering from the process. This lacks the ability to adjust a process based on the needs of the reporting or responding party. From a feminist legal theory lens, processes should allow for flexibility in approach and procedures in order to adjust to the varying and often different needs of reporting and responding parties. It is important to note that Model Code processes create a cookie-cutter approach for addressing sexual misconduct-related concerns, and focus more on the equality of participation versus equity of participation. Although the Model Code asserts reporting and responding parties are similarly situated in the process and provides a neutral procedural framework, it lacks the ability to provide equitable and adjustable participation, based on the needs of each party.

Restorative Justice

With recent changes to Title IX made under the oversight of Betsy DeVos, many institutions across the United States are beginning to invest in restorative justice approaches to

informally adjudicate cases. This includes staff members attending trainings and learning how to implement such a process. Many universities were initially hesitant to implement restorative justice practices because the 2011 OCR guidance on Title IX discouraged, if not fundamentally prohibited universities from providing mediation services to reporting and responding parties. Restorative justice approaches were considered a form of mediation, which created perceived liability. Although not as common as Model Code proceedings, restorative justice practices are becoming more popular on university and college campuses for adjudicating other types of conduct cases. Advocates of restorative justice believe it incorporates a cultural setting that encourages learning and growth for participants to become responsible and engaged community members (Karp et al., 2016).

However, some critics see restorative justice processes for sexual misconduct cases as causing more harm than a Model Code proceeding, specifically claiming that they create an environment that may be triggering, and enhance suffering for reporting parties (Wemmers & Cyr, 2005). Those in favor of restorative practices acknowledge that reporting and responding parties opt into the process and are at no point forced to participate. If individuals choose not to participate, the process can still move forward for resolution, similar to Model Code proceedings. This allows the reporting party to choose their level of participation. Karp et al. (2016), founders of Promoting Restorative Initiatives for Sexual Misconduct (PRISM), have invested in researching and studying restorative justice initiatives on university and college campuses, particularly as they relate to sexual misconduct. They suggest that restorative practices actually encourage accountability, reduce the risk of reoffending, provide greater reassurance for the safety of survivors, and create meaningful development of community interventions and reintegration. They believe restorative practices may be the solution to create cultural change on

campuses by increasing reports of sexual misconduct as reporting parties are often hesitant to move forward with formal proceedings for a variety of reasons including fear of revictimization, or not wanting to get the responding party in trouble. Restorative justice research indicates the process can provide an opportunity for accountability, closure and growth, and some believe this has the ability to ultimately reduce the number of sexual misconduct incidents.

Advocates for restorative justice practices say that the intentional bringing together of reporting and responding parties along with community members helps to “repair harm, support true accountability, and reestablish trust” in a way that traditional practices, such as the Model Code do not (Karp et al., p. 3, 2016). Further, the educational opportunities for development and growth go far beyond standard disciplinary proceedings. After a resolution occurs, restorative justice continues in order to reintegrate the responding party back into the community, even after suspension or expulsion. This is important for this study as it addresses the continuity of learning, development and reintegration which occurs in a restorative justice process that is often missed in Model Code proceedings. This supports the argument that restorative justice processes have a larger, positive impact on individual participants and can contribute to a more wide-scale cultural change that focuses on diminishing instances of sexual misconduct, both through a focus on the responding party’s accountability and development as well as the secondary impact that has with the responding party’s reintegration into the campus community.

The Three Pillars of Restorative Justice

Understanding restorative justice requires a general knowledge of the core principles which guide the practice. The goals of repairing, encountering, and transforming (Zehr, 2002) provide the foundation of restorative justice. In addition to these concepts, restorative justice also incorporates three pillars: harm and needs, obligations, and engagement. These pillars align with

the general mission of colleges and universities to educate individuals and promote opportunities to become contributing members of society.

Harm and Needs. Restorative justice considers the harm done to and the neglected needs of the reporting party. According to Zehr (2002), the purpose is to “repair the harm as much as possible” (p. 22). Although there is a focus on the harm done to the reporting party, this pillar also seeks to repair any harm done to the larger community. The approach emphasizes the practice of healing for all involved, while prioritizing the needs of those impacted.

Obligations. The pillar of obligations focuses on the responding party’s accountability while assisting them in taking responsibility for their actions. Accountability and responsibility go beyond punishment or administered sanctions for a responding party’s behavior, and instead focus on helping the responding party understand that their actions caused harm. Zehr (2002) suggested doing this helps the responding party in recognizing their obligation to “make things right” (p. 24).

Engagement. The restorative justice process is collaborative and inclusive by nature (Zehr, 2002). It involves the engagement of multiple parties in the process including the reporting and responding parties, as well as affected community members. The expectation is that each individual will engage in the process in significant ways, up to and including direct communication and dialogue with one another throughout the process.

Models of Practice

Restorative justice practices offer several methods of implementation to include victim offender mediation, conferences, circles, and boards. This section discusses each of these practices.

Victim Offender Mediation

Victim Offender Mediation (VOM) also referred to as victim offender reconciliation or victim offender dialogue (Karp, 2004) primarily serves to bring the reporting and responding parties together to participate in a facilitated meeting or conference (Zehr, 2002). Prior to coming together, the reporting and responding parties must agree to proceed with the process, and the responding party must take responsibility *prior to the meeting*. This means that the responding party acknowledges and takes ownership of the alleged behavior and admits to engaging in a violation of the law, or in cases of campus and university proceedings, a violation of the Code. This acknowledgement of responsibility along with the voluntary participation of parties allows the process to move forward.

All participants engage in pre-mediation planning and training in order to prepare for the process. The goal of the mediation is to engage in dialogue in order to provide clarification and healing for the reporting party, provide an opportunity for the reporting party to convey the harm they suffered, and to ask questions in order to help make sense of their experience. Most often, the result of participation in a VOM is a signed restitution agreement (Karp, 2004).

Conferences

Conferencing, also referred to as family group conferences or family group decision-making (Karp, 2004), involves the participation of the reporting and responding parties, in addition to family members or those serving as support individuals for the reporting party and the responding party. According to Karp (2004), the two main roles of supporters are support and accountability. Supporters assist in maintaining a safe environment where all participants feel comfortable speaking “honestly and openly” while also preserving accountability by holding participants responsible for respectful behavior, inappropriate comments, and compliance with

the agreed upon values and expectations (Karp, 2004, p. 12). Developed in New Zealand, this model of restorative justice has become popular in North America (Zehr, 2002). Although the purpose is to bring together the reporting and responding parties, along with their families, there is specified time for the responding party to meet separately with their family to come up with a resolution to present to the reporting party.

Prior to the conference, all participants attend training and education on the process and are able to prepare for the proceedings. A trained mediator facilitates conference-style resolutions. Mediators often facilitate through the utilization of a script, which allows for uniformity and guided conversation. The use of the conference approach is more traditional, and focuses on the presence of shame and harm caused while “actively work[ing] to use shame in a positive way” (Zehr, 2002, p. 48), thus directly integrating the three pillars of restorative justice practice.

Conferencing models of restorative justice do not intentionally include community members, and instead focus on a more directed approach that emphasize dialogue specifically between the reporting and responding parties (Amstutz & Mullet, 2015; Karp, 2013). Beyond providing space for “the expression of facts and feelings and to develop restitution agreements,” conferencing also provides a means for “developing ...[a]... plan for the [responding party] that, in addition to reparations, includes elements of prevention and sometimes punishment” (Zehr, 2002, p. 50). The focus of the agreement becomes how the responding party can repair harm caused to the reporting party and provide an explanation of what happened, how participants felt about it, what needs to be done to make things right, and how the situation might be prevented in the future (Amstutz & Mullet, 2015; Karp, 2013).

Circles

Originating from Canada in First Nation communities, circles serve as another form of restorative justice practice. The name of this practice comes from participants sitting in a circle, and they are sometimes called peacemaking circles, healing circles, and talking circles (Amstutz, & Mullet, 2015; Karp 2004).

Circles provide an inclusive process for reporting parties, responding parties, family members, and community members who all serve as critical participants. Generally, one or two facilitators, known as “keepers”, lead the circle (Amstutz & Miller, 2015). The keeper begins the circle by establishing values and ground rules, and poses questions or topics of discussion throughout the process. When members of the circle are ready to engage in dialogue, they do so one by one utilizing a “talking piece” (Amstutz & Miller, 2015; Karp, 2013; Zehr, 2002), a tradition originating from Native American practice (Karp, 2013). The goal of this process is to create what Amstutz and Miller (2015) described as an orderly and reflective process that promotes active listening.

Boards

This model of restorative justice, according to Karp (2013) most directly relates to the structure of a university and college Model Code conduct board. Integrity board, reparative board, or community panel are other names for restorative justice boards. Originating out of the Vermont Department of Corrections Reparative Probation program, criminal justice systems across North America have established hundreds of these boards (Karp, 2004). The reporting and responding parties participate in the board, along with any individuals who represent the community perspective and are able to articulate any indirect harm caused. In this type of model, reporting parties are not required to participate in order for the board to move forward. If a

reporting party chooses not to participate, board members will attempt to provide context and represent the reporting party's perspective in the process, often through an impact statement (Karp, 2013). If the responding party does not accept responsibility, board members, similar to a Model Code hearing, will consider the evidence and information presented in order to determine level of responsibility. Unlike other models of restorative justice, the board process employs both structured and unstructured dialogue, sometimes utilizing scripts and predetermined questions (Karp, 2013).

This classic review of literature is relevant for this study because it addresses the key differences between Model Code and restorative justice approaches and demonstrates how restorative justice can bring about more flexibility to meet the needs of reporting and responding parties. Specifically, Model Code proceedings offer two avenues for resolution: an informal and a formal process. A restorative justice process can offer up to four options providing participants with an array of options to accommodate different comfort levels of participation. In addition, the restorative justice process offers a more dialogue-centered approach with individuals to encourage accountability, respect and safety. The Model Code process is scripted and allows for reporting and responding parties to make statements and ask questions, but lacks conversation between parties and among board members. From a feminist legal lens, these differences are important. Specifically, the differences in processes address the very issue of equity, and advocates for the implementation of different available options, such as restorative justice to address sexual misconduct cases. It is therefore important to further explore research conducted on both reporting and responding party experiences in both Model Code and restorative justice processes.

Research Literature

While the classic literature review provided background on the procedures of Model Code and restorative justice practices, it is also important to examine the experiences of the participants in both processes. This section of the literature review will focus on studies related to participant experiences and outcomes of each process. The literature will be critiqued and placed within the context of this study.

Model Code

There is limited research on university and college disciplinary proceedings, particularly in relation to student experiences and learning outcomes. In addition, there is little to no research on disciplinary proceedings for sexual misconduct cases. Upon reviewing the available research and literature, two major themes emerged: perceived educational value and fairness of the disciplinary process and perceived impact of administered sanctions.

Perceived educational value and fairness

Coinciding with the limited research on university and college disciplinary proceedings, Ludeman (2004) suggested there is also a lack of research on the developmental outcomes of student participants in such processes. Gehring (2001) supported this claim in that the procedures under campus judicial processes are often seen to be “too procedural and mirrors an adversarial proceeding that precludes student development” (p. 466). Student affairs professionals have often debated the effectiveness of their own campus disciplinary processes, although they agree at the foundation of the process is educational growth along with civic and moral development (Allen, 1994; Fitch & Murry, 2001).

Mullane (1999), and Cooper and Swartz (2007) analyzed the moral development of college students who participated in the disciplinary process. Mullane (1999) specifically evaluated the relationship between college students’ perception of the fairness and educational

value of disciplinary proceedings and their moral development. Seventy-three undergraduate students charged with minor disciplinary violations completed a survey for Mullane's (1999) study. The results showed that participants believed the disciplinary process had educational value (μ 9.40, SD 3.07), and indicated that college students involved in the disciplinary process had lower levels of moral development than college students not involved in the process. In addition, Mullane (1999) found that the "higher the level of moral development, the more likely students perceived that the disciplinary process had educational value" (p. 90). This result suggested that students who scored below average on moral development might be less likely to perceive the disciplinary process as educational, even if they perceive the process to be fair.

Allen (1994) conducted a study to look at the perceived impact and learning derived from completing sanctions administered through a college disciplinary process. She focused on understanding this impact from both an administrator and student lens. Allen (1994) found that participants reported an increased disposition to think before acting, accepting responsibility for their actions, and abiding by college policies in the future. Similar to Allen (1994) and Mullane (1999), Howell (2005) found that while some of his participants reported learning "something", most felt no learning occurred. Howell (2005) conducted ten case studies of undergraduate students who attended three different doctoral/research institutions in the Southeastern United States in order to explore the meaning students make of their interactions with campus judicial systems. Although most reported a lack of learning through engaging in the disciplinary process, participants learned to consider the consequences of their behaviors, were able to expand a sense of understanding for the needs of those around them and how their actions could affect others, as well as consider their future decision making. Participants reported they would not repeat specific behaviors that violated the Code.

King (2012) examined the extent to which college students perceived their disciplinary process to be fair and educational. Adapting Mullane's (2009) instrument, King (2012) surveyed 1,884 students charged with violating the Code at four public universities in the Western United States, and who participated in their institution's disciplinary process. King (2012) found that students who more frequently participated in the conduct process (i.e. repeat offenders) reported less educational value than students who were not repeat offenders. The study produced by Mullane (1999) looked at the perceived fairness of the disciplinary process from the respondent perspective and did not distinguish repeat offenders from first time offenders. Mullane (1999) concluded that participants reported the process to be fair overall.

Studies that focused on perceived educational value and fairness of Model Code processes found that participants generally felt the process itself had educational value. However, when it came to completing sanctions, participants often reported a lack of learning and/or educational value. In addition, King (2012) found that the more frequently a participant engaged in the Model Code process, the less educational value they perceived. Model Code processes are said to be grounded in educational opportunities, growth and learning for responding parties. The research presented in this literature review offers a different view. Furthermore, the literature states that student affairs professionals have debated the effectiveness of their own disciplinary proceedings. This suggests that current adjudication processes are not meeting their foundational purposes and presents an opportunity to consider restorative justice as an alternative method.

Perceived impact of administered sanctions

Student disciplinary proceedings, as described earlier are to be educational and produce behavioral changes. One of the ways to accomplish this is to administer sanctions that assist

students in learning and developing new ways of engaging with their community. In order for administered sanctions to be effective, students must perceive positive effects from completing the administered sanctions. The following section discusses studies that specifically seek to understand students' perceived effects of administered sanctions from participating in Model Code disciplinary processes.

Allen (1994) found a discrepancy between administrators' perceptions and students' perceptions about the "meaning and importance of sanctions" in that administrators reported a higher level of believe that they were meeting the education learning outcomes of the process more so than students (p. 112). Allen (1994) notes in her study statistically significant disparities between what administrators expected for learning outcomes, and what the students reported learning. This is an important finding in Allen's (1994) study because it further distinguished the importance of understanding which sanctions produced the most impact on students, and were more likely to result in behavioral change. This has implications for the current study as sanctions are administered in both Model Code and restorative justice processes. As behavioral change is an important foundational concept, purpose and outcome for restorative justice, based not only on the process itself, but also on the sanctions administered. This supports restorative justice as an alternative means to adjudicate sexual misconduct cases.

King (2012) surveyed 1,884 students enrolled at three large, four-year public institutions in the Western United States. The purpose of her study was to "investigate the extent to which college students perceived their discipline process to be fair and educationally valuable" (p. 566). Seventeen percent of participants who attended a meeting with a hearing officer found the meeting to be overall very valuable, 38% found it to be somewhat valuable, and 45% deemed it not at all valuable. A little less than half of participants found no value in meeting with a hearing

officer, and when it came to finding value in completing sanctions even “more students found no value” (p. 570). King (2012) contributed to the literature on this topic by showing students perceived to have no further learning from completing administered “educational” sanctions. These findings raise questions about whether Model Code proceedings produce the intended effects of more engaged, responsible citizens. Klobassa and Laker (2018) acknowledge that student conduct processes may unintentionally “activate shame and resistance rather than reflection and growth” (p. 55).

To understand the effects of specific types of sanctions, Kompalla et al. (2001) examined the effects of active and passive sanctions on student recidivism and retention. The researchers reviewed student conduct records at a private university with an enrollment of 11,400 undergraduate and 2,150 graduate students. Specifically, they examined the type of sanction (either passive or active), whether the student had subsequent conduct violations (recidivism), and whether the student remained enrolled at the institution. A total of 128 records involving alleged violations other than sexual misconduct were examined. Kompalla et al. (2001) found that active and passive sanctions resulted in equal recidivism and retention rates, suggesting that the type of sanction did not affect a student’s future behavior. They found that “19% of students assigned to active sanctions were found responsible for another conduct violation as were 19% of the students assigned a passive sanction” (p. 3). The authors specify that 1/3 of students sanctioned to participate in an educational non-credit class were involved in the disciplinary process again, and those assigned a reflection or educational paper (passive sanction) had the least recidivism. Students who completed community service (active sanction) as a sanction had the lowest recidivism rate. The authors attributed this to students being able to better understand their role within a campus community due to involvement. In terms of retention, the researchers

found that 67% of students assigned a passive sanction were retained. Overall, Kompalla et al. (2001) found that passive and active sanctions had the same impact on students, with limited impact on recidivism and retention. The authors recommend administering active and passive sanctions simultaneously and may be effective in deterring recidivism for low-level violations. Although King's (2012) study did not assess recidivism or retention, his study established that in-person alcohol classes, counseling, and community service were the top-ranked sanctions for having positive, educational impacts on students.

Overall, the review of research literature for Model Code proceedings involving perceived educational value and fairness, and perceived impact of administered sanctions, demonstrated that while some participants believed the process had educational value, overarchingly participants in multiple studies reported a lack of learning and finding limited to no value in completed sanctions. In addition, a disparity exists between what administrators expected for learning outcomes of sanctions and what students reported learning. As stated previously, Allen (1994) and Fitch and Murry (2001) specified that student affairs professionals have often debated the effectiveness of their own campus disciplinary processes. This is important in the context of the current study for a few reasons. First, the research supports the notion that although holistic development and learning are core outcomes to Model Code processes, students are reporting little to no educational value in the process or administered sanctions. Second, administrators may not believe their own adjudication process has substantive value. This suggests that there are opportunities to implement alternative approaches, such as restorative justice which focuses more on the intentionality of procedures and sanctions that promote and initiate not only an educational value to both the process and the sanctions, but also enhances and integrates behavioral change that reduces or eliminates repeat violations. The

current study also aims to fill a void in the research literature by exploring and bringing forth knowledge as it relates to campus sexual misconduct adjudication, a topic that lacks representation in the literature.

Restorative Justice

While numerous studies have identified the experiences of victims and offenders through criminal restorative justice procedures, there are limited studies focusing on the experiences of victims and respondents through university and criminal restorative justice processes, specifically, cases involving sexual assault. Therefore, this portion of the literature review will focus on participant experiences within criminal proceedings, while bringing in the limited research for campus processes where available. Upon reviewing the available research and literature, five major themes emerged: perceived satisfaction, experience of fear, perceived impact, student learning, and recidivism and compliance.

Victim Experiences

Perceived satisfaction. A key element in restorative justice practices is including victims in the process. Latimer et al. (2005), Strang et al. (2006), and Daly (2005) found that victims who chose to participate in restorative justice conferencing reported high levels of participant satisfaction compared to victims who did not participate in restorative justice related programs.

Although the majority of research shows victim satisfaction obtained through restorative justice practices, there is some indication that a victim's participation may negatively affect their overall level of satisfaction, particularly if they experience moderate to high levels of distress. Daly's (2005) research involved the South Australia Juvenile Justice (SAJJ) system. The data included observations of 89 restorative justice conferences, along with offender and victim interviews, and a review of police records. In 1998, 196 interviews were conducted with victims and offenders, 94 percent were interviewed a second time in 1999. Daly (2005) found that 59.5

percent of victim participants reported feeling moderate or high distress during the conference. Victims who experienced distress often reported feeling re-victimized through the process, and thus reported less satisfaction with the overall process. However, Daly (2005) specified that the victim's perception of being "treated fairly (67%) and with respect, having a say, and participating in the outcome" increased their level of satisfaction with the process (p. 155).

Wemmers and Cry (2005) conducted an evaluation of the experiences of crime victims among young offenders in Quebec who participated in a victim-offender mediation program. They examined the relationship between the mediation program and victim recovery. The authors conducted 59 interviews by phone and participants answered questions regarding their attitudes and experiences. Overall, victim participants reported positive attitudes towards victim-offender mediation. Specifically, they reported feeling the process of mediation was fair (66%) and thus helped them with moving past their victimization ($\chi^2=8.61$, $df=1$, $p=0.003$).

This is important for the current study as it identifies the realities of victims having to face their offenders during a restorative justice process. This aligns with concerns brought forth regarding the implementation of such a process. The literature shows that even when victims experienced distress from facing their perpetrator, they were satisfied with the process when they were respected, had an opportunity to share their experience, and contributed to the outcome. The research also shows that victims are generally satisfied with restorative justice processes, which supports the argument that restorative justice can be an alternative approach to Model Code processes for adjudicating sexual misconduct cases.

Experience of fear. Daly (2005) and Strang et al. (2006) studied victim attitudes, which included fear and anger toward the offender. Daly's (2005) research suggested that victims who experienced moderate to high levels of distress had emotions of fear and anger toward the

offender before, during, and after the conference. Daly's (2005) research also indicated that victims less frightened by the offender tended to have fewer negative attitudes toward offenders, thus making it more probable to resolve differences and come to an agreeable outcome.

Strang et al. (2006) reviewed data collected from four separate studies involving the effectiveness of restorative justice in reducing repeat offending and victim reactions to participating in the process, specifically fear. Similar to Daly (2005), Strang et al. (2006) found that victims reported a higher level of fear about their offender before their conference compared to after their conference. Therefore, Strang et al. (2006) concluded that participation in the conference dramatically reduced the victim's fear of the offender. Further, Strang et al. (2006) reported a substantial reduction in the victim's level of anger toward the offender after their participation in the conference compared to what they reported prior to the conference. These two factors may contribute to the "three-fold average increase in [victims'] feeling of sympathy toward offenders," which the authors identified as a "precursor to forgiveness" (Strang et al., 2005, p. 298).

Wemmers and Cyr's (2005) study also looked at victim's reported fear of their offender. Twenty-four percent of victims reported increased fear toward their offender following mediation however, 76% did not. Overall, Wemmers and Cyr (2005) found that fear did not play a significant role in the decision-making of victims to participate in a mediation program.

Fear was a common variable in the literature, and data suggests that although victim's experienced fear before and during the restorative justice process, victims reported less fear by the conclusion of the process. Research also showed a reduction in anger toward the offender. Fear was not a contributing factor as to whether a victim chose to participate in the process. This is significant for the current study because opponents of restorative justice often reference the

fear and revictimization of victims in a restorative justice process as reasons not to offer this option in cases of sexual misconduct. Research suggests that although fear may be commonly experienced, moving through the fear in tandem with the process, reduces fear in the end, and promotes and creates space for healing and closure, a strong foundational outcome of restorative justice processes.

Perceived ability to heal. Opponents of restorative justice often argue that these types of programs are problematic because they require the victim to confront their offender, and thus can be re-victimizing. However, proponents believe that restorative justice processes encourage empowerment of victims to make the decision to participate in the process. Further, scholars of and advocates for restorative justice believe that while it may be difficult and challenging for victims to face their offenders, there are therapeutic results of the process for many. Wemmers and Cry (2005) discussed the concept of therapeutic jurisprudence, which is an interdisciplinary approach to law that focuses on how law can be a “therapeutic agent” for participants (p.529). They found that victims “felt that their participation in the program indeed helped them put their victimization behind them” and reported feeling “better with respect to their victimization” after meeting with their offender (pp. 537-538). In addition, most victims reported psychological benefits, such as healing and regaining a sense of control from their participation in the conference, which directly related to their perception of fairness within the process. Daly’s (2005) results also supported this finding and indicated victims reported overcoming the emotional and psychological effects of the crime through participation in the restorative justice process.

One of the three pillars of restorative justice is harm and needs which focuses on the harm done to and the neglected needs of the reporting party. This pillar focuses on repairing the

harm caused to the victim, which is frequently attributed to a person's ability to regain a sense of control, moving through and overcoming the emotional psychological effects of the experience, and being able to put their victimization behind them. The studies presented in this section show that the pillar of harm and needs serves as a conduit for therapeutic jurisprudence in the restorative justice process. This is a significant outcome for victims participating in the process, and further advocates for the implementation of restorative justice as an alternative approach to Model Code adjudication of sexual misconduct.

Offender Experiences

Perceived impact of restorative justice process and satisfaction. Abrams et al. (2006) conducted a qualitative, exploratory study with seven families participating in a Victim-Offender Mediation (VOM) program in Minnesota. The offenders participating in the VOMs were not charged with or convicted of sex crimes, but instead crimes such as drunk driving, burglary, terrorist threats, theft, and mail tampering. The researchers collected data via semi-structured interviews in order to understand offender and family perceptions about their participation in the VOM. All of the offenders reported that the most emotionally meaningful, yet difficult, part of the process was facing the victim. Offenders reported this was due to experiencing emotions such as "relief and closure, and shame and remorse" while listening to the victim's experience (p. 249). Abrams et al. (2006) reported that the offenders participating in VOM also believed the process was fair and were satisfied with the experience. Latimer et al. (2005) found similar results after conducting an empirical meta-analysis of existing literature to assess the effectiveness of restorative justice practices. The existing literature included restorative justice studies that encompassed a variety of crime types, and not just sexual violence. The results indicated high levels of satisfaction for both offenders and victims. Specifically, victims reported

significantly more satisfaction ($t(12)=3.98, p<.01$). Although offenders reported high levels of satisfaction, it was not statistically significant.

Beyond reporting perceptions of fairness, Abrams et al. (2006) also reported offenders gained a more realistic and holistic picture of how their actions affected not only the victim, but individuals in the community as well. Similarly, Meagher (2009) studied the impact of restorative justice processes on student respondents in collegiate settings including University of Colorado at Boulder, Colorado State University, and the University of Michigan. Meagher (2009) interviewed 16 respondents who participated in a restorative justice disciplinary proceeding. These did not include allegations of sexual misconduct. Meagher (2009) found that respondents changed their view of self in relation to others by understanding the other participants' feelings, including community members, witnesses or the reporting party, and views of the incident. Meagher (2009) further found that offenders broadened their awareness of who was harmed, developed an increased understanding of their actions, the impact they had on others, and changed how they not only viewed the incident, but how they felt about those impacted. Abrams et al. (2006) found similar results in that offenders indicated feelings of relief and closure, as well as shame and remorse for the harm they caused, expressed an ability to broaden their awareness and understood the impact of their behavior on others. Meagher (2009) specified, "participants expressed significant changes in their lives as a result of the restorative justice processes in which they participated" (p. 102).

Overall, the literature review suggests that the impact of offender participation in a restorative justice process extends beyond the individual. Specifically, restorative justice aided in the offender in understanding how their actions affected not only the victim and community, changed their view of self in relation to others, and developed an increased understanding of

their actions. Offenders also reported emotions such as relief, closure, shame and remorse, which are important aspects of understanding and acknowledging the harm they caused, and creates a pathway for further development and education, thus reducing the likelihood of recidivism. The research identified within this theme of perceived impact of restorative justice processes and satisfaction again supports the implementation of a restorative justice as an alternative process to Model Code proceedings as the education and development of offenders are reported at higher levels compared to the literature on Model Codes.

Student learning. Karp and Sacks (2014) assessed restorative justice and Model Code disciplinary processes at 18 colleges and universities in the United States addressing alleged violations not including sexual misconduct. Each campus provided data via two survey instruments. The student and administrator participating in the conduct process individually completed a survey. A total of 659 surveys were collected. Karp and Sacks (2014) consistently found that restorative justice approaches to sanctioning had a greater impact on student learning than the Model Code. Students engaged in restorative justice proceedings reported more learning in each of the six scales of student development (Karp & Sacks, 2014). These scales included just community/self-authorship, active accountability, interpersonal competence, social ties to the institution, procedural fairness, and closure.

These findings are significant to the current study because they provide clear evidence of learning for students involved in restorative justice versus Model Code proceedings. This supports the implementation of a restorative justice process as an alternative option to Model Code proceedings.

Recidivism and compliance. Several studies have also demonstrated that participation in a restorative justice process decreased the rate of re-offense and increased the rate in which

offenders were compliant with sanctions and outcomes of the process (Bonta et al., 2002; Latimer et. al, 2005). Meagher (2009) found that student offenders reported learning new skills and knowledge, and had a positive change in behavior. More specifically, participants communicated having already changed their behavior or intended to change their behavior in the future. However, some participants re-offended (Meagher, 2009, p. 117).

Bonta et al. (2002) evaluated a restorative justice program in Winnipeg, Manitoba and measured recidivism rates over a three-year follow-up period with offenders of non-sexual violent crimes. They found that the recidivism rate was significantly lower for participants in the restorative justice programs they studied compared to those who participated in non-restorative justice programs. One factor contributing to this was the presence of a victim impact statement, particularly when it came to decreased recidivism rates in years one and two following the offense. Bonta et al. (2002) also found that restitution and community service were strong variables for lowering recidivism.

Although one study (Meagher, 2009) found that some offender participants re-offended after participating in a restorative justice process, several studies demonstrated that most offenders did not re-offend. This is significant for the current study as this literature supports the fact that restorative justice reduced recidivism and begins to address the perpetration of sexual violence. More so the literature review supports the implementation of restorative justice identifying Model Code processes had limited effects on student future behavior as it relates to recidivism.

Inference for Study

There is a dearth of research on Model Code and restorative justice processes for adjudication of sexual misconduct on college campuses. Generally, research is strongest in the area of criminal court proceedings involving restorative justice practices, though there is some

limited research on sexual misconduct cases. Restorative justice literature details the emotional and psychological effects of participation in these processes, while also examining the positive experiences for both victims and offenders, their perceived fairness of the process, and lowered recidivism rates. In addition, the research available regarding restorative justice on university and college campuses lacks studies regarding incidents involving a reporting party. These studies focus on low-level violations such as alcohol and other drugs, where there is often not a reporting party who has been victimized. A major gap in the literature regarding campus restorative justice exists when it comes to identifying the experiences of victimized individuals, which further extends support for the current study as it focuses on bringing the perceptions and experiences of reporting parties/victims of sexual misconduct into the literature. The literature on Model Code practices at institutions of higher education is more widely available. The studies focus on perceived learning outcomes of administered sanctions, perceived fairness, and the development of moral and ethical reasoning. Similar to the gap in literature regarding campus restorative justice, research into Model Code proceedings for sexual misconduct are limited to non-existent. This highlights the need for the current study as it addresses the perceptions and experiences of both reporting and responding parties in Model Code proceedings for sexual misconduct.

Overall, the review of literature supports restorative justice being implemented as an alternative approach to Model Code processes for adjudicating sexual misconduct cases. According to the literature, restorative justice processes produced therapeutic jurisprudence including overcoming emotional and psychological effects of their experience, putting their victimization behind them, and a sense of healing and regained control. Restorative justice also provides an avenue for the victim to understand why the offender committed the crime and aids

in closure and accountability. In addition, both victim and offender participants of this process reported high levels of satisfaction. One of the key differences between the studies conducted on Model Code versus restorative justice were the findings around educational impact and recidivism. Restorative justice studies found more frequently that offenders reported educational value in the process that increased understanding of their behavior and its impact on others, more so than what was reported in literature on Model Code processes. Overall, the literature supports the implementation of restorative justice as an alternative approach to Model Code processes due to its positive and meaningful outcomes for both the victim and the offender.

The review of literature regarding Title IX, Model Code, and restorative justice processes provides insight into the possibilities and requirements of adjudicating sexual misconduct on college campuses. With the rescinding of the 2011 DCL, colleges and universities have an opportunity to identify new processes for informally adjudicating and resolving sexual misconduct cases on their campuses. The current review of literature shows positive potential for restorative justice as one of these means. The current body of literature provides further encouragement for universities to assess their policies and procedures to ensure fair, equitable, and timely processes, and that the procedures and mechanisms for such processes are trauma-informed. Trauma-informed approaches, such as restorative justice, provide an environment in which the reporting party feels heard, and has the same rights as the responding party. Specifically, Wemmers and Cyr (2005) found in their study that victims who participated in a restorative justice process reported psychological benefits, such as healing and regaining a sense of control from their participation in the conference. Additionally, Daly (2005) conducted a study focusing on victim's attitudes including fear, anger, and distress while participating in restorative justice. Daly (2005) found that victims reported overcoming the emotional and

psychological effects of the crime. A trauma-informed, restorative justice approach intentionally limits additional harm to the reporting party and ensures a safe space to share their experiences and participate in university proceedings. This approach reflects the processes found in restorative justice models, which has implications for growth for responding parties, particularly in educational settings. This approach would also provide more opportunity for the responding party to have a deeper understanding of harm caused and facilitate more personal growth.

The review of literature also identifies the use of restorative justice versus Model Code adjudication procedures for specific case types. Each procedure follows different processes, providing different experiences for those involved. Certain cases, such as sexual misconduct, according to Karp et al. (2016), are best resolved through the restorative justice model. This is important for practitioners in higher education because it advocates for an alternative approach to adjudicate cases of sexual misconduct as it provides an opportunity for students to voluntarily participate in an adjudication process that at its core values safety, meaningful development and growth of all participants, in addition to accountability.

There is a need for additional research and evaluation in order to demonstrate whether restorative justice would be a utilized and meaningful process for reporting and responding parties. This study aims to address this gap regarding campus Model Code and restorative justice experiences and perceptions involving sexual misconduct adjudication. The purpose of the study is to understand whether restorative justice could be an alternative approach to Model Code processes. The results of this study may assist institutions of higher education in identifying whether current adjudicatory processes are meeting the needs of students, and whether implementation of restorative justice would be beneficial.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

In this study, the approach to design and methodology are shaped by feminist legal theory and my own epistemology as a practitioner and researcher. Grounded in the formation of this research is the acknowledgement that it is difficult, for a multitude of reasons for both reporting and responding parties to share their experiences with sexual misconduct. To assist in collecting data on a sensitive topic, it was important for the design and methodology of this research to be diplomatic, allowing for participants to feel comfortable in honestly sharing their experiences and perceptions in an anonymous way. Methodology itself is the means of “connecting beliefs about knowing with research practices” (Sprague, 2016, p. 5). It is the strategy in which researchers identify a method for collecting and analyzing data guided by a set of beliefs regarding what comprises knowledge, and how one obtains knowledge. Each methodology links a particular ontology and epistemology in providing rules that specify how to assess and produce valid knowledge of social reality (Ramazanoğlu & Holland, 2002, p. 11).

Epistemology is concerned with who has knowledge, and how that knowledge is situated and known. Often policies and procedures for addressing sexual misconduct lack input from reporting and responding parties. Thus, the production of such policies are formulated by individuals who may lack knowledge regarding the specific needs of parties in such a process, and how a process can be used as a larger strategy to reduce and/or eliminate sexual misconduct. This research acknowledges a disconnect of knowledge between those who create policies and procedures and those who engage in such processes. As knowledge is formulated through experience and the engagement of literature, this study works increase knowledge based on the experiences and perceptions of reporting and responding parties. Specifically, the epistemology

of a researcher guides the implementation of a method for collecting and analyzing data. Sprague (2016) describes methodology as the place where “philosophy and action meet” (p. 5).

The purpose of this study was to better understand reporting and responding party experiences and perceptions of campus sexual misconduct adjudication, and more specifically, whether restorative justice would be a utilized and meaningful process for addressing sexual misconduct on university and college campuses. A survey was administered to all currently enrolled students at a Southeastern, mid-sized public university. A survey design research approach captured both quantitative and open-ended survey data through closed-ended and open-ended questions. This study employed a methodological approach framed by feminist legal theory through the utilization of a survey design.

Underpinnings of Feminist Legal Theory

Feminist legal theory was the framework of this research for several reasons, but primarily because it focused on incorporating all voices and lived experiences of participants. In order to capture these voices, a survey was administered to all currently enrolled students including undergraduate, graduate and distance education students at a mid-sized, Southeastern university. The intent was to gather data that included multiple, diverse individuals’ experiences and not limit the collection of data to a specific population of students at the university, keeping with a feminist methodological approach to data collection.

In addition, the research focused on how to enhance equity in proceedings addressing problematic behaviors and did so in a way that recognized the significant role of patriarchy in identifying such procedures. Becker (1999) suggests that it is important to “look at the big picture: a social structure that is male-centered, male-identified, male-dominated, and which valorizes qualities narrowly defined as masculine” (p. 22). The Model Code was developed by predominately white-identifying males in the 1980s and later revised in the 1990s, during a time

where women's rights and legal protections were limited. The Model Code is still widely cited and used as the foundation for current Codes to address student misconduct on university and college campuses. According to Fischer et al. (2014), "model codes have become the primary conduit for [shaping the future evolution of the field]" (p. 2). Although federal, state and local laws have required institutions to adjust their Codes, at the foundation of procedural implementation resides the Model Code. This system of evolution reproduces a structure and method that Klobassa and Laker (2018) describe as "increasingly procedural, legalistic, compliance-focused, and adversarial in nature, undermining the prospect of students' development" (p.51). Therefore, this research, from a feminist legal lens, focused on the importance of student development, growth and equity over the procedural, compliance aspects of the process. This research sought to understand the entire structure in order to make progress in understanding whether a restorative justice process offers a more meaningful process and promotes more gender equity than a Model Code procedure.

It is also important to highlight the existing and perceived aspects of power that are incorporated into the structure of adjudication processes. Mahlstedt (1999) suggests that "there is the perplexing problem of relationality, power, and equality among people of clearly different status and power positions" (p. 112). When considering the structure and procedures of a Model Code process and individuals involved (i.e. university administrators, reporting and responding parties, and in some cases, attorneys) the existing structure creates a power imbalance not only between the reporting and responding party, but between parties and administrators. Mahlstedt (1999) also states, "concepts such as shared power, consensual decision making, and empowerment are central feminist discourses of power" (p. 113). Restorative justice, unlike Model Code processes, offers a procedural framework that reduces or eliminates power

differences while engaging in dialogue and discussion about the harm caused. “Consensual decision making” as Mahlstedt (1999) refers to it, is identified in restorative justice through the method of developing a mutually agreed upon outcome in which both parties are empowered to create and contribute to a meaningful resolution, re-establishing a shared power in the process. The restorative justice process also seeks to restore power for the reporting party through these methods. Experiences of sexual misconduct take the power away from the reporting party and the restorative justice process attempts to return it by allowing the reporting party to make determinations and decisions regarding their own participation, their engagement in the process, and the outcome that focuses on repairing the harm caused, and the prevention of the harm re-occurring.

Feminist legal theory establishes a need for change within such systems while creating systemic social change. According to Aklan (2012), “One of the main aims of feminist legal theory is to challenge and to reform existing processes” (p. 162). The study addressed whether restorative justice would be a utilized and meaningful process including whether processes were perceived to be fair and equitable. This exploration elucidated the experiences and perceptions of reporting and responding parties and provided insight about whether to implement and/or encourage change among existing university and college adjudicatory processes. This would create a new avenue for institutions of higher education to further address behaviors, while creating behavioral changes among responding parties. As a result, institutions of higher education may find greater participation in adjudication procedures for sexual misconduct cases, thus shifting campus climates and creating systemic social change that promotes the reporting of sexual misconduct experiences, enacts gender equitable processes, and advances trauma-informed practices for the purposes of long-term healing, closure and behavioral change.

Survey Approach

This research assessed the perceptions and experiences of reporting and responding parties and whether they would choose to participate in a restorative justice process. As this form of resolution is not currently available on most university and college campuses, the purpose was to collect data to enhance our understanding of whether students would view this option as beneficial. Gathering data on their perceptions of restorative justice processes and their experiences with Model Code processes will provide insight about whether to implement and/or encourage change among existing adjudicatory processes. The research questions for this study were:

1. What do reporting and responding parties hope to gain from or have resolved in an adjudication process?
2. What are the experiences and perceptions of reporting and responding parties regarding Model Code processes for adjudicating sexual misconduct cases?
3. What are reporting and responding party's experiences and perceptions of restorative justice processes?

The methodological approach for this study captured the experiences and perceptions of participants by employing a survey design to gather both open-ended and quantitative data. Hesse-Biber (2014) stated a researcher “must embrace multiple methodological approaches to capture the complexities and nuances in the lives of individuals and the experiences of groups of people” (p. 163). The survey approach allowed for a more in-depth exploration of the data, providing participants an avenue to use their own words, offering additional context to the subject matter being studied.

The survey approach was utilized because it allowed for an increased probability in obtaining open-ended survey data. This approach allowed the opportunity for participants to provide responses to both closed-ended and open-ended questions.

The use of a survey approach allowed for the collection of diverse data types in order to better understand the perceptions and experiences of participants. The use of a web-based survey was implemented to collect participant responses and narratives.

Design Rationale

This study originated from the implementation of the Title IX Regulations in 2020 and the increased interest in restorative justice practices on university and college campuses. This research began preliminarily with a mixed methods approach that incorporated qualitative interviews in the design. Prior to finalizing the methodology of this research, universities across the state were contacted to gauge participation levels. It became obvious that implementing this survey and conducting interviews with participants across multiple public institutions would not be feasible, mainly due to a lack of willingness of institutions to participate in a study that addresses a sensitive topic. One of the 16 institutions contacted agreed to implement this research via their Title IX Campus Climate Survey.

The design of this research shifted from a survey and interview approach to solely a survey. Part of the decision was made due to my role as a researcher and a desire to eliminate any direct contact between myself and participants. This allowed for participants to provide anonymous responses and feedback about their personal experiences and perceptions. Considering my role as a practitioner, there may have been a chance that a participant could have known me, or worked with me in my professional capacity (see Role of Researcher). The survey was also administered during the time of the evolving COVID-19 pandemic when institutions of higher education were shifting their academic coursework to online delivery and closing down

residence halls. Due to the chaos, anxiety and stress surrounding the pandemic, along with the shifting nature of academic coursework and concern for a lack of participation in interviews, qualitative data collection through interviews was eliminated from the methodology. The end result, was a survey utilizing closed-ended and open-ended questions as a means to collect both data. The survey was implemented through the software program Qualtrics in collaboration with the Office of Title IX Compliance, the Director of Assessment for Student Affairs, the dissertation committee and the Department of Institutional Research and Planning. The university offices were involved because the questions were administered as part of the campus-wide Title IX Campus Climate survey.

During the time of execution of the survey the institution had a change in leadership in the Office of Title IX Compliance. In addition, as a result of the pandemic, the institution participating in this research, along with numerous institutions across the United States transitioned their in-person courses to remote learning. The survey was deployed via email from the Title IX Coordinator in the spring 2020 semester to 5,237 enrolled senior students and again in the fall 2020 semester to 19,800 enrolled undergraduate, graduate and distance education students, totaling a population of 25,037 enrolled students. The deployment of the survey in the spring 2020 semester focused on enrolled senior students because the university was in a period of transition to on-line course delivery due to the pandemic stay-at-home orders. Seniors had approximately three years of on-campus experience that could be relevant to this research. The decision was made to administer the survey to the senior class in hopes of gaining additional data. The survey was open and available for approximately one month at each iteration and eligible participants were sent three email reminders to complete the survey. Of the 25,037 participants, 2,028 responded, yielding a response rate of approximately 8%.

The Office of Title IX Compliance funded incentives for this research in an effort to increase response rates. This is a routine practice when administering the Campus Climate survey at this university. Participants were offered an opportunity to enter their name into a drawing as an incentive for their participation. This opportunity was presented at the conclusion of the survey and participants were directed to a separate form to ensure their contact information was not linked with the survey responses. Once the study was completed, a list of individuals who entered their name into the drawing was provided to the Office of Title IX Compliance. Names were randomly selected utilizing a random number generator via Google. Winners were contacted by the Office of Title IX Compliance.

Challenges to Design

Although there were many advantages to utilizing a web-based survey, there were also some disadvantages including the complexity of the questions, interpretation errors, and survey fatigue. Steps were taken to address these prior to survey distribution.

The development of the survey itself was challenging as there was a need to use different language in the questions depending on how the participant identified (i.e., as a reporting party or a responding party, and sometimes both). Beyond terminology, establishing efficient skip patterns within Qualtrics was complex.

Students are not generally knowledgeable about adjudicatory processes and restorative justice since the majority of students never go through such a process. Therefore, it was important to provide a level of educational material throughout the survey. These materials included scroll-over definitions allowing a student to place their cursor over a word enabling a definition to appear. The survey also provided information about both Model Code and restorative justice processes, which included scenarios and an overview of each process. These were provided to students in written and audio format.

One aspect to survey research on university and college campuses is understanding that students receive multiple web-based surveys throughout an academic year, leading to what many practitioners call “survey overload and fatigue.” To address this concern, the Department of Institutional Research and Planning scheduled the dissemination of the survey at a time where students were not being asked to participate in other university-related surveys. Although this was a simple step to address this concern, a different concern regarding survey fatigue (survey length), was not able to be corrected. The original survey had a 46-minute estimated time of completion. After reviewing the survey and making as many adjustments as possible, the estimated time of completion lessened to 30-minutes. The Department of Institutional Research and Planning suggested that in order to increase the response rate, surveys generally should have a 10-minute completion time. This was not possible for this particular survey due to the nature of the topic being studied along with the desire to also gather open-ended survey responses. The open-ended survey questions were intentionally created to present opportunities for individuals to share personal experiences and for a broader audience to make meaning of those experiences (Levitt & Verchick, 2016).

Role of the Researcher

Due to my professional background, it is important to identify how my role as a researcher influenced the context of my study and how I maintained neutrality through the process of data collection and analysis. I have worked in higher education for the past 12 years with responsibilities tied to Title IX. I have served as a Conduct Counselor for sexual misconduct cases through Model Code proceedings, as a Case Manager specializing in interpersonal violence providing support and resources to reporting and responding parties, and currently serve as a Title IX Coordinator overseeing response and compliance with Title IX-related concerns. Although this study originated from the implementation of the Title IX Regulations in 2020 and

the increased interest in restorative justice practices on university and college campuses, my interest in conducting this research derived from my professional employment experiences and my commitment to enhancing processes for Title IX-related concerns.

Personally, and professionally, I have witnessed students (both reporting and responding parties) go through investigations and subsequent conduct proceedings. I have seen students unwilling to report because of fear they will not be believed, the process being retraumatizing, or the process taking too long. At the core of this research is my desire to inquire about restorative justice as an alternative method for addressing sexual misconduct concerns, while also exploring what reporting and responding parties are seeking in a disciplinary process. This may create a pathway for institutions to develop an additional option for resolution of sexual misconduct cases. Based on my role as a practitioner and researcher, intentional steps were taken throughout the development, implementation and analysis of this study and are described below.

As a feminist researcher, I believe in creating a safe space for participants to share their honest feedback, experience and perceptions. This led to the development of a survey that would allow for reporting and responding parties to anonymously provide information in order to educate me, as the researcher, and those who opt to read this dissertation. I rely heavily on hearing from those who had experiences and are able to bring forward new knowledge about the research topic, while integrating pre-existing knowledge from a variety of literature.

As a feminist researcher, I also value the experiences and perceptions of others in order to create a method of data collection that is inclusive. The development of the survey was a collaborative effort. I began this process by drafting a survey and requesting feedback from the Title IX Coordinator. Adjustments were made based on recommendations from the Coordinator in addition to incorporating questions that met the needs of the Campus Climate Survey. The

survey was then shared with my dissertation committee, the Director of Assessment for Student Affairs and a staff member from the Office of Institutional Research and Planning, where additional feedback was provided. The final survey draft was shared with the Institutional Review Board. This collective strategy provided the opportunity to adjust language, incorporate feedback on the development of questions from those with and without knowledge of the topic being studied, and to gain feedback on the study and survey instrument. The result of this effort mitigated research bias and promoted impartiality throughout data collection.

As the researcher, I did not disseminate the survey and instead the Title IX Coordinator sent an email (see Appendix A) inviting participants to complete the survey. In addition, the Office of Title IX Compliance utilized fliers to promote the Campus Climate Survey (see Appendix B). This was intentional based on my practitioner roles during the time of survey distribution and a need to separate myself from participants as much as possible. The responses from the survey were collected and maintained through the software program Qualtrics, with only myself, the Office of Institutional Research and Planning, and my dissertation chair having access. By distancing myself from participants and relying on feedback and guidance from specialists in research design and analysis I was able to objectively gather data, conduct analyses and report outcomes while mitigating any biases.

A staff member from the Office of Research and Design assisted helped analyze the data via frequency measures, and theme coding independently. We then compared our results, locating and resolving any discrepancies. I shared my interpretation of the data and identified results associated to the research questions.

Ethical Issues

Hesse-Biber (2014) identifies that “one cannot separate a single portion of one’s identity from the rest” and therefore recognizing a researcher’s own experiences and knowledge has

impact on the formulation and construct of research (p. 165). Consequently, it is important to identify how my own values, subjectivity and experiences have led me to this research. I will address any influence my experiences and knowledge, also known as reflexivity, may have had on my study and how these were addressed to ensure the integrity of the research.

As described earlier I have 12 years of experience in higher education as a Student Affairs practitioner serving in various roles including Student Conduct, Case Management and Title IX. I identified a need for change in order to address the systemic barriers to reporting and to increase pathways for reducing incidents of sexual misconduct. Although I have no personal gain in conducting this research, I do have a commitment to enhancing processes related to Title IX concerns. I seek to create an alternative approach to adjudicating and addressing sexual misconduct on university and college campuses. Developing a process that addresses current gender-inequities could increase reporting of sexual misconduct, and thus make a larger impact on addressing the systemic perpetuation of rape culture that often hinders reporting. This research is about addressing the social injustices that occur within incidents of sexual misconduct, and the existing processes to address such incidents. Without change, sexual misconduct will continue to be under-reported, which will only maintain the status quo. This research is about enhancing opportunities to address Title IX-related concerns so that colleges and universities can begin to think differently about not only how we address these types of concerns through an adjudication process, but how we respond to and prevent incidents of sexual misconduct.

Creswell and Creswell (2018) state that ethical issues arise through the implementation of research starting at the point when a researcher identifies a topic through reporting and sharing data. They suggest that ethical concerns should be considered and anticipated at every point in

the research process (2018). One of the very first steps I took to address these anticipated ethical issues was submitting my research to the Institutional Review Board at Appalachian State University. The process required me to consider any potential risks to participants, identify any special needs of the population being studied, and ensure that participants were fully knowledgeable about the purpose of the study, assured of anonymity and provide an opportunity to consent to participate without pressure or influence.

My study served as a Southeastern mid-sized public university's Title IX Campus Climate survey. The survey itself was voluntary and all responses were anonymous. This was intentional due to my professional roles during the time participants would have been students at this institution, I could not guarantee they would not have known me in one of those capacities. Therefore, the Title IX Coordinator at this institution sent out the survey to participants and served as the point of contact for questions or concerns, allowing me to distance myself from participants.

One ethical concern anticipated within this study was the collection of sensitive information. The study specifically asked participants to report on the type of sexual misconduct they experienced and/or were alleged to have engaged in, where the experience took place, whether they sought resources and supports, and whether they reported the misconduct with the intention of pursuing a disciplinary process. Open-ended questions provided an opportunity to share information about their own experiences using their own words without restriction. Although the data collected through this survey was not connected with information that could be used to identify participants, some participants shared information specific to their experience, and sometimes disclosed their name. These identifiers were removed from the data.

Another ethical concern entering into this research was the ability for me to be sensitive to the needs of participants. Recognizing the study would ask questions that may cause participants to think about their experiences, there was a need to ensure the emotional well-being of those who completed or attempted to complete the survey. To address this concern, a list of resources was provided to participants including the Office of Title IX Compliance, the Office of the Dean of Students, and confidential services through Counseling and Psychological Services and the local domestic and sexual violence resources center. In addition, because individuals opt to report at various times following an incident of sexual misconduct, resources for reporting to the university and to local law enforcement were provided.

During data analysis, I opted to work closely with the Office of Research and Design in order to code and examine the data. I entered into the study with the perception that participants would identify restorative justice as a process they would utilize and find meaningful. With identifying this bias, I intentionally incorporated the assistance of this office to enhance the ethical integrity of the analysis.

Data Source

The data source for this study consisted of a web-based survey. The survey was created in partnership with myself as the researcher, the Title IX Coordinator, the Office of Institutional Research and the previously established survey instrument from a study on the STARR Project (2014). I contacted Dr. David Karp, coauthor of the STARR project and received permission to utilize and adjust the STARR survey (Appendix C) to meet the needs of the current study. The survey instrument was revised for this study to reframe questions to include participant perceptions. In addition, some questions were excluded from this study's survey as they did not pertain to this study. For example, questions regarding appreciation for staff, administrators and security officers were removed because these questions were not focused on actual process. A

question regarding whether an opportunity to provide a sincere apology was given was also removed because the Model Code process does not always result in an outcome that includes an apology. The survey for this study can be located in Appendix D.

Participants and Selection

Participants in this study included the population of currently enrolled students at a Southeastern mid-sized public university. This site was selected due to feasibility and easy access to a data source.

Students were notified of an opportunity to participate in this study via email and electronic advertising through the Office of Title IX Compliance's social media. Due to the national pandemic, in-person recruitment, such as a tabling event, were not permitted because of social gathering and social distancing orders enacted by the state Governor.

Participants were provided a Consent to Participate (see Appendix E) and were informed of the nature and purpose of the study. Participants had to be 18 years of age or older and currently be enrolled as a student at the site university. Participants were advised the survey would take approximately 30 minutes to complete and would be a web-based survey.

Students were informed that at the end of the survey there would be an opportunity to submit their name, email and phone number into a lottery for a chance to win a 10oz Yeti Rambler, a \$10.00 gift card to University Dining Services, or a university throw blanket. The lottery submission was a separate form, allowing specific survey responses to remain anonymous. The Office of Title IX Compliance distributed the incentives to eligible participants, so the researcher was not privy to this information.

Students were advised the data collected through the survey would not be connected with information that could identify participants. The collection of data occurred through the software program Qualtrics. Students were informed that although Qualtrics can track IP addresses, this

feature was disabled, therefore IP addresses would not be traceable or linked to participant survey responses. Students were made aware that data collected from the survey would be stored on a password-protected computer and in FileLocker, a secure web-based document folder. These additional assurances were necessary given the nature of the data being collected.

Students were also informed that their involvement in the survey was completely voluntary and they were free to withdraw consent and discontinue participation in the study at any time without penalty or explanation. Students were also notified that once they submitted their responses, they would not be able to rescind consent due to an inability to identify survey responses with a specific participant.

The Office of Institutional Research and Planning provided the email addresses for 25,037 undergraduate, graduate and distance education students. 2,028 students responded to the survey. The data was then cleaned in order to identify the population of participants who identified an experience or allegation of sexual misconduct. After the data was cleaned, 204 participants were identified as a reporting and/or responding party. The data was collected via a web-based survey developed through a software program called Qualtrics.

Recognizing the study would ask questions that may cause participants to think about their previous experiences, there was a need to ensure the emotional well-being of those who completed or attempted to complete the survey. Therefore, a list of resources was provided to participants including the Office of Title IX Compliance, the Office of the Dean of Students and confidential services through Counseling and Psychological Services and the local domestic and sexual violence crisis center. In addition, because individuals opt to report or submit a formal complaint at various times following an incident of sexual misconduct, resources for reporting through the university and through law enforcement were provided.

IRB Procedure

The study, including recruitment, methodology and survey was approved by Appalachian State University's Institutional Review Board on April 15, 2020. The IRB number for this study is 19-0198. The IRB determined a full review of the study was warranted based on the sensitive subject matter and potential emotional and mental health risks to participants.

Data Coding and Analysis

Data was collected over the course of two time periods, was coded collectively as one sample, and contained both open-ended survey and quantitative data. The open-ended survey and quantitative data were coded and analyzed separately and then merged during data analysis. The methods for data coding were identified after an initial, independent review of the results by both me and a staff member from the Office of Research and Design. The quantitative data was analyzed utilizing non-parametric statistics including frequencies and the open-ended survey data was coded utilizing strategies outlined by Creswell and Creswell (2018) by identifying themes utilizing a thematic network strategy.

Quantitative Data

The Mann-Whitney U T-Test was utilized due to the small sample sizes and does not require a normal distribution. The quantitative data analysis was performed on Model Code and restorative justice processes.

The quantitative data also consisted of non-parametric statistics utilizing a descriptive analysis through frequencies. Descriptive statistics frequencies and means were analyzed in order to understand responses to specific questions. The quantitative data analysis was performed on reporting and responding party responses separately in order to more clearly distinguish the similarities and differences based on the participants role in a process. Scaled responses to closed-ended questions were analyzed based on the process (i.e., participation in Model Code

versus restorative justice). This was due to small and disproportionate sample sizes between reporting and responding parties. In addition, this analysis supported the purpose of the research in addressing whether a restorative justice process would be more meaningful and utilized compared to a Model Code process.

Open-Ended Survey Data

The open-ended survey data derived from the open-ended questions was coded utilizing strategies outlined by Creswell and Creswell (2018) and were further supported by Tesch's (1990) eight steps to coding. The first step taken to code the open-ended survey data consisted of identifying the open-ended questions and consolidating participant responses into a single document. Akinyode and Kahn (2018) suggest the importance of "reduc[ing] the data by sorting out the information...into manageable and meaningful...segments" (p. 166). This included reading through the responses to gain a "general sense of the information and an opportunity to reflect on its overall meaning" (Creswell & Creswell, 2018, p. 193). Notes were taken about the overall observations of the responses in order to prepare for the identification of themes and categories, which involved sorting and arranging the data. This process was conducted multiple times to ensure all data was captured. A portion of an example is below:

Question 19e- Whether you chose to report or not, what did your expectations of such a process include?

1. Talking to the student accused
2. Depending on severity, punish them for that behavior
3. Supporting the victim and letting them know it wasn't their fault
4. Encouragement to seek counseling
5. A legitimate investigation- I and the accused should be interviewed
6. If enough evidence, the person should be punished accordingly

7. A no contact directive/restraining order
8. I would have no idea what to expect
9. I don't want to be scared of intimate contact anymore
10. The person would need to have the utmost concern for the survivor
11. Any judgement about the situation would need to be kept to themselves.
12. Needs to be a choice of what gender you can report to make the survivor more comfortable
13. Understand and support me. I don't feel that is often the case though
14. I would expect it to be embarrassing and cumbersome
15. I would want to be quickly resolved
16. To be just and fair
17. The responsible party reprimanded and has their actions recorded for future reference
18. They would not anything.
19. Knowledge of others being shrugged off and not offered any additional follow up and more pressure on them than the perpetrator of the event
20. The survivor would be forced to tell their story, fact checked
21. Perpetrator was scotch free and living life to the fullest

The next phase of coding consisted of identifying commonly used words, phrases and sentences from the text data. "Data coding in qualitative research means assigning labels or codes to different section texts" (Akinyode & Kahn, 2018, p. 166). As commonalities arose in the text data, they were arranged into groups for further review. The common groups identified for one of the questions is below and a full review of open-ended survey responses along with color coding of the data can be found in Appendix F:

Question 19b- Please describe in detail your decision not to report:

1. Process
2. Accountability
3. Support and Advocacy
4. Unbiased
5. Education
6. Confidentiality/Privacy/Anonymity
7. Negative Feedback
8. Trauma Informed Care/Practice
9. Recidivism
10. Unsure/Nothing
11. Interim Measures

A thematic network allowed for the identification of global themes (most common), organizing themes (second most common) and basic themes (least common) (Akinyode & Kahn, 2018). This strategy allowed for a more in-depth analysis of the open-ended survey data. After all text data was grouped, they were then assigned a theme name. Utilizing a thematic network, the themes were graphed and a final review of the open-ended survey data took place. The thematic network allowed for more easy identification of missed themes. The structure utilized for the Thematic Network is in Figure 1, and an example of a Thematic Network from this study is in Figure 2.

Figure 1

Structure of a Thematic Network (Source: Attride-Stirling, 2001)

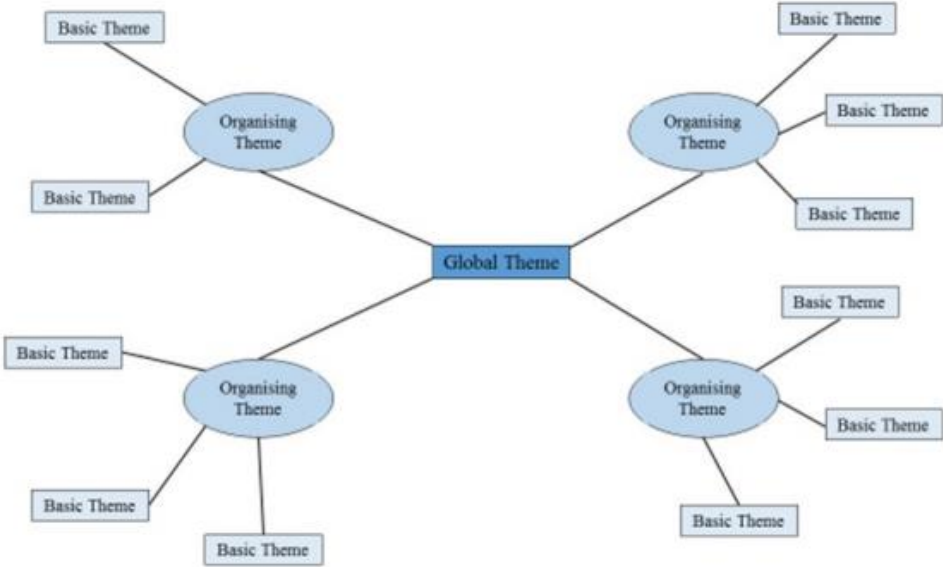
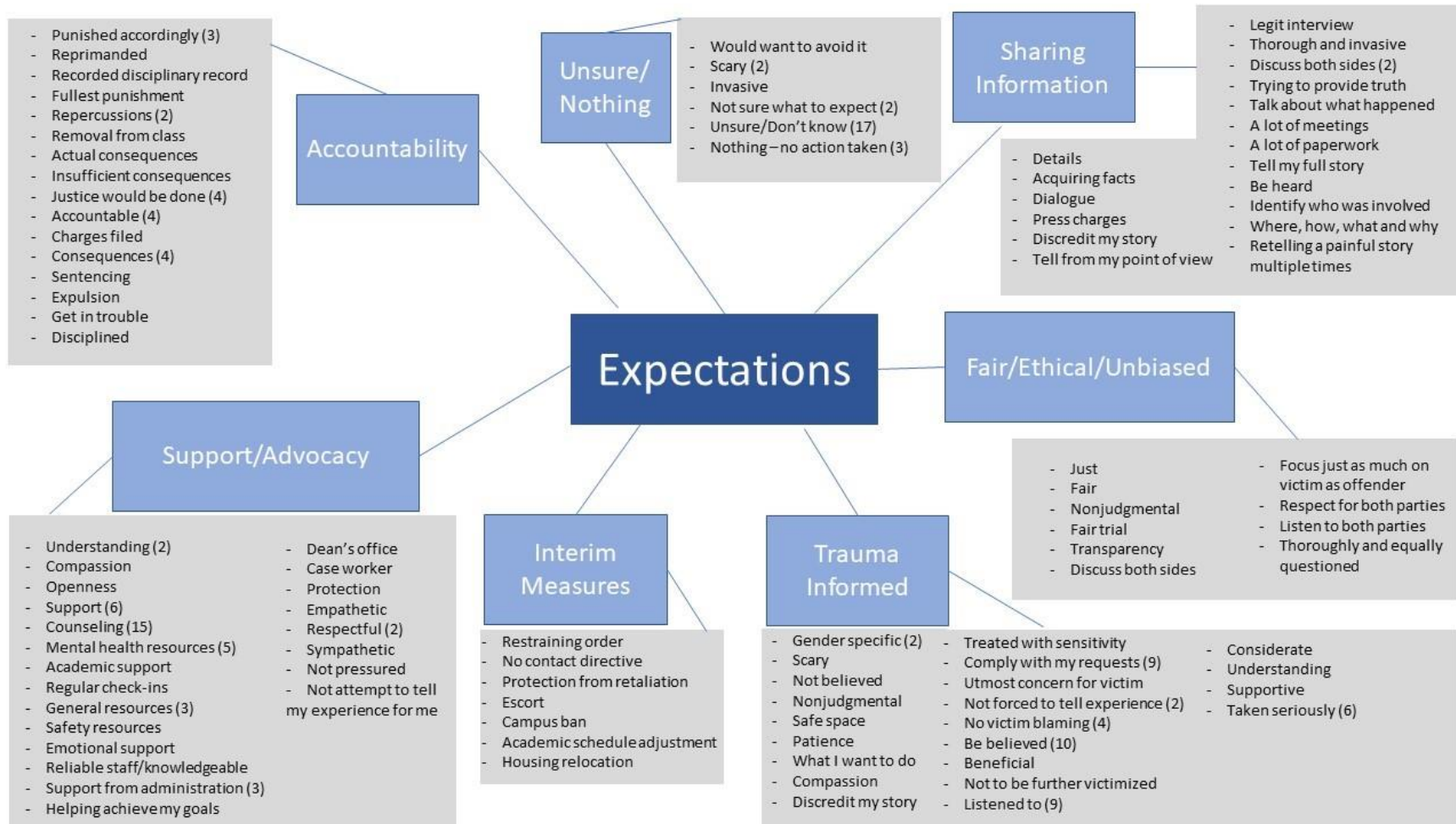


Figure 2

Thematic Network- Question 19b



The themes were then placed into categories and compared to the research questions to further distinguish their relation with the study. Upon doing so, additional themes and categories were identified. Lastly, the categories were reviewed to identify any interrelationships they may have with one another. The categories were then simplified into codes and placed in order starting with the theme that had the most responses.

Once coding was completed, my results along with the results of a staff member from the Office of Research and Design were shared, compared, and evaluated. Collaboratively, the coding was finalized.

Validity and Reliability

Ensuring the validity, reliability and authenticity of findings is an integral part of any research. To ensure the validity and reliability of the findings in this study, a pre-existing survey was used, and additional steps were taken to ensure the authenticity of the findings including the presentation of information and findings, the employment of an external auditor, and the identification of my reflexivity as a researcher. Details regarding these steps are provided below.

Validity

The survey for this study was derived from the pre-existing survey administered through the STARR project. The STARR Project survey was developed by Karp and Sacks (2014) and was formulated using previously established research from Bazemore and Elis (2007), Dannels (1997), Howell (2005), Mullane (1999) and Stimpson and Stimpson (2008) in order to ensure the validity of the survey questions. (Karp & Sacks, 2014, p. 162). In addition, the survey was piloted with small groups prior to its formal distribution to further ensure validity. I adjusted the original STARR survey to meet the needs of the current study with permission of Dr. David Karp, co-author of the STARR project. Questions were only slightly altered to meet the current needs of the study and were not altered in a way that affected the meaning of the question,

therefore there was not a need to re-establish the validity of the survey instrument. For example, questions were not altered in relation to asking participants about their experiences in a process, but all questions were reformatted to incorporate participant perceptions since the STARR project survey did not include this.

Reliability

According to Somekh and Lewin (2011), reliability is “the term used to mean that the truth of the findings has been established by ensuring that they are supported by sufficient and compelling evidence” (p. 328). One method for addressing reliability is the use of Cronbach’s Alpha Test. The test measures the internal consistency of the data and how closely related the questions are to one another. This analysis was conducted separately for both scaled responses in regards to perceptions and experiences in Model Code and restorative justice processes.

The result of Cronbach’s Alpha test for both perceptions and experiences indicates a high level of internal consistency. For the purposes of this test, a reliability coefficient of .70 or higher is considered “acceptable” (Institute for Digital Research and Education, 2021). The results for this study show a high internal consistency (perceptions: $\alpha = .980$; experiences: $\alpha = .959$) meaning the items, as a group, were closely related.

CHAPTER 4: RESULTS

Introduction

This study employed a survey design approach in order to explore the experiences and perceptions of reporting and responding parties in college and university adjudicatory processes related to sexual misconduct cases. The purpose of the study was to understand whether restorative justice would be a meaningful and utilized process to adjudicate sexual misconduct cases. The collection of both quantitative and open-ended survey data sought to address the research questions, and the results are described throughout this chapter. The chapter begins with a description of participants including demographics and characteristics. Following this description, the research questions will be presented along with both quantitative and open-ended survey results.

Participants

The survey was administered during the spring 2020 semester to 5,237 participants holding senior classification and again in the fall 2020 semester to 19,800 participants including all undergraduate, graduate and distance education students. Of the total 25,037 potential participants, 2,028 responded, yielding a response rate of approximately 8%. The 2,028 responses were then reviewed to categorize participants who identified themselves as a reporting and/or responding party to sexual misconduct. Of the 2,028 participants, 190 identified themselves as having experienced some form of sexual misconduct (reporting party) and six identified themselves as having been alleged to have engaged in acts of sexual misconduct (responding party). Four identified themselves as both a reporting and a responding party, bringing the total number of reporting parties to 194 and responding parties to ten. A total of 1,824 participant responses were excluded for the purposes of this study because the survey included questions for the university's Campus Climate Survey, which were not part of the

current study. Therefore, anyone who identified as having experienced or alleged to have engaged in incidents such as relationship violence or stalking were excluded from data analysis as these types of incidents do not fall under sexual misconduct. In addition, any participant who indicated they had neither experienced nor had been alleged to have engaged in sexual misconduct were also excluded.

Demographics

The demographic questions of the survey were required and focused on ethnicity, gender, sexual orientation, student classification, enrollment, and engagement with clubs and organizations (see Table 1). The overwhelming majority of participants in this study identified as white (85%), female (84%) and enrolled in main-campus courses (71%). More than half identified as heterosexual (57.5%) and 29% identified as bisexual. The majority of participants identified themselves to be Junior/Third Year (23.5%) or Senior/Fifth year students (38.5%). One third (%) of participants stated they were involved in at least one student run campus organization.

The categories for the question regarding a participant's ethnicity were developed utilizing pre-existing categories used in the site institution's division of Enrollment Management. Four percent of participants selected "Other," all of which identified themselves as mixed or multiracial.

The answer options regarding gender and sexual orientation were co-developed by the researcher in collaboration with student leaders in the LGBTQ+ Center at the site institution. This was intentional in order to be inclusive and to ensure the answer options captured an array of gender and sexual orientation identities. The eight participants who selected "An Identity Not Listed" had the opportunity to provide a text response. These participants identified their sexual

orientation as androphilia (.5%), biromantic heterosexual (.5%), demisexual (.5%), pansexual (1.5%) and queer (1%).

Table 1

Demographics of Participants Based on Identification of Role

Demographics	n	%	Party Affiliation		
			Reporting Party (n)	Responding Party (n)	Both (n)
Ethnicity					
Black/African American	4.0	2.0	4	0	0
Caucasian	169.0	84.5	160	6	3
Hispanic or Latinx	12.0	6.0	12	0	0
Other Identity	8.0	4.0	8	0	0
Prefer Not to Disclose	7.0	3.5	6	0	1
Gender Identity					
Agender	1.0	.5	1	0	0
Gender Queer	2.0	1.0	2	3	0
Man	16.0	8.0	11	0	2
Non-Binary	6.0	3.0	6	0	0
Transgender Man	4.0	1.0	4	0	0
Transgender Woman	1.0	.5	1	0	0
Woman	168.0	84.0	163	3	2
Prefer Not to Disclose	2.0	1.0	2	0	0
Sexual Orientation					
Bisexual	58.0	29.0	57.0	1	0
Gay/Lesbian	7.0	3.5	7.0	0	0

Demographics	n	%	Party Affiliation		
			Reporting Party (n)	Responding Party (n)	Both (n)
Heterosexual	115.0	57.5	108.0	5	2
Prefer Not to Disclose	12.0	6.0	10.0	0	2
Any Identity Not Listed	8.0	4.0	8.0	0	0
Student Group/Organization					
Athlete	6.0	3.0	6.0	0	0
Fraternity/Sorority	34.0	17.0	32.0	1	1
Religious Organization	12.0	6.0	10.0	1	1
Spiritual Organization	5.0	2.5	5.0	0	0
Student Run Club	61.0	30.5	57.0	2	2
None	59.0	29.5	57.0	2	0
Other	23.0	11.5	23.0	0	0
Classification					
Freshman/First Year	26.0	13.0	25.0	1	0
Sophomore/Second Year	34.0	17.0	32.0	1	1
Junior/Third Year	47.0	23.5	45.0	2	0
Senior/Fourth Year	77.0	38.5	72.0	2	3
Graduate	14.0	7.0	14.0	0	0
Other	2.0	1.0	2.0	0	0
Enrollment					
Distance Education	58.0	29.0	54.0	2	2
On Campus	142.0	71.0	136.0	4	2

Reporting Parties

Of the 200 participants, 194 identified themselves as having experienced some form of sexual misconduct (reporting party) while enrolled as a student at the university (see Table 2). Sexual misconduct includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse and/or sexual exploitation. The majority of participants reported experiences of sexual harassment (68%) and/or non-consensual sexual contact (60%).

Table 2

Experiences of Sexual Misconduct

Sexual Misconduct	Frequency	Percentage
Sexual Harassment	131	68
Non-Consensual Sexual Contact	117	60
Non-Consensual Sexual Intercourse	51	26
Sexual Exploitation	24	12

Interference with Academics and Participation in Extra-curricular Activities

For participants who reported experiencing sexual harassment (n=131), 28% stated that their experience interfered with their academic performance or participation in extra-curricular activities, while 52% responded that it did not (see Table 3). When it came to experiences of non-consensual sexual contact (n=117), 38% of participants reported that the experience interfered with their academics or participation in extra-curricular activities. The highest rate of responses for an experience of sexual misconduct interfering with a reporting party's academics or participation in extra-curricular activities was found among those who experienced non-consensual sexual contact (62%) and sexual exploitation (75%).

Table 3*Interference with Academics and Participation in Extracurricular Activities*

Sexual Misconduct	Frequency	Percentage
Sexual Harassment	37	28
Non-Consensual Sexual Contact	32	38
Non-Consensual Sexual Intercourse	32	62
Sexual Exploitation	18	75

Reporting Only to Seek Support and Resources

Participants were asked whether they told a faculty or staff member about their experience of sexual misconduct with the intention of seeking support and resources (see Table 4). The majority of participants (77%) indicated that they did not, while 18% responded affirmatively. Of the participants who sought support and resources, 59% utilized the on-campus Counseling Center, 35% utilized the Office of Title IX Compliance, 32% utilized the Office of the Dean of Students and 3% utilized a local domestic/sexual violence resource agency. In addition, 78% of participants requested adjustments to their course schedules (8%) and/or their academic course requirements (11%), a housing relocation (19%) and/or notification to their faculty regarding academic concerns including class absences (41%).

Table 4*Utilization of Support and Resources*

Support/Resources	Frequency	Percentage
On-Campus Counseling Center	22	59
Office of Title IX Compliance	13	35
Office of the Dean of Students	12	32

Support/Resources	Frequency	Percentage
Off-Campus Resource Agency	3	8
Academic and Living Adjustments	29	78

Of the participants who did not tell a faculty or staff member about their experience of sexual misconduct with the intention of seeking support and resources, 49% indicated they did not believe that what happened was serious enough to tell anyone, 43% reported that it was a private matter that they wanted to cope with on their own, and 36% stated that they did not think others would take it seriously. Participants also identified not seeking support and resources because they felt it was their fault (31%), were embarrassed (31%), thought they would be blamed for what happened (31%), or were afraid of not being believed (29%). Less common reasons for not seeking support and resources included participants not knowing what resources to utilize (13%), thought people would try to tell them what to do (12%) or were afraid they or another person would get in trouble (11%) (see Table 5).

Table 5

Themes for Not Seeking Support and Resources: Reporting Parties

Theme	Frequency	Percentage
Not Serious Enough	95	49
Private Matter	83	43
Not Taken Seriously	70	36

Choosing Not to Seek a Student Conduct Process

Participants were also asked whether they reported their experience of sexual misconduct to a faculty or staff member with the intention of seeking a student conduct process to hold the responding party accountable (see Table 6). The majority of participants (87%) responded that

they did not report their experience with the intention of seeking a student conduct process. Participants were asked to describe in detail their decision not to report to the university with the intention of seeking a student conduct process. Themes derived from participant responses included not reporting for personal reasons (24%), not feeling their experience was serious enough to report (22%), the reputation of the university in handling reports of sexual misconduct (15%), or the identity of the responding party (15%).

Table 6

Themes for Not Reporting

Theme	Frequency	Percentage
Personal Reasons	44	24
Experience Not Serious Enough	40	22
Reputation of Cite University	28	15
Identity of Responding Party	27	15

Personal Reasons

Of the participants who responded to this question, 24% indicated that they chose not to report their experience of sexual misconduct because of personal reasons. Thirty-six percent of these participants shared they wanted to solve the concern on their own. Solving on their own meant either taking personal action such as addressing their experience directly with the responding party, not doing anything at all, or seeking out support to help them process their experience without filing a formal report. Participants shared seeking the support from family and friends as well as mental health counseling as a means to “cope” and “move forward.” One participant stated, “Almost everyone I know experiences sexual harassment or unwanted contact- and almost everyone I know just manages it on their own.” Another participant shared,

I wished to forget about the matter as quickly as possible and did not want to have any more reminders of the incident. I went to the perpetrator myself and told them how what they did affected me, and that was all the closure I needed.

Other participants shared, “I didn’t feel comfortable talking about it and was able to cope on my own” and “the people I was friendly with at the time helped me cope with it.” A male identifying participant acknowledged not reporting their experience because they “didn’t feel it was necessary because of my gender.”

Embarrassment was commonly referenced by participants as a reason they chose not to report their experience of sexual misconduct. One participant stated,

I felt really stupid that it happened to me and was embarrassed that I got myself in that situation where an incident happened. I have always been strong and confident and never thought something like that could happen to me. When it did I was just in shock and didn’t think anyone would believe me. I also didn’t want to disappoint anyone because I felt like I was always strong enough to protect myself and that people in my life would consider me weak and be disappointed if they found out that I wasn’t able to protect myself.

Few participants indicated that they felt uncomfortable talking about the incident with others and that it was a private matter for them to handle on their own. Other reasons identified by participants were that they felt reporting was too much to handle and time consuming which would add more stress to an already stressful and traumatic experience. One participant shared,

I feel like it would’ve caused a lot of stress on me and I feel like no one would’ve believed me because I didn’t have any evidence but what happened to me truly did

happen. I have experienced many people treat me wrong so I just dealt with it on my own.

Not Serious Enough

Less than one third (22%) of participants identified their experience as not being serious enough to formally report. Participants specifically shared that the experience was “not a big deal”, it was not “long-term enough”, it was a “minor incident” and was “not important enough to report.” One participant shared, “I felt as though it was not all that important to report. It was only a few minutes long each time and I felt I could just put it behind me.” Another person responded, “I was uncomfortable but only for a short time and I didn’t feel like it was important enough and that it would be a hassle to report and would only make the situation worse for everyone.” Commonly accompanying the response of their experience(s) not being serious enough was the fact that the process would be cumbersome and lengthy and that their experience wasn’t serious enough to go through a long process to address. One participant shared, “I felt that the issue I experienced was simply not important enough to report. I also did not want to go through the hassle of reporting it and having to talk about it to others.” Another participant expressed, “I didn’t think it was a big enough deal for everything that would come along with it.”

Reputation of Handling Reports

Another theme identified among responses regarding participant’s rationale for not reporting included the reputation of the university’s ability to handle reports of sexual misconduct. Responses included participants having a lack of trust in university administrators, observing insufficient action to reported concerns, and an overall negative experience with the reporting and adjudication process itself.

In regards to having a lack of trust in university administrators, participants shared, “I didn’t trust anyone to actually get justice,” “I did not trust [university] to treat my case with

respect and dignity,” “I don’t trust those in authority to have my best interest,” and “I am completely out of touch with the administration.”

Several participant responses that fell within this theme indicated that they had either experienced themselves or had known others to have experiences where the university took insufficient or no action in response to a reported concern of sexual misconduct. One participant shared,

the perpetrator was just able to continue their daily activities through [university] with no suspension or really hold on them at all. In both cases it seems the Title IX office just said ‘oh well he just graduated’ not holding their graduation status until completion of the case. It is very very disappointing and I know many people will not come through the Title IX office given this shrugging off and insensitive behavior.

Other participants expressed hearing of others experiences of reporting “where the victim was blamed and insufficient action was taken” or hearing “too many cases of girls reporting and no action being taken” or thinking the university “wouldn’t do anything about it.” One participant stated they had been warned about reporting experiences of sexual misconduct to the university indicating that “these things tend to be swept under the rug by [university] and I did not want support from the school if it wanted to protect my attacker.” Lastly, another participant expressed “no victim I know has gotten closure out of the reporting process, and offenders never get punished.”

Identity of Responding Party

The identity of the responding party also played a key role in a reporting party’s decision (not) to report their experience of sexual misconduct with the intent of seeking a student conduct process to hold the responding party accountable. Participants stated they chose not to report their experience when the responding party was a friend, classmate, colleague, or a romantic

partner. Due to this relationship, several participants expressed not wanting to “harm his [the reporting party] reputation,” “harm their academic performance” or “get them in trouble.” Of the 27 participants who indicated the identity of the responding party being a contributing factor to why they did not report, 26% stated the responding party in their particular experience was a stranger. A few of these participants noted that they did not know the individual’s name and wouldn’t be able to identify the responding party. One participant in particular shared, “I didn’t know the student’s name and I didn’t want to get him confused with someone else and get them in trouble.” Others shared that they did not report because the responding party was well known within their friend group and community, or due to the responding party’s status on campus such as being a well-recognized athlete. One participant shared, “the boys are members of the football team and I knew that their status as such put them in a position for me to be silenced in order to avoid any consequential action being taken against them.” Another participant stated, “He was well known in my residential learning community and I didn’t want to lose my friends.”

Choosing to Seek a Student Conduct Process

Of the 200 participants, 8% of participants indicated they reported their experience of sexual misconduct with the intention of seeking a student conduct process to hold the responding party accountable. When it came to participating in the student conduct process, six percent of respondents indicated they participated fully in the process. Seven participants engaged in an informal resolution, while nine participated in a formal resolution process.

For those who did report their experience with the intention of seeking a student conduct process to hold the responding party accountable, they did so because they wanted to seek interim protective measures (38%), they wanted to reduce recidivism (31%); the likelihood that

the responding party would engage in the behavior again, and they believed the behavior of the responding party was severe enough to address (25%) (see Table 7).

Table 7

Themes for Reporting

Theme	Frequency	Percentage
Interim Protective Measures	6	38
Recidivism	5	31
Experience Was Serious Enough	4	25

Interim Protective Measures

Students indicated their reasoning for pursuing a student conduct process regarding their experience was due to the fact that participants felt they needed assistance with safety and feeling comfortable on campus. Twenty-five percent of participants who sought interim protective measures reported seeking what the university calls a No Contact Directive. This directive informs all parties involved that they are not to have contact with one another, whether in-person, through technology or third party. If one party violates the directive, it could result in a referral to student conduct. One participant shared, “I wanted the other party to have absolutely no contact with me from that point forward and was willing to pursue a Title IX complaint if further harassment continued.” In addition, one participant stated, “If I did not report it or seek help I would have been required to engage with this person several times a week. If I were to not report and get a no contact directive, I could have lost my job for not doing as told.” Lastly, one participant indicated that they wanted to “protect themselves from retaliation,” meaning they were concerned about the reaction and possible actions of the responding party for filing a report with Student Conduct.

Recidivism

Five participants identified a desire to stop the behavior from occurring again as the reason they chose to report their experience. Specifically, there was a consensus that they did not want other individuals to experience what they did, and one participant shared that they “wanted as many people to know about their experience as possible in hopes to prevent others from having similar experiences.”

Severity of Behavior

Four participants identified that the behavior of the responding party was severe enough that they wanted to pursue a student conduct process. Specifically, all participants identified the behavior as “inappropriate” or “unacceptable.” One student shared their experience became threatening and stated, “I was worried that he would become angry with me if he found out that I had reported him, but I was more worried that something was going to happen if I did nothing to prevent it.”

Responding Parties

Of the 200 participants, 10 identified themselves as being alleged of engaging in some form of sexual misconduct (responding party), which includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse and/or sexual exploitation (see Table 8). The majority of participants reported allegations of sexual harassment (n=6), followed by non-consensual sexual contact (n= 4) and sexual exploitation (n=4). Non-consensual sexual intercourse was the least reported allegation (n=3). Participants also identified being accused of more than one type of sexual misconduct.

Table 8*Experiences of Sexual Misconduct Allegations*

Sexual Misconduct	Frequency	Percentage
Sexual Harassment	6	60
Non-Consensual Sexual Contact	4	40
Non-Consensual Sexual Intercourse	3	30
Sexual Exploitation	4	40

Interference with Academics and Participation in Extra-curricular Activities

For participants who identified as being alleged of engaging in sexual harassment (n=6), four stated the allegations interfered with their academic performance or participation in extra-curricular activities, while two participants responded that it did not. When it came to allegations of non-consensual sexual contact, all alleged students reported that the allegations interfered with their academics or participation in extra-curricular activities. For those alleged of non-consensual sexual intercourse, two of the three participants indicated an interference with academics and extra-curricular activities, while those alleged of sexual exploitation, only one of the four indicated interference. The highest rate of responses for allegations of sexual misconduct interfering with a responding party's academics or participation in extra-curricular activities was found among those who were alleged of engaging in sexual harassment.

Seeking Support and Resources

Participants were asked whether they told a faculty or staff member about the allegations of sexual misconduct with the intention of seeking support and resources. The majority of participants (n=6) indicated that they did not, while three responded affirmatively. Participants

reported utilizing the on-campus counseling center (n=1), while one participant reported requesting a housing relocation and another taking time off from academics.

Of the participants who did not tell a faculty or staff member about their allegations of sexual misconduct with the intention of seeking support and resources, they indicated they were afraid of not being believed (40%), were embarrassed (30%), or felt it was a private matter that they wanted to cope with on their own (30%) and they did not know what resources to utilize (30%) (see Table 9). These reasons were reported most commonly among participants.

Participants also identified not seeking support and resources because they were concerned others would find out, they thought they would be blamed for what happened and did not think what happened was serious enough to tell anyone. Less common reasons for not seeking support and resources included participants stating they were afraid of retaliation, the person who accused them was well recognized at the university, they did not want any action taken and they did not have time to deal with it due to academics, work, etc.

Table 9

Themes for Not Seeking Support and Resources: Responding Party

Theme	Frequency	Percentage
Afraid of Not Being Believed	4	40
Embarrassed	3	30
Private Matter	3	30
Did Not Know Resources	3	30

Participation in a Student Conduct Process

Participants were asked whether they participated in a student conduct process regarding the allegations against them. Three of the ten participants responded that they participated in a student conduct process while the majority indicated they did not.

When it came to participating in the student conduct process, all three survey respondents indicated they participated fully in the process. One participant engaged in an informal resolution, while the other two participated in a formal resolution process. The participant who engaged in the informal process shared they attended two in-person interviews where they provided evidence including personal conversations from their cell phone and pictures from a trip they had taken. This participant shared they were “being forced to recount [the events] months after we had returned to campus.” For the two participants who engaged in the formal resolution process, which involves a hearing to determine level of responsibility and if applicable, sanctions, shared two different experiences of the process. One responding party stated “it was very nice being able to use my voice”, while another responding party shared it took two years to have their case resolved and during that time had “hired a lawyer and a private investigator.” This participant shared that their lawyer attended the official hearing along with their witnesses and was “proven innocent..... 2 YEARS LATER AFTER MY REPUTATION WAS RUINED.”

Gains and Resolutions in an Adjudication Process

A significant consideration in this research is understanding first, what participants expect to gain or have resolved in an adjudication process. The first research question of this study focuses on understanding what participants would expect of such a process and what a desired outcome would entail. One hundred percent of participants provided a response to these questions. The open-ended survey questions pertaining to this research question included:

1. Whether you chose to report or not, what would you hope to gain from participating in or pursuing such a process?
2. Whether you chose to report or not, what would your expectations of such a process include?

Gains in an Adjudication Process

Four themes were derived from participant responses to the open-ended survey question: support and advocacy, accountability, education and development, and closure (see Table 10). Of the 200 participants, 38% indicated that support and advocacy was one outcome they would hope to gain from participating in a reporting process. This was the most common response provided by participants. The second most common response (28%) was the responding party being held accountable, which also included a hope to reduce recidivism; that is, that the responding party would not engage in the behavior in the future. Other responses included education for the responding party and/or development for themselves (24%), as well as closure (14%).

Table 10

Themes for What Participants Want to Gain from the Process

Theme	Frequency	Percentage
Support and Advocacy	76	38
Accountability	55	28
Education/Development	48	24
Closure	28	14

Support and Advocacy

Of the survey participants, 38% reported support and advocacy as an outcome they would hope to gain from participating in a student conduct process. Generally, students defined support

and advocacy as being offered resources and having someone to talk to and listen to their needs, (43%), as well as having a safe space (21%).

Common resources identified by participants included access to counseling, having someone of their chosen gender to connect with to learn about their rights and options, obtaining a No Contact Directive or Protective Order, and having someone who they can talk to and listen to their needs. Participants acknowledged a need for support from administration in a manner that was respectful, validating and empowering. Participants shared they did not want to have to relive their experience(s), feel shame or experience retaliation for coming forward. They expressed a need to feel confident in campus administrators who should be “equipped to help.”

Participants most commonly used the words “safe space” in describing support and advocacy needs. Participants indicated a safe space meant having an overall sense of feeling safe in the spaces they occupied on campus, whether that be an academic building, a residence hall, or common areas located about campus. One participant shared, “I would just want to feel safe if I were to report something and make sure I wouldn’t have to fear walking around” while another stated a need for “a renewed sense of safety that was likely taken away.” Participants also shared wanting “peace of mind” and “keeping campus safe for everyone.”

Accountability

Participants also commonly identified accountability as one key outcome they would hope to gain from pursuing a student conduct process. Specifically, participants identified wanting to see justice, responding parties to be held accountable, “actual consequences” for behavioral misconduct, reprimands, and discipline. A few participants provided clear outcomes of what accountability might look like. These included removal from leadership positions, legal charges, and removal from school. One participant stated, “I would want him removed from his position as well as his other leadership positions, since he just used those positions of power to

manipulate and degrade others.” Another participant shared, “I would hope justice would be served in some way. People who commit sexual violence should not be able to remain consequence free at school.” Several participants expressed accountability as being an important step in the process for addressing their experience of sexual misconduct, not just for themselves in seeking closure, but for others. “I was scared, sad, mad, and confused. I wanted justice not so much for myself, but I didn’t want it to happen to anyone else.” A commonality among responses that included accountability was also the fact that participants wanted the accountability of the responding party to result in behavioral change and opportunity for education.

Education and Development

Of the 200 participants, 24% indicated education and development as a primary outcome they would hope to gain from participating in a student conduct process. Three categories of education were identified among responses to include education and development for the responding party, for the reporting party and for the larger community.

When it came to education and development for the responding party, participants expressed wanting this person to know what they did was wrong and to gain a deeper understanding of how their actions affected and impacted the reporting party and others. One participant stated, “I would hope the people responsible would understand how their actions affected others.” Specifically, participants shared a need for the responding party to learn and be educated on appropriate boundaries and to learn how to respect and not objectify others. Several participants identified counseling as an opportunity for the responding party to learn about boundaries, understand specific behaviors and mentalities that constitute sexual misconduct, while learning how to change their mindset and progress toward behavioral change.

Participants also identified education and development for themselves. This included the ability to learn how to “stick up for” themselves, gain a better understanding and clarity of their experience and what happened, and to also learn what to do should a similar experience happen to them again. Most commonly, participants expressed a desire to educate themselves on how to cope with the long-term effects of their experience.

Lastly, participants identified the education and development of their community as being part of the outcome for pursuing a student conduct process. Participants acknowledged that beyond the behavior of an individual was a community that established a norm of “boys will be boys.” Several participants expressed a great need for community awareness around sexual misconduct to include education around consent, the enactment of more active bystanders, and the elimination of victim blaming. Participant responses indicated a need for a climate shift in order to “elevate sexual assault experiences”, “rectify the system that allows for biases to continue to exist” and that participating in a student conduct process would “set an example” and “encourage others to report their experiences.”

Closure

Of the 200 participants, 28 indicated a desire to achieve a sense of closure as an outcome they would hope to gain from participating in a student conduct process. Participants indicated wanting to find peace, clarity, validation, healing, interpersonal resolution, courage and happiness from a student conduct process. One participant stated, “I feel that it is an important process to have available to students as it can become a good healing step to those who need it or feel stuck in their situation.” Another participant shared, “I think I would hope to gain interpersonal resolution. Having experienced rape elsewhere, all I wanted was to feel like it was completely resolved and I could move forward.” Many participants identified healing as an

outcome from this process, but indicated the belief that this would only occur if the responding party was held accountable for their behavior.

Expectations of Pursuing an Adjudication Process

Five themes were derived from participant responses to the question “whether you chose to report or not, what would your expectations of such a process include?” (see Table 11) The themes derived for responses to this research question included an opportunity to discuss what occurred (31%), the implementation of trauma-informed care (30%), support and advocacy (23%), as well as accountability for the responding party’s behavior (5%).

Table 11

Themes for Expectations of a Process

Theme	Frequency	Percentage
Sharing of Information	61	31
Trauma-Informed Care	52	30
Support and Advocacy	46	23
Accountability	29	5

Sharing of Information

Participants seemed to have a clear understanding that if they pursued and/or participated in a student conduct process they would have to share information about their experience including details regarding who was involved, a timeline of what occurred, who was present or witnessed the incident(s), and any evidence. Participants expected a “legitimate investigation” that was thorough and encapsulated the experiences of all involved parties from the respective point of view.

Although participants had this awareness, some also expressed expecting this process to be invasive, having to prove their experience actually happened, and having to retell a “painful story” over and over. One participant shared, “I would expect it to be a painful process for me and I would expect it not to be taken seriously or believed.” Another participant stated, “I would want to tell my full story and feel heard instead of being made to feel like what I was saying didn’t matter if I didn’t have enough evidence.”

Trauma-Informed Practice

Trauma informed practice was also a common expectation of participants derived from the open-ended survey responses from participants. Of the participants who identified trauma-informed practice as an expectation, 26% reported that the student conduct process should in some capacity ensure the physical, emotional and mental safety of parties. The emotional and mental safety aspect of trauma-informed practice was most prevalent. Responses identified in this theme included, “complying with the requests and needs of the victim,” “to be believed 100% without questions as to whether I was telling the truth.” “respects what I want to do about the situation,” and “not to be prodded or further victimized.” Participants reported expecting someone they could talk to who would be respectful, caring, knowledgeable, compassionate and patient. Sixty percent stated they expected to be listened to, believed and/or taken seriously.

However, participants also shared the *expectation* they would not be taken seriously, not believed and that their experience would be discredited. One participant shared the expectation of having to “face my perpetrator for long periods of time” and the process to include “many triggering events.” Another participant shared their own personal experience with a student conduct process stating they were “just shrugged off and not offered any additional follow up” and received “more pressure...than the perpetrator of the event.” Several participants identified feelings of being “forced to tell their story.”

Support and Advocacy

Of the 200 participants, 23% expected some form of support and advocacy offered throughout the student conduct process. This included mental health resources such as counseling, academic support, safety resources, and emotional support. Thirty-three percent of participants identifying support and advocacy expectations believed counseling should be offered and readily available to reporting and responding parties throughout the student conduct process. Participants acknowledged this type of support could aid with coping, enhancing emotional capacity, working toward healing, processing the experience and helping someone identify the next best step for them.

Participants also identified a need for this support and advocacy to be offered by one person that they could rely on throughout a student conduct process. Three participants expected to be able to choose a gender-specific individual to take on this role, and expected this person to be compassionate, reliable, knowledgeable, empathic, sympathetic and understanding. Participants shared expecting to be “uplifted and supported during the entire process”, having a “very helpful, reliable staff who believes and wants to help,” someone who “can be my advocate, someone who will not brush it off,” and “someone who will work with me to ensure my safety on campus.”

Participants commonly identified interim supportive measures as an expectation when pursuing a student conduct process. Interim supportive measures are adjustments or practices that can be put in place for a limited amount of time to assist a student in participating or engaging in their academic experience. Interim supportive measures identified by participants included No Contact Directives, protective orders, housing relocations, academic adjustments, and campus escorts. Participants identified these measures as means to increase their feeling of safety while on campus.

Accountability

Of the 200 participants, 5% expected the responding party to be held accountable when pursuing a student conduct process. Responses identified in this theme included language such as “punished accordingly,” “reprimanded,” “disciplined,” “repercussions,” “justice,” and “consequences”.

Less than 10% of participants made comments that they believed responding parties were not sufficiently being held accountable for their actions. One participant stated, “I think insufficient consequences would be given and I would still be living in fear on campus.” Another participant expected the outcome to be “harsher than a slap on the wrist.”

Lastly, participants who identified accountability as an expected outcome of the student conduct process often mentioned reducing recidivism as a parallel expectation. Many shared not wanting others to experience what they had, and taking the opportunity to report their own experience as a way of make campus safer for others. One participant stated, “It isn’t safe for females if the student only gets a slap on the wrist which is what happens often” and another shared, “I hope justice would be done, maybe there would be repercussions for the student doing the harassment...so that he couldn’t do it to other students.”

Experiences in Model Code and Restorative Justice Processes

Two of the three research questions in this study addressed the experiences of reporting and responding parties regarding Model Code student conduct processes and restorative justice for adjudicating sexual misconduct cases. The purpose of these questions was to gain an understanding of participant experiences of the process itself, their role within the process, the outcome and their general feelings around the process. The quantitative survey questions pertaining to these research questions used scale responses where they were asked to rate from 1-5 (1 = not at all, 2 = just a little, 3 = a fair amount, 4 = a great amount and 5 = not applicable)

their experience as a reporting or responding party in a Model Code and/or restorative justice process. For the purpose of data analysis, any answers of 5 (not applicable) were removed. All 200 participants provided a response to these questions.

Out of the 200 survey participants, 13 indicated they had participated in a Model Code process and three indicated they had participated in a restorative justice process as a reporting or responding party. Table 12 provides the specific questions asked about Model Code experiences and Table 13 provides the specific questions asked about restorative justice experiences. Both tables provide the response scores for reporting and responding parties combined.

Table 12*Experiences in a Model Code Process*

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
To what extent did you receive the information you needed to confidently participate in this process?	6	38	10	63	2.81
To what extent did you feel the responding party was held accountable?	7	64	4	36	2.54
To what extent were you given options for your role in how the case would be resolved?	7	47	8	53	2.63
To what extent was the process fair to all parties involved?	5	36	9	64	2.94
To what extent were you able to communicate your thoughts and feelings about the incident during the process?	5	42	7	58	3.00
To what extent did this process invite discussion of personal values and ethical responsibilities?	7	50	7	50	2.69
How much did this process help you understand the point of view of everyone involved?	6	50	6	50	3.06

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
To what extent did you feel respected throughout the process?	7	44	9	56	2.56
To what extent did the process focus on repairing the harm caused by this incident?	11	73	4	27	2.13
To what extent did the process help you feel closure?	10	63	6	38	2.19
Overall, how satisfied are you with the way the process was handled?	9	56	7	44	2.13
To what extent did the process include people who could offer you counsel and support?	5	33	10	77	3.00
To what extent were you able to meaningfully contribute your input to what the outcome would be?	7	44	9	56	2.44
To what extent was this a worthwhile process to you?	8	53	7	47	2.50
Overall, how satisfied were you with the outcome?	6	38	10	63	2.50
To what extent did you feel the process helped reduce the likelihood that the	9	64	5	36	2.63

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
responding party would repeat the behavior in the future?					
To what extent do you now feel comfortable seeing the others involved in the incident around campus or in the community?	13	81	3	19	1.63
To what extent would you consider this process to be a meaningful experience for you?	5	33	10	67	2.88
To what extent would you participate in this process again?	4	31	9	69	3.31
To what extent would you encourage someone else to utilize this process?	6	40	9	60	2.94

Table 13*Experiences in a Restorative Justice Process*

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
To what extent did you receive the information you needed to confidently participate in this process?	1	33	2	67	3.00
To what extent did you feel the responding party was held accountable?	1	33	2	67	2.67
To what extent were you given options for your role in how the case would be resolved?	1	33	2	67	2.67
To what extent was the process fair to all parties involved?	1	33	2	67	2.67
To what extent were you able to communicate your thoughts and feelings about the incident during the process?	1	33	2	67	2.67
To what extent did this process invite discussion of personal values and ethical responsibilities?	0	0	3	100	4.00
How much did this process help you understand the point of view of everyone involved?	0	0	3	100	3.67

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
To what extent did you feel respected throughout the process?	1	33	2	67	3.00
To what extent did the process focus on repairing the harm caused by this incident?	0	0	3	100	3.67
To what extent did the process help you feel closure?	0	0	3	100	3.33
Overall, how satisfied are you with the way the process was handled?	0	0	3	100	3.67
To what extent did the process include people who could offer you counsel and support?	1	33	2	67	3.00
To what extent were you able to meaningfully contribute your input to what the outcome would be?	1	33	2	67	3.00
To what extent was this a worthwhile process to you?	1	33	2	67	3.33
Overall, how satisfied were you with the outcome?	0	0	2	100	4.33
To what extent did you feel the process helped reduce the likelihood that the	0	0	3	100	3.67

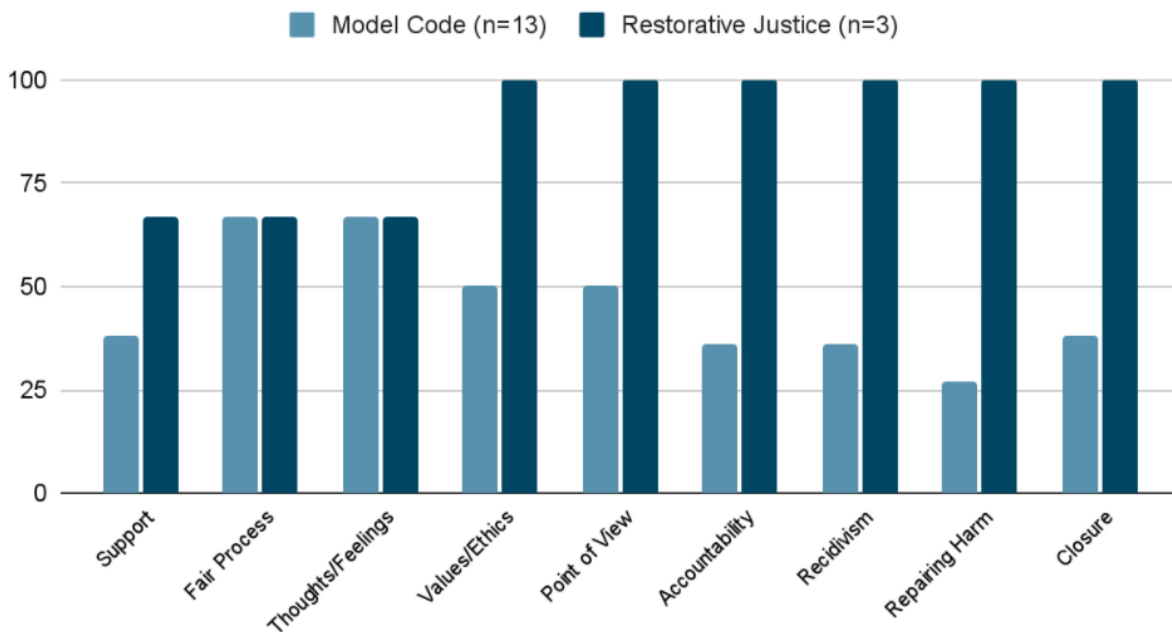
Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
responding party would repeat the behavior in the future?					
To what extent do you now feel comfortable seeing the others involved in the incident around campus or in the community?	2	67	1	33	2.33
To what extent would you consider this process to be a meaningful experience for you?	0	0	3	100	3.67
To what extent would you participate in this process again?	0	0	3	100	3.33
To what extent would you encourage someone else to utilize this process?	0	0	3	100	4.00

Summary of Experiences with Model Code and Restorative Justice Processes

When comparing Model Code and/or restorative justice experiences, participants identified restorative justice as more likely to provide a fair or great amount of accountability, education and development, closure, the sharing of information and trauma-informed practices than participants of a Model Code process (see Figure 3). Participants identified a Model Code process as providing support and advocacy a fair or great amount more so than a restorative justice process. Mann-Whitney U T-Test, results indicated that there was not a statistically significant difference between the two processes when comparing the experiences of participants in Model Code versus restorative justice ($t(14) = 27/5, p = .295$). Participant experiences were similar regardless of the process.

Figure 3

Experiences in Model Code and Restorative Justice (Percentage- A Fair or Great Amount)



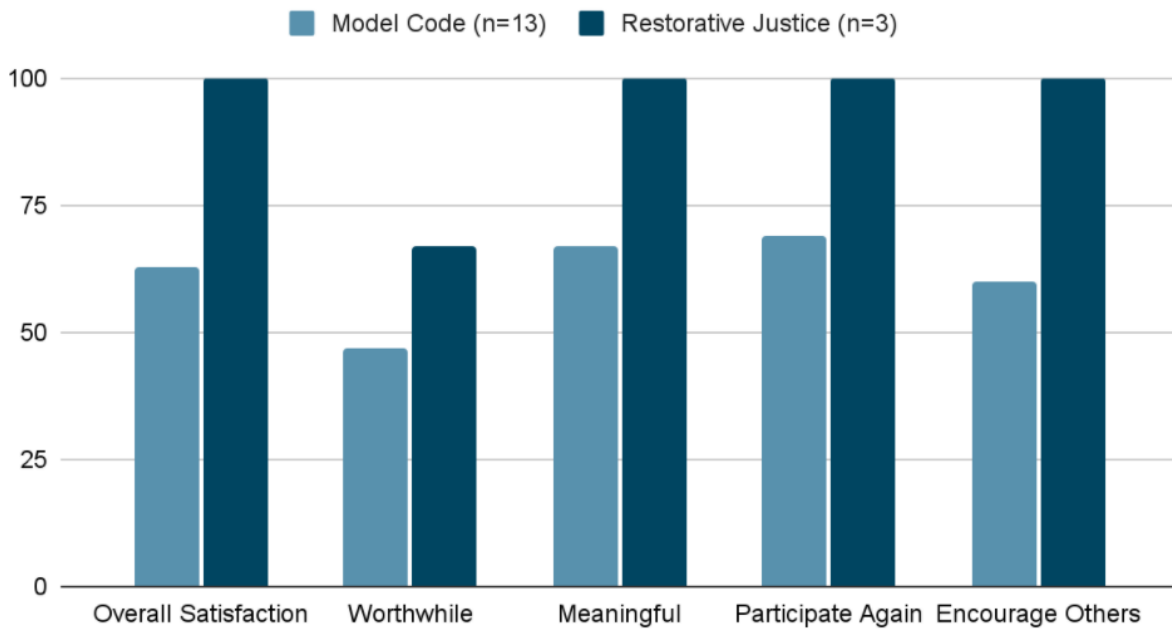
Participants indicated that restorative justice felt like a more worthwhile process than Model Code participants. Participants also identified the restorative justice process as providing a more meaningful experience compared to Model Code processes.

Participants of this study were asked about their overall satisfaction regarding their participation in Model Code and/or restorative justices processes. This overall satisfaction included the extent participants were satisfied with the process and the outcome of the process, the extent they would participate in the process again, and the extent they would encourage others to participate.

When it came to participation in these two processes, 100% of those who participated in restorative justice reported a fair or great amount of satisfaction with the procedures and the outcome of the process. In addition, 100% of these participants stated they would to a fair or great amount participate in a restorative justice process again and would encourage others to participate as well. For those who participated in a Model Code process, 44% reported a fair or great amount of satisfaction with the process, while 63% reported a fair or great amount of satisfaction with the outcome of the process. When it came to participating in a Model Code process again, 69% said they would to a fair or great amount, while 60% indicated they would encourage others to participate a fair or great amount. These results (see Figure 4) show that participants reported more satisfaction when participating in a restorative justice process than those who participated in a Model Code process and would more likely participate again and encourage others to participate.

Figure 4

Experiences in Model Code and Restorative Justice Cont. (Percentage- A Fair or Great Amount)



Perceptions of Model Code and Restorative Justice Processes

Two of the three research questions in this study addressed the perceptions of reporting and responding parties regarding Model Code processes and restorative justice for adjudicating sexual misconduct cases. These questions included:

1. What are the experiences and perceptions of reporting and responding parties regarding Model Code student conduct processes for adjudicating sexual misconduct cases?
2. What are reporting and responding party experiences and perceptions of restorative justice processes?

The purpose of these questions was to gain an understanding of participant perceptions of the process itself, their role within the process, the outcome and their general feelings around the process. The quantitative survey questions pertaining to this research question used scaled responses where they were asked to rate from 1-5 (1 = not at all, 2 = just a little, 3 = a fair

amount, 4 = a great amount and 5 = not applicable) their perception as a reporting or responding party in a Model Code and/or restorative justice process. For the purpose of data analysis, any answers of 5 (not sure/not applicable) were removed. All 200 participants provided a response to these questions.

Out of the 200 survey participants, 184 participants indicated they had not participated in a Model Code process and 197 participants indicated they had not participated in a restorative justice process. Table 14 provides the specific questions asked about Model Code perceptions and Table 15 provides the specific questions asked about restorative justice perceptions. Both tables include the response scores for reporting and responding parties combined.

Table 14*Perception of a Model Code Process*

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
To what extent do you perceive you would receive the information you needed to confidently participate in this process?	48	29	120	71	2.81
To what extent do you perceive the responding party would be held accountable?	104	65	56	35	2.45
To what extent do you perceive you were given options for your role in how the case would be resolved?	83	50	82	50	2.80
To what extent do you perceive the process would be fair to all parties involved?	102	62	62	38	2.59
To what extent do you perceive you would be able to communicate your thoughts and feelings about the incident during the process?	77	45	96	55	2.86
To what extent do you perceive this process would invite discussion of personal values and ethical responsibilities?	78	47	89	53	2.83

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
To what extent do you perceive this process would help you understand the point of view of everyone involved?	79	47	88	53	2.74
To what extent did you perceive you would feel respected throughout the process?	91	53	82	47	2.62
To what extent do you perceive the process would focus on repairing the harm caused by this incident?	108	62	66	38	2.49
To what extent do you perceive the process would help you feel closure?	104	62	64	38	2.54
Overall, to what extent would you perceive you would be satisfied with the way the process was handled?	99	61	62	39	2.61
To what extent do you perceive the process would include people who could offer you counsel and support?	56	33	113	67	3.09
To what extent do you perceive you would be able to meaningfully contribute your input to what the outcome would be?	95	57	72	43	2.68
To what extent do you perceive this would be a worthwhile process to you?	117	70	51	30	2.39

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
Overall, to what extent do you perceive you would be satisfied with the outcome?	114	65	61	35	2.53
To what extent do you perceive you would feel the process helped reduce the likelihood that the responding party would repeat the behavior in the future?	95	59	67	41	2.68
To what extent do you perceive you would feel comfortable seeing the others involved in the incident around campus or in the community?	135	79	35	21	1.97
To what extent do you perceive you would consider this process to be a meaningful experience for you?	100	60	66	40	2.59
To what extent do you perceive you would participate in this process again?	105	69	47	31	2.62
To what extent do you perceive you would encourage someone else to utilize this process?	67	43	89	57	3.05

Table 15*Perceptions of a Restorative Justice Process*

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
To what extent do you perceive you would receive the information you needed to confidently participate in this process?	52	40	77	60	3.47
To what extent do you perceive the responding party would be held accountable?	66	55	53	45	3.28
To what extent do you perceive you were given options for your role in how the case would be resolved?	59	48	64	52	3.43
To what extent do you perceive the process would be fair to all parties involved?	67	54	57	46	3.33
To what extent do you perceive you would be able to communicate your thoughts and feelings about the incident during the process?	65	53	59	48	3.38
To what extent do you perceive this process would invite discussion of personal values and ethical responsibilities?	53	42	72	58	3.48

Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
To what extent do you perceive this process would help you understand the point of view of everyone involved?	62	50	61	50	3.42
To what extent did you perceive you would feel respected throughout the process?	68	54	57	46	3.34
To what extent do you perceive the process would focus on repairing the harm caused by this incident?	68	54	58	46	3.33
To what extent do you perceive the process would help you feel closure?	70	57	52	43	3.33
Overall, to what extent would you perceive you would be satisfied with the way the process was handled?	62	57	47	43	3.36
To what extent do you perceive the process would include people who could offer you counsel and support?	53	46	61	54	3.54
To what extent do you perceive you would be able to meaningfully contribute your input to what the outcome would be?	72	58	52	42	3.33
To what extent do you perceive this would be a worthwhile process to you?	75	61	48	39	3.31

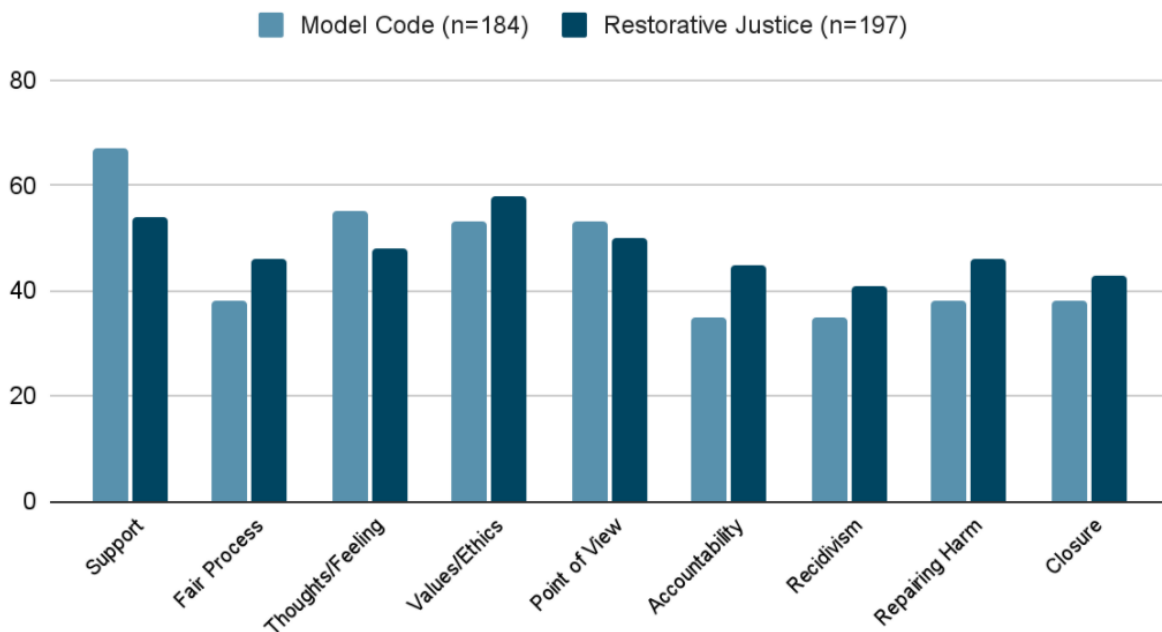
Theme	Not at All/ Just a Little		A Fair Amount/ A Great Amount		Mean
	Frequency	Percentage	Frequency	Percentage	
Overall, to what extent do you perceive you would be satisfied with the outcome?	73	60	48	40	3.33
To what extent do you perceive you would feel the process helped reduce the likelihood that the responding party would repeat the behavior in the future?	73	59	50	41	3.29
To what extent do you perceive you would feel comfortable seeing the others involved in the incident around campus or in the community?	100	74	35	26	2.95
To what extent do you perceive you would consider this process to be a meaningful experience for you?	72	60	49	40	3.32
To what extent do you perceive you would participate in this process again?	77	69	34	31	3.34
To what extent do you perceive you would encourage someone else to utilize this process?	60	50	59	50	3.48

Summary of Perceptions with Model Code and Restorative Justice Processes

Participants perceived a restorative justice process as providing a fair or greater amount of closure than compared to the perceptions of a Model Code Process. Participants perceived that both a Model Code and/or restorative justice process almost equally provided a fair or great amount when it came to accountability, education and development, the sharing of information and trauma-informed practices. Responses indicated that participants perceived a Model Code process as offering support and advocacy a fair or greater amount more so than a restorative justice process (see Table 5). The Mann-Whitney U T-Test, results indicated that there was a statistically significant difference between the two processes when comparing perception of participants in Model Code versus restorative justice process ($t(333) = 12592.0, p = .000$). Overall, participant perceptions were rated higher for a Model Code process than for a restorative justice process.

Figure 5

Perceptions in Model Code and Restorative Justice (Percentage- A Fair or Great Amount)



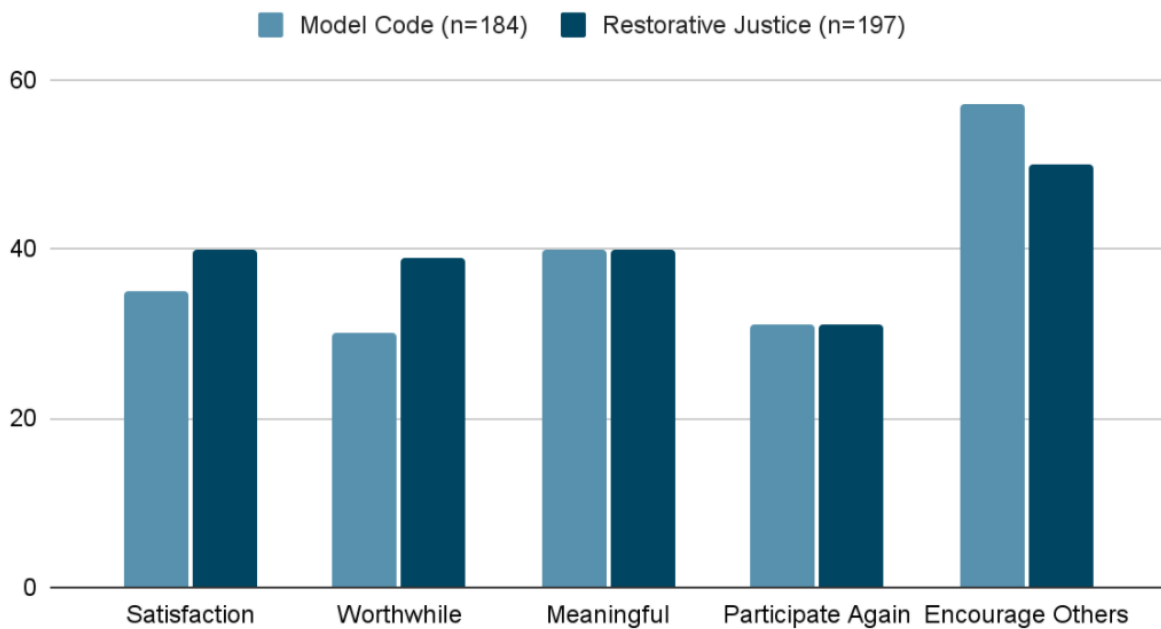
Looking at Model Code and/or restorative justice processes and the extent participants perceived the process would be worthwhile, participants indicated that restorative justice felt like a more worthwhile process than Model Code participants. When comparing Model Code versus restorative justice perceptions in relation to the process being a meaningful experience, participants identified both Model Code and/or restorative justice as providing a meaningful experience.

Again, participants of this study were asked about their perceived overall satisfaction regarding Model Code and/or restorative justices processes. This overall satisfaction included the extent participants perceived they would be satisfied with the process and the outcome of the process, the extent they perceive they would participate in the process again, and the extent they perceive they would encourage others to participate.

When it came to perceptions of these two processes, 43% of those who participated in a restorative justice process reported a fair or great amount of perceived satisfaction with the procedures and 40% with the outcome of the process. In addition, 31% of these participants stated they would to a fair or great amount perceive they would participate in a restorative justice process again and 50% perceived they would encourage others to participate. For those who participated in a Model Code process, 39% reported a fair or great amount of perceived satisfaction with the process, while 35% reported a fair or great amount of perceived satisfaction with the outcome of the process. When it came to participating in a Model Code process again, 31% perceived they would to a fair or great amount, while 57% indicated they perceived they would encourage others to participate a fair or great amount. These results are displayed in Figure 6 below.

Figure 6

Perceptions in Model Code and Restorative Justice Cont. (Percentage- A Fair or Great Amount)



What Makes a Process Meaningful?

One aspect of the study was to focus on understanding whether restorative justice would be a *meaningful* and utilized process to adjudicate sexual misconduct cases. It was therefore important to explore how participants define the term meaningful. Two questions in the survey specifically addressed this:

1. How do you define meaningful?
2. What would make a process for resolving a report of sexual misconduct meaningful to you?

How Meaningful is Defined

Participants were asked to define the term meaningful for the purpose of gaining an understanding of how they interpret and make sense of this word (see Table 16). Four themes were derived from participant responses to this question and included an experience that offered

a sense of closure (24%), was trauma-informed (22%), was educational in nature (12%) and/or offered some form of accountability (10%).

Table 16

Themes for Defining Meaningful

Theme	Frequency	Percentage
Closure and Impact	48	24
Trauma Informed Care	44	22
Education	24	12
Accountability	20	10

Closure and Impact

Participants indicated that closure and having a positive impact were key indicators when determining whether or not something is meaningful. The term “closure” was utilized by 24% of participants, and “impactful” and/or “making a lasting difference” were used by 63% of participants who chose closure as a response. One participant stated that in order for something to be meaningful, it has to “allow for me to start to move on with my life and feel proud to be at my university again.” Another participant explained their definition of meaningful as “something that is worth my time and helped me overcome what I went through.” Beyond using the terminology of closure and impact, other participants identified this theme by indicating a need for deep meaning, healing, validation and achieving peace of mind.

Trauma Informed Care

Participants stated that in order for something to be meaningful they had to feel heard (11%), be taken seriously (31%) and feel cared for (16%). They acknowledged a need for someone to be compassionate, helpful and supportive while creating a safe space that allowed

them to be listened and responded to. One participant shared an expectation that when reporting an incident of sexual misconduct, staff need to be “cognizant of what the victim has gone through, understanding that it takes a lot of bravery to report.” Another participant explained needing a response that was “understanding and compassionate and for once not blaming me for what happened.” Other participants said, “it would have to begin to undo a bit of the damage that was done rather than further cause trauma,” while another participant voiced a need for victims to have a choice in next steps and that those steps are only moved forward if the “victim feels comfortable in pursuing [them].”

Education

Participants also indicated education (24%) as primary concept in defining something as meaningful. According to participants, education was the notion that in order for something to be meaningful, the event needed to create change. Words most often used to describe this change included “making a difference,” “showing growth,” making a “good lasting impression,” “changes my life,” “helped someone learn and grow,” “change the climate on campus” and creating “a feeling of hope for the future”. When participants defined meaningful in the sense of education, they often indicated education and learning for the themselves, others and the larger community. They expressed a desire to see the world differently, to make a difference and gain understanding.

Accountability

Of the 200 participants, 10% indicated a need for justice, punishment or consequences to be enforced in order for something to be meaningful. Of the 20 participants who indicated accountability as playing a role in making something meaningful, 12 specifically utilized the word “justice” and of those 12, four expressed a need for this justice to be fair and equitable to both parties. For example, participants stated “respects both parties and achieves justice for both

parties”, “justice and equality across the board” and “just, considerate and morally right for the situation”. On the other hand, five participants shared that justice to them equated to punishment of the responding party. One participant shared meaningful meant “a consequence that will impact the offender’s life to the point they change their actions moving forward”. Another participant stated that the “offender [should be] removed and [a] report filed on the offender”. Lastly a participant expressed, “in the end it should benefit the victim and ‘harm’ (in quotes because you wouldn’t actually harm the individual) the one who did it.”

What Makes a Process Meaningful

Participants were also asked about what would make a process for resolving a report of sexual misconduct meaningful (see Table 17). Five themes were derived from participant responses to this question and included access to trauma-informed care (31%), accountability of the responding party (30%), having access to and being offered support and resources (13%), education for the responding party as well as for themselves (13%), and gaining a sense of closure (9%).

Table 17

Themes for a Meaningful Process

Theme	Frequency	Percentage
Trauma Informed Care	62	31
Accountability	60	30
Education and Change	25	13
Support and Resources	25	13
Closure and Impact	18	9

Trauma Informed Care

Participants provided responses that fell under what would be considered as trauma-informed care when describing what would make a process for resolving a report of sexual misconduct meaningful. The most popular response, as indicated by 35% of participants, was the opportunity to be listened to. Following this, 18% of participants shared a need to be believed, while 11% stated they wanted to be given the opportunity to choose what the next step would be for addressing their experience. Several others identified being respected, taken seriously, and feeling validated as being significant in making a process meaningful. In addition, participants identified wanting staff support from someone you cared, understood and would offer validation of their experience. One participant shared, “I would want to feel heard and my opinions and feelings mattered. I would not want to be judged or pitied through the process but I would want to be treated with respect.” Another participant expressed that in order for a process to be meaningful,

I [would be] listened to and taken seriously. Even if nothing comes of a report, the actual process of reporting has to validate the victims experience and allow for them to have different options. The biggest problems that other students talk to me about is the fact that they knew nothing was going to happen the moment they went to report because they did not feel valued.

Accountability

Accountability was the second highest response to the question “what would make a process for resolving a report of sexual misconduct meaningful to you?” Of the 60 participants who responded with accountability, 25% stated that the responding party should be “punished” and 20% stated there would need to be some form of “justice.” One participant shared,

ownership of actions by the other party was the most meaningful thing to me. Knowing [the responding party] knows what they did and that they were held accountable is one of the only things I know makes me feel like my experience was valid in terms of being wrong, because they know they were wrong too.

Approximately 13% of participants stated that accountability was an important factor in making something meaningful because they believed there is a current lack of accountability responding parties of sexual misconduct.

Participants also provided feedback on what accountability looks like in circumstances of sexual misconduct. For example, one participant stated the responding party should be “removed from campus, arrested, and registered as a sex offender”, another participant suggested the responding party be “monitor[ed]” and others suggested “suspension and remov[al] from campus.”

Education and Change

The theme of education and change came from the responses of 25 participants and addressed the importance of education being an agent for reducing recidivism among responding parties. Reducing recidivism was the most common (32%) outcome of education mentioned by participants. Educational tools such as trainings, courses, adjudication processes and counseling were most commonly mentioned as avenues for creating opportunities for the responding party to learn from their behaviors. Participants identified that responding parties needed to understand the severity of their behavior, learn how their behavior impacted the reporting party, how the responding party can hold themselves accountable now and, in the future.

Participants believed that education must take place in order to create positive change within the campus community, within the responding party, and to reduce the likelihood of the

responding party's behavior from happening again. One participant shared having the responding party learn and understand "the severity of [their] behavior's consequences and reducing the chances of [them] doing it again to someone else would be the only thing that would be meaningful to me". Another participant stated "the party responsible would have to undergo some sort of education or rehab like classes or something so they understand why what they did is wrong and so they hopefully won't repeat [the behavior]."

Support and Resources

Similarly, 25 participants identified a need for support and resources in order to make a process meaningful. Eight participants specifically mentioned the resource of mental health counseling and suggested not only this being offered, but easily accessible, timely and free. Participants suggesting mental health counseling identified the benefits of this service as offering the emotional support needed to process their experience and to move forward in a way that offered closure. One participant stated being offered mental health counseling would allow them to "move on and grow from the experience" while three participants acknowledged the opportunity to "emotionally process" their experience. One participant recognized "personal healing" as an important aspect to focus on after an incident of sexual misconduct.

Outside of mental health counseling, participants spoke generally about support and resources offered on campus. Participants stated a need for on-going, long-term support from someone who could offer help and provide a space to heal and cope. One participant suggested a need to work with someone of a specific gender in order to feel comfortable in connecting with support staff.

Closure and Impact

Participant responses were categorized into the theme of closure and impact when they mentioned outcomes that would help them overcome and move forward from their experience.

These responses included statements such as “finding peace”, “personal healing”, feeling “restored”, “happy” or “relief” as well as feeling a sense of “satisfaction” with the outcome of a process. Of the 200 participants, 18 provided responses for this theme. One participant shared that in order for a process to be meaningful they would be able to “come to terms with it within myself”. Another participant shared, “it would be meaningful to me if I felt closure at the end, I was respected and that I was given all the help I needed before, during, and after the process.”

Model Code versus Restorative Justice Processes- Quantitative Data

The purpose of this study was to examine whether restorative justice practices would be a utilized and meaningful resolution for campus adjudication of sexual misconduct. Specifically, this study examined whether reporting and responding parties would be more likely to pursue reporting options through a restorative justice process, if available. It is therefore important to analyze the results comparatively with Model Code processes. This section focuses on results of nonparametric independent t-tests for participant experiences and perceptions of both Model Code and restorative justice processes.

Experiences with Model Code versus Restorative Justice

Participant scale responses from the questions regarding experiences with Model Code and/or restorative justice processes were analyzed using an Independent Samples T-Test in order to compare two independent groups (participants with Model Code process experience and participants with restorative justice process experience) to determine whether there was a statistically significant difference between the means of the populations. The null hypothesis used for this test was that the distribution of experience is the same across categories of process (Model Code versus Restorative Justice).

Independent Samples T-Test

The Mann-Whitney U T-Test was utilized due to the small sample sizes (Model Code $n=13$, restorative justice $n=3$). This particular T-Test does not require a normal distribution which allowed for its use. Of the 16 participants who identified having experience with participating in an adjudication process, 13 participated in a Model Code proceeding ($M = 2.38$, median = 2.4, $SD = .99$) and three participated in a restorative justice process ($M = 3.18$, median = 3.3, $SD = .88$). The null hypothesis for this test was the distribution of experience is the same across categories of process. There was no statistically significant difference and therefore, the null hypothesis was retained, $t(14) = 27.5, p = .296$.

Perceptions of Model Code versus Restorative Justice

Participant scale responses from the questions regarding perceptions of Model Code and/or restorative justice processes were analyzed using an Independent Samples T-Test in order to compare two independent groups (participants with Model Code process and participants with restorative justice process) to determine whether there was a statistically significant difference between the means of the populations. The null hypothesis used for this test was that the distribution of perception is the same across categories of process (Model Code versus Restorative Justice).

Independent Samples T-Test

The Mann-Whitney U T-Test was utilized due to the small sample sizes (Model Code $n=184$, restorative justice $n=191$). This particular T-Test does not require a normal distribution. Of the 375 scale responses from participants regarding their perceptions of Model Code and/or restorative justice processes, 184 provided perceptions of a Model Code proceeding ($M = 2.05$, median = 2.08, $SD = .88$) and 191 provided perceptions of a restorative justice process ($M = 1.42$, median = 1.5, $SD = 1.24$). The null hypothesis for this test was the distribution of

perceptions were the same across categories of process. There was a statistically significant difference and therefore, the null hypothesis was rejected, $t(333) = 12592.0, p = .000$.

Process More Likely to Pursue

At the end of the survey, participants were provided with educational materials that outlined a Model Code and restorative justice process. These materials were provided in both writing and video format. Participants were asked to read and/or listen to the three processes and were then asked, “which process would you be more likely to participate in?” Participants most commonly stated they were more likely to participate in a Model Code process (73%) than a restorative justice process (18%). Ten percent of participants did not respond to this question. The results are represented in the Table 18.

Table 18

Process More Likely to Participate In

Process	Frequency	Percent
Model Code	148	73
Restorative Justice	36	18
No Response	20	10

Participants were also asked at one point during the survey, “with your current understanding of student conduct processes and restorative justice, which process would you be more likely to pursue?” Although only slightly different than the previously asked question, the results are presented in Table 19.

Table 19*Process More Likely to Pursue*

Process	Frequency	Percent
Model Code	122	60
Restorative Justice	81	40
No Response	1	0

There was an increase in the number of participants indicating restorative justice as the process they were more likely to pursue compared to the previous question of which process they were more likely to participate in. Participants were asked to describe in detail why they chose one process over the other. The results are discussed below.

Model Code

Of the 200 participants, 122 indicated they would more likely pursue a Model Code process for adjudicating a case of sexual misconduct (see Table 20). The themes derived from these responses included a lack of awareness or knowledge of restorative justice (27%), a more robust process than restorative justice (23%), more familiarity with the process (11%), and accountability being more likely offered through a Model Code process (11%).

Table 20*Model Code Themes*

Theme	Frequency	Percent
Familiarity/Knowledge	63	52
Process	30	23
Accountability	14	11

Familiarity/Knowledge

Fifty-two percent of participants stated that they were unfamiliar with restorative justice or were not knowledgeable about either restorative justice or Model Code processes. Of those who provided responses in this theme, 85% stated the reason they chose the Model Code process over the restorative justice process was because they were more familiar with or knew more about the Model Code process. If they did not identify this in their response, they stated that they did not know what restorative justice was. Three participants shared they felt the processes were similar in nature and could not identify clearly the differences. Participants often stated, “I do not know enough about these processes,” “I am not sure what restorative justice is” or “I really have no idea what either of these options are.” One participant shared, “They both still seem very similar to me. If I were to report an issue I would call a staff member who works with these processes and discuss steps forward to choose a process.”

Process

Among the responses that fell under the theme of “process,” four participants stated they did not want to have a conversation with or sit in the same room as the responding party. Others identified the Model Code process as offering a more structured, less invasive and quicker process to resolve a complaint of sexual misconduct. Others shared that they believed the outcome would be harsher, and would involve less people than a restorative justice process. One participant stated, “I feel like this way is more structured and provided me the validation I needed to be my best self.” Another participant offered, “I do not think under any circumstance I should have to sit with my rapist so he can understand how what he did was bad.”

Two participants identified the Model Code process as being timelier. One participant stated,

I feel like the [Model Code] process would be more effective in making me feel satisfied with the outcome. I can see how restorative justice could be an effective process for some but I would most likely like to see the guilty party punished rather than have to continue to see them while they were going through the restorative justice process.

Accountability

Accountability was the last theme identified for why participants chose the Model Code process over the restorative justice process. Within this theme, participants shared a desire for the responding party to face consequences. Participants believed that the Model Code process would hold responding parties more accountable, offer harsher punishments, and result in more behavior change. One participant shared, “I feel like restorative justice does nothing and that the student responsible should face consequences academically and with their student status.” Another participant stated, “I feel the [Model Code] process might offer more reassurance that the other party will be held accountable for their actions.” Lastly, a participant expressed, “I would prefer actual punishment for sexual assault or harassment, not just a slap on the wrist that allowed the assaulter still walk around campus and complete their degree.”

Restorative Justice

Of the 200 participants, 81 indicated they would more likely pursue a restorative justice process for adjudicating a case of sexual misconduct (see Table 21). The themes derived from these responses included a more in-depth process (26%), accountability being more likely (12%) and an increased likelihood the outcome would be educational and/or bring about awareness (11%).

Table 21

Restorative Justice Themes

Theme	Frequency	Percent
Process	21	26
Accountability	10	12
Education/Awareness	9	11

Process

Of the 81 participants selecting restorative justice as the process they would more likely pursue, 21 identified the process as being the reason for this selection. Common among responses included the fact the process involved community members, offered an opportunity to discuss and have dialogue about the incident, an opportunity to heal from the experience and the fact that emotions and feelings would be addressed in the process. Others shared that the restorative justice process would provide a “victim-centered approach,” the reporting party would “have a say in the outcome” and that the process seemed more personal, considerate, and less intimidating and challenging than a Model Code process. One participant offered,

I think restorative justice would have more of the outcome I would seek. I think understanding and healing are what I would prefer over having someone be reprimanded but maybe still not fully understand the impacts of their actions.

Another participant stated,

Restorative justice is more victim-centered. It helps the victim recover and process their feelings while holding their abuser accountable for what they did. Also, it helps to resolve confused feelings if the abused person did not remember the encounter (maybe because they were unconscious).

Lastly, participants shared, “restorative justice offers more opportunity for my voice to be heard and for me to have a say in the outcome,” “it is a more subjective and personal solution to a subjective and personal issue,” “it gives more voice to both parties” and

it considers the thoughts and feelings of the parties, and aims to provide healing for those harmed. I feel as if this process is more personal and considerate of the individuals involved than that of the student conduct process, which focuses on the image of the community instead.

Accountability

Several participants who identified restorative justice as their preferred process acknowledged the importance of accountability. This included accountability that provided acknowledgement of the responding party’s behaviors and the responding party accepting responsibility for what they did. The other 50% of participants indicated they were seeking a process that would result in justice, reprimand and punishment for the responding party’s behavior. This however, was also mentioned along with a need for the process to result in behavioral changes and an opportunity to gain closure. One participant shared, “the restorative justice process focuses on accountability and responsibility of the parties involved, and goes beyond just the administration or punishment.” Another participant suggested “restorative justice seems like it would require some concrete ways for the offending party to fix what they did.”

Education/Awareness

Education and awareness were included in participant responses that focused on forward thinking, change and reduction of recidivism. Nine participants identified restorative justice as a process that would allow for this education and awareness to take place. Responses identified restorative justice as the process that would allow for the responding party to “fix what they did,”

“aide in moving forward,” and promote “healing.” In addition, participants stated that restorative justice had longer lasting impact not only for those who participated in the process, but for the community as well. One participant stated, “It can help for victims and abusers to gain closure because that can be the last talk they ever have, or it could help them come to an understanding about consent and the abuser can change their ways.” Another participant shared, “getting community involvement holds people accountable... and those in the community are much more aware of relevance and retaliation.” Lastly a participant offered, “I feel I might choose restorative justice because I do not want the person to necessarily get in trouble, I just feel like the restorative justice would help more with preventing them from doing the same thing again.”

Summary

Participants more frequently identified pursuing and/or participating in a Model Code process versus restorative justice. A key take-away from this is the identification that many participants who chose a Model Code process indicated that they did so because they were more familiar with this process, or they were not familiar enough with restorative justice. Chapter 5 provides a discussion around this key finding and addresses this data in correlation with the open-ended survey responses obtained from the survey.

CHAPTER 5: CONCLUSIONS

Introduction

The goal of this study was to explore whether restorative justice practices would be a utilized and meaningful resolution for campus adjudication of sexual misconduct. Specifically, this study examined whether reporting parties and responding parties would be more likely to pursue reporting options through a restorative justice process, if available. This concluding chapter will present an analysis of the findings, revisit the application of a feminist legal theoretical framework, and discuss limitations. The chapter will conclude with a description of the study's implications in the field of higher education and recommendations for future research.

Discussion

In the following sections, key findings of the study are discussed in relation to the research questions and connected back to the literature on Model Code and restorative justice. The discussion will then transition into the implications of using feminist legal theory for understanding key findings of the study.

What do reporting and responding parties hope to gain from or have resolved in an adjudication process?

Participants in this study identified support and advocacy, accountability, education and development, closure, the sharing of information and trauma-informed care as key for a meaningful resolution of an adjudication process. These same themes were present in how participants *defined* meaningful.

Support and Advocacy

Restorative justice incorporates support and advocacy throughout its processes. Specifically, Zehr (2002) identifies one of the three pillars of restorative justice as harms and

needs which emphasizes the practice of healing, while prioritizing the needs of those impacted. In addition, Daly's (2005) study on victim's attitudes toward restorative justice found that victims reported overcoming the emotional and psychological effects of the experience when participating in a restorative justice process. It's likely that this outcome occurred because support and advocacy was incorporated within the process itself.

This study expanded the literature on support and advocacy and found that this was a top expectation and/or outcome for pursuing an adjudication process, whether that process was a Model Code or restorative justice proceeding. This support and advocacy were highly important in relation to making a report, moving through and beyond an adjudication process, and for their well-being, safety and academic success. This is an important factor for colleges and universities to consider, particularly as it relates to the integration of support and advocacy within an adjudication process. These types of services are often offered outside of a process, however participants in this study identified a need for these services to be available during the adjudication process. Colleges and universities should find ways to implement support and advocacy into the proceedings of adjudication in a way that is equitable while simultaneously moving a process forward to resolution.

Accountability

Karp et al. (2016), founders of Promoting Restorative Initiatives for Sexual Misconduct (PRISM), have invested in researching and studying restorative justice initiatives on college and university campuses, particularly as they relate to sexual misconduct. They suggest that restorative justice practices encourage accountability, which was another key outcome participants of the current study identified as an expectation for pursuing an adjudication process, and a key component in their definition of a meaningful process, which included gaining a sense of closure, a process that was founded in trauma-informed care and education, while resulting in

some form of accountability for the responding party. Restorative justice research indicates the process can provide an opportunity for accountability, closure and growth, and some believe this has the ability to ultimately reduce the number of sexual misconduct incidents.

Advocates for restorative justice practices also say that the intentional bringing together of reporting and responding parties along with community members helps to “repair harm, support true accountability, and reestablish trust” in a way that traditional practices, such as the Model Code do not (Karp et al., p. 3, 2016). The results of this study align with the research in that the participants who participated in a restorative justice process (n= 3) found that the responding party was held accountable to a more fair or greater amount (67%) than those who participated (n= 13) in a Model Code process (36%).

Education and Development

Education and development for both reporting and responding parties as well as the larger campus community were often mentioned by participants in the current study. The participants stated a need for an adjudication process that promotes positive behavioral change for the responding party in order to prevent recidivism. The literature review for this study showed that restorative justice processes decreased the rate of re-offense and increased the rate in which offenders were compliant with sanctions and required outcomes of the process (Bonta et al., 2002; Latimer et. al, 2005). Bonta et al. (2002) found that the recidivism rate was significantly lower for participants in the restorative justice programs they studied compared to those who participated in non-restorative justice programs. When it came to Model Code proceedings focusing specifically on sanctions, Kompalla et al. (2001) found that active and passive sanctions had equal rates of recidivism, suggesting that the type of sanction did not affect a student’s future behavior. The results of this study, in comparison with prior studies, suggest

that restorative justice has the capability of producing the behavioral change that participants in the current study identified as important. Specifically, the results show that for those who participated in a restorative justice process (n= 3), 100% stated the process helped reduce the likelihood the responding party would repeat the behavior in the future, compared to 36% who participated in a Model Code process (n= 13). When it came to perceptions however, participants believed that a Model Code and restorative justice would reduce recidivism equally (41%).

In addition, the results of this study show a need for the education of community members including increased knowledge of rape culture and victim blaming, improved instances of bystander intervention, and an overarching need for community engagement to reduce incidences of sexual misconduct. Sexism, objectification, and sexual violence perpetuate rape culture. Participants of this study stated a desire to address the negative and long-lasting impact this culture has on reporting parties and their trust in reporting their experiences. Yung (2015) shared that “the reported rates of sexual assault on university campuses are far less than would be expected on the basis of rape reported to municipal police” and suggested that the “widespread adoption of ‘rape myths’ and exaggerated belief in false reporting are prime culprits” for under reporting (p. 6). This aligns with the findings in this study as 77% stated they did not report their experience with the intention of seeking an adjudication process. The reasons they listed for not reporting align with what Yung (2015) describes. The need to educate the campus community to address and reduce campus culture that aligns with rape culture is at the foundation for increasing reports of sexual misconduct.

Closure

Prior research supports the outcome of closure in restorative justice processes. Participants of this study also identified closure as an outcome they want from an adjudication process. It was also incorporated into their definition of meaningful.

Although opponents of restorative justice often argue that these types of programs are problematic because they require the victim to confront their offender, and thus can be re-victimizing, proponents believe that restorative justice processes provide space for victims to make the decision to participate in the process. Further, scholars of and advocates for restorative justice believe that while it may be difficult and challenging for victims to face their offenders, there are therapeutic aspects of the process for many. For example, prior research found victims reported the process helped them move past their victimization (Wemmers & Cyr, 2005), and overcome the emotional and psychological effects of their experiences (Daly, 2005). In addition, most victims reported psychological benefits, such as healing and regaining a sense of control from their participation in the conference, which directly related to their perception of fairness within the process. This was also found in the current study. Although three participants identified having participated in a restorative justice process, they reported that restorative justice focused on the harm caused and helped them feel closure a fair or greater amount than those who participated in Model Code processes. This could also be attributed to the reporting party accepting responsibility, which is a requirement prior to the start of a restorative justice process.

Sharing of Information

The results of this study showed that participants had a clear understanding that when reporting, they would likely be required to share detailed information about their experiences including who was involved, a timeline of events, and any evidence related to the incident. In addition to this, participants stated they wanted an opportunity to share their perspective and the impact of the experience when sharing information regarding the incident. The study showed that it was important for both parties to have this opportunity, pointing to a need for an equitable and fair process. This also pertained to their definition of a meaningful process.

Restorative justice processes, as compared to Model Code processes, appear to offer the opportunity for more frequent engagement in dialogue and sharing of information throughout the process in an unscripted format, where a facilitator guides the conversation and maintains a safe and accountable environment. Restorative justice processes that promote these practices include victim offender mediation, conferences, and boards (Zehr, 2002). Engagement is a key component including direct communication and dialogue, and contributing thoughts and ideas to the resolution of a case. Model Code processes are quite different in that they rely on a more formal, structured script, inviting participants to share information related to the incident in predetermined portions of the process.

This study also found that beyond sharing information related to the incident, it was also important for them to share thoughts and feelings, discuss personal values and ethics and contribute their input for an acceptable outcome. This study showed that individuals who participated in restorative justice (n= 3) found that the process allowed them to share this type of information a fair or greater amount than those who participated in a Model Code process.

Unlike Model Code processes, restorative justice intentionally inserts opportunities for these items to be shared from both parties throughout the proceedings. The outcome of restorative justice processes includes the agreement between the responding and reporting party in the outcome, which may include restitution, reparations, elements of prevention and on occasion punishment (Zehr, 2002). Model Code processes allow for the sharing of thoughts and feelings, personal values and ethics and input into the outcome, however unlike restorative justice, the focus is determining whether the responding party was responsible for sexual misconduct. If found responsible, the sanctions incorporate some form of education, training or initial consultation with counseling services. Overarchingly, these sanctions are standardized.

The current study placed emphasis of the importance of the reporting party contributing to the outcome for the responding party. A study conducted by Daly (2005) found similar results in that the victim's participation in a Model Code process resulted in increased levels of satisfaction when the victim participated in the outcome of the process.

Trauma-Informed Care

Trauma-informed approaches, such as restorative justice, provide an environment that ensure in some capacity the physical, emotional and mental safety of participants. This type of practice involves facilitators removing biases, assumptions and predispositions on whether an incident actually occurred. The purpose of trauma-informed care is to focus on the reporting party's needs, to take their input on next steps, and to ensure they have the support and means to be physically, emotionally and mental safe in the parameters of their pursuit and ability to participate in educational programs and activities offered by the university.

In restorative justice, individuals called "supporters" participate in the process in order to provide a trauma-informed environment through support and accountability. Supporters assist in maintaining a safe environment where all participants feel comfortable speaking "honestly and openly" while also preserving accountability by holding participants responsible for respectful behavior, inappropriate comments, and compliance with the agreed upon values and expectations (Karp, 2004, p. 12). Although this takes place in Model Code proceedings, it is done more formally through a written script and the Chair of the board is responsible for upholding proceedings. Unlike restorative justice processes, expectations and values are not discussed or established collaboratively in a Model Code process and instead are pre-determined and remain the same regardless of participants.

As previously mentioned, trauma-informed care creates a safe avenue for participants to begin the process of acknowledging the impact of their experience while working toward closure

and healing. Reporting parties who participated in a restorative justice process described psychological benefits, such as healing and regaining a sense of control from their participation (Wemmers & Cyr, 2005) and reported overcoming the emotional and psychological effects of their sexual misconduct experience (Daly, 2005). A trauma-informed, restorative justice approach intentionally limits additional harm to the reporting party and ensures a safe, respectful and fair space to share their experiences and participate in the process. The findings in this study further support this because participants of restorative justice reported feeling respected, focusing on repairing the harm caused, and feelings of closure more than those who participated in a Model Code process. Trauma-informed processes also acknowledge that reporting parties come into the process navigating a multitude of emotions including but not limited to fear, anxiety and overall safety concerns. One thing particularly noteworthy is that with the current Title IX regulations, reporting parties are required to participate in the process in order for the university to move forward with an adjudication process. Without the participation of the reporting party, the university is obligated to close the case without further action. Unlike this process, restorative justice offers the responding and reporting parties to participate to the extent they are comfortable. Should one party opt not to participate, the process can still move forward in their absence. Current Title IX regulations, particularly with this participation requirement, lacks a trauma-informed framework. It is important to acknowledge that reporting parties may not, for a variety of emotional, mental and safety reasons, want to fully participate in a process. Equally so, responding parties may not, for a variety of reasons, participate in the process either. From a campus climate perspective and reducing the prevalence of sexual misconduct, it is important, regardless of willingness and ability for parties to participate in an adjudication process, the behavior is addressed to some extent. By opting to do nothing, the chances of recidivism are

increased and the campus climate goes unchanged. The perception that this then generates is that sexual misconduct is not taken seriously and contributes to the high prevalence of sexual misconduct on university and college campuses.

This study echoed findings of prior research related to expectations of an adjudication process. Participants want timely support and resources that are offered before, during and after reporting an incident of sexual misconduct. They hope that by reporting, the responding party's behavior will be addressed, taken seriously and result in some form of accountability. They expect a process that allows them to share their experience, while not having to repeat the details of their experience multiple times or with multiple individuals. The process should stand on the framework of trauma-informed care, allowing for the safety, physical, emotional, and mental health of all parties involved. In the end, the adjudication process should allow for some degree of closure. That closure may not come directly from the outcome of the process (i.e., the responding party being held accountable), but the process should in some way, at some point present opportunities for both parties to gain interpersonal resolution, healing, and a means to move forward. Below, the results of the study related to participant experiences and perceptions are explored in relation to the review of literature for this study.

What are the experiences and perceptions of reporting and responding parties regarding

Model Code student conduct processes for adjudicating sexual misconduct cases?

What are reporting and responding party experiences and perceptions of restorative justice processes?

Research has shown positive impact and outcomes when participating in a restorative justice process. Some of these include psychological benefits, a movement toward healing and closure, accountability of the responding party resulting in decreased recidivism and a larger

community impact partly due to the participation of community members in the process (Abrams et al., 2006; Amstutz & Mullet, 2015; Daly, 2005; Karp, 2004; Karp, 2013; Meagher, 2009; Strang et al., 2006; Zehr, 2002). Research on Model Code participation has shown varying results when it comes to educational value, and perceived impact of sanctions including learning and recidivism. Specifically, Mullane (1999) found that participants believed the process had educational value, while Howell (2005), King (2012), and Mullane (1999) found that most felt no learning occurred, particularly if they had participated in the process more frequently (King, 2012). In addition, the majority of participants in a Model Code process found little to no value in the process (King, 2012), and that the type of sanction administered had limited impact on recidivism rates (Kompalla et al., 2001). In alignment with prior research, participants more often identified their *experience* with restorative justice as providing accountability, education and development, closure, the sharing of information and trauma-informed practices than participants of a Model Code process. However, when comparing *perceptions* of Model Code and/or restorative justice, it was found that participants perceived a restorative justice process as providing more closure than a Model Code process. Participants perceived that both a Model Code and/or restorative justice process almost equally provided a fair or great amount of accountability, education and development, and encouraged the sharing of information and trauma-informed practices. Participant responses indicated that they perceived a Model Code process as offering support and advocacy more so than a restorative justice process.

A Case for Restorative Justice

The purpose of this study was to explore whether restorative justice practices would be a utilized and meaningful resolution for campus adjudication of sexual misconduct. Specifically, this study examined if reporting and responding parties would be more likely to pursue reporting options through a restorative justice process, if available. Overall, the data collected within this

research suggests that restorative justice would be a utilized and meaningful resolution for campus adjudication of sexual misconduct. There were statistically significant differences in regards to participant perceptions of Model Code and restorative justice processes ($t(333) = 12592.0, p = .000$). In addition, when asked which process a participant would be more likely to pursue or participate in, they indicated Model Code. On the other hand, participant responses to open-ended questions were reflective of restorative justice and its framework, elements and concepts. One key indicator of this discrepancy was the number of participants who, after being provided with educational materials describing each process, reported not knowing or understanding restorative justice. This is helpful in understanding why participants have described elements of a restorative justice process in their open-ended survey responses, yet identified being more likely to pursue and/or participate in a Model Code process in their quantitative responses. This finding also shows the importance of educating students and the campus community regarding restorative justice. If students have an understanding and increased knowledge about this form of practice, they may find that what they are looking for and expecting in an adjudication process can be achieved through restorative justice.

In participant responses, they frequently addressed education, behavioral change, accountability, healing and closure as being key components to an adjudication process. These concepts are the foundation of restorative justice practices. Advocates for restorative justice practices say that the intentional bringing together of reporting and responding parties along with community members helps to “repair harm, support true accountability, and reestablish trust” in a way that traditional practices, such as the Model Code do not (Karp et al., p. 3, 2016). Further, the educational opportunities for development and growth go far beyond standard disciplinary proceedings. After a resolution occurs, restorative justice continues in order to reintegrate the

responding party back into the community, even after suspension or expulsion. Karp et al. (2016), founders of Promoting Restorative Initiatives for Sexual Misconduct (PRISM) suggest that restorative justice practices actually encourage accountability, reduce the risk of reoffending, provide greater reassurance for the safety of survivors, and create meaningful development of community interventions and reintegration.

To further explore the data in relation to whether restorative justice would be a utilized, meaningful process to resolve cases of sexual misconduct, it is important to address how students scored their experiences and/or perceptions of both Model Code and restorative justice processes. Three participants in this study had direct experience in a restorative justice process compared to 13 who participated in a Model Code process. Although there were fewer students reporting on their experiences with restorative justice, these participants rated their experiences higher on all scale responses compared to participants of Model Code processes, except when it came to being offered counsel and support. In addition, participants scored their perceptions of restorative justice higher than Model Code processes on 11 out of the 20 questions.

When assessing satisfaction, 100% of participants stated they were satisfied with the restorative justice process, the outcome of the process, would participate in the process again and would encourage others to participate. Comparing the scores of perceived satisfaction with restorative justice and Model Code processes, participants scored restorative justice higher when it came to perceived satisfaction with the process, and the outcome of the process. Overall, the results of this study, which align with prior research, provide compelling reasons to implement restorative justice as an alternative approach to Model Code processes for adjudicating cases of sexual misconduct. A high level of overall satisfaction is achieved by those who participated in a restorative justice process, and indicates that this satisfaction would result in their referring

others to engage in this process. This would, over time, promote the reporting of sexual misconduct experiences, increase accountability, and thus have a large community impact in reducing sexual misconduct, a goal of feminist legal theory.

Theoretical Implications

Feminist legal theory examines the relationship between women and law, advocates for creating alternative approaches to address gender inequities, enacts large-scale social change through legal avenues, challenges hegemonic ideas and existing social injustices, addresses issues of equity that exist within the legal system, and enacts and acknowledges a responsibility of the community.

Creating Alternative Approaches

Feminist legal theory helps frame new avenues for institutions of higher education to address equitable and fair gender relations while creating alternative approaches to resolve cases of sexual misconduct. Given the legal foundations of university policy, feminist legal theory provides an important framework of analysis and understanding. This study analyzed the existing process utilized to adjudicate cases of sexual misconduct at the university in order to identify a possible, more equitable alternative approach that centers the experience(s) of the reporting party: restorative justice.

The university represented in this study currently offers an informal and formal resolution process to adjudicate reports of sexual misconduct, which follow the procedures of a Model Code. While analyzing this current process, both with participants who had direct experience and those who did not, participants' responses varied in relation to why they opted not to file a report with the university. One theme derived in relation to this was the university's reputation for (mis)handling reports of sexual misconduct. Fifteen percent of participants identified this as

being the reason they opted *not* to report. Specifically, participants shared a lack of trust in university administrators, observing insufficient action to reported concerns, and an overall negative experience with the reporting and adjudication process. In addition, participants who engaged in a Model Code process reported the process offered a fair or great amount of support and advocacy, accountability, education and development, closure, the sharing of information and trauma-informed care less than reported by participants of a restorative justice process. These results show support for the creation of restorative justice as an alternative approach for adjudication of sexual misconduct on university and college campuses, and is a process that addresses gender inequity in that it provides a space for both reporting and responding parties to receive equitable services and care throughout the process. It focuses on meeting the needs of all parties in order to develop an agreed upon resolution toward change, healing and closure.

The pragmatic branch of feminist legal theory surmises that different circumstances warrant different approaches or outcomes when addressing issues of equity (Levit & Verchick, 2016). The review of literature supports this notion and identifies the use of restorative justice versus Model Code adjudication procedures for specific case types. Each procedure follows different processes, providing for different experiences for those involved. Certain cases, such as sexual misconduct are best resolved through the restorative justice model because it is an approach that is “responsive to individual incidents of misconduct as well as to the broader cultural contexts that support such behavior by offering non-adversarial options for prevention education, resolution, and pathways to safe and accountable reintegration” (Karp et al., 2016, p. 2). The results of this research also show that participants (40%) would pursue this route for resolving incidents of sexual misconduct. The open-ended survey responses support this in that participants stated they wanted a process that values safety, meaningful development, gender

equity, accountability and growth for all participants. This is important for practitioners in higher education because it identifies restorative justice as an additional avenue for students to voluntarily participate in an alternative adjudication process.

Social Change

The objective of feminist legal theory is to create social change through equitable treatment, with the “assertion that women and men are similarly situated for all legally relevant purposes” (Whitman, 1991, p. 493). Participants in this study identified the importance of an adjudication process that provided fair and equitable opportunities to share information related to the incident as well as an opportunity to participate in the manner in which they felt most comfortable. This aspect of feminist legal theory also intersects with participant’s acknowledgement of blame being placed on the reporting party, disbelief in the reporting party’s experience and the systemic patriarchy and bias that plays into adjudication processes. From a feminist legal lens, there are concerns that these processes do not place women and men in similarly situated circumstances or opportunities for addressing sexual misconduct cases. Statistically, women experience sexual misconduct at a higher rate than men. According to the Centers for Disease Control and Prevention (2021), “nearly 1 in 5 women have experienced completed or attempted rape during their lifetime,” compared to “nearly 1 in 38 men.”

When we consider feminist legal theory from the scope of social change and movement toward a more just and equitable culture that stands against sexual victimization, we must look to the long-standing history of feminist movements including first, second, and third waves. Feminists have long identified the normalization of sexual violence in everyday social, political, and economic sectors of women’s lives. Feminists later developed the term *rape culture* to distinguish the perpetuation of sexism, objectification, and sexual violence against women (Daly & Culpepper, 1983). In participant responses, the acknowledgement of the current existence of

rape culture, along with personal experiences, have shown that rape culture is ever present and integrated into all aspects of the university community. This culture was identified by participants when receiving responses from university administrators that supported the notion that “boys will be boys,” “the victim [being] blamed,” “insufficient action being taken,” the experience and perception that cases of sexual misconduct often get “swept under the rug” and “offenders never get[ting] punished”. Several participants indicated a need for a climate shift in order to “elevate sexual assault experiences,” and “rectify the system that allows for biases to continue to exist.” In order to enact this culture change, participants stated that adjudication processes needed to “set an example” meaning that responding parties need to be held accountable for their behavior(s).

Brownmiller (1975) acknowledged that misconceptions about rape create disparity and confound the processes of holding perpetrators accountable. Based on the results of this study, this still holds true today. Participants of the study believe if reporting parties were “actually held accountable for their behavior(s),” it would likely encourage others to report their experiences of sexual misconduct which would begin to send a message that sexual misconduct experiences are taken seriously result in actions to address the behavior(s) of the responding party.

Hegemonic Ideas, Social Injustices and Addressing Inequity

While some argue that legal proceedings are equitable, feminist legal scholars “challenge the assumption that law establishes a neutral procedural framework that provides a fair hearing for all points of view” because law itself is constructed from patriarchy (Whitman, 1991, p. 493); the creation of law founded and formulated by the knowledge of white-men. It is important to again acknowledge that universities look to law in the creation of policies and procedures, particularly when it comes to Title IX compliance. Naturally, the laws, whether established at the

federal, state or local levels, are heavily influenced by the voices and decisions of white men. Specifically, women are disproportionately represented in U.S. Elective Offices. For example, women hold 26.7% of seats in the U.S. Congress. This is similar to seats held by women in the U.S. Senate and the U.S. House (Center for Women and Politics, 2021). Logically the underrepresentation of women at the federal, state and local Elective Office levels creates a lack of women's knowledge, experiences and voices when it comes to the implementation and enactment of law, and thus are also lacking in university policy. Therefore, feminist theory aims to challenge existing knowledge formulated by those who occupy privileged positions, which often excludes the knowledge and experiences of women and other marginalized populations (Hesse-Biber, 2014). Participants identified this notion in their experiences and perceptions of adjudication processes identifying biases, feeling marginalized and having their voices and experiences silenced. Therefore, feminist theory aides this study in challenging existing knowledge formulated by those who occupy privileged positions, which often excludes the knowledge and experiences of women and other marginalized populations (Hesse-Biber, 2014).

Feminist theory addresses “the many inequities and social injustices” created by hegemonic ideas that “reinforce the existing system of gender inequality” (Hesse-Biber, 2014, p. 3). It places gender, specifically the voices and experiences of women, at the center of knowledge and inquiry, thus disrupting previous ways of knowing in order to create new meaning (Hesse-Biber, 2014; hooks, 2000; Somekh & Lewin, 2011; Sprague, 2016). In order to accomplish this, feminist theory challenges relationships based on power and control while acknowledging that the society and cultures in which we engage influence the production of knowledge (Kelly, 1988; Ramazanoğlu & Holland, 2002). Feminist legal theory advocates that universities should ensure their procedural framework and policies uphold a neutral process for

all parties involved and create an avenue for participants' voices to play a primary role in addressing experiences of sexual misconduct. Universities should ensure that this review also takes place from the lens of marginalized populations, including women. This would require allowing women, including students, faculty and staff to collaborate and provide input for revisions to policy and procedure.

Considering this neutrality in adjudication procedures, restorative justice offers a non-adversarial process that is founded in neutrality and can greatly reduce the power imbalance between parties. Specifically, participation in the process requires the agreement of both parties to engage in the process and requires the responding party to accept responsibility for their conduct. This is most often seen in restorative justice processes including Victim Offender Mediation, Circles and Conferences. This agreement and acceptance of responsibility allows for both parties to engage in the process knowing that there will not be an argument or discussion on what occurred, but instead a focus on how to “repair the harm caused, how to prevent its reoccurrence, and how to ensure safe communities” (Karp et al., 2016, p.2). Restorative justice provides a neutral environment where parties can fully participate and not feel they have to defend themselves. The active process of engagement toward a common resolution of repairing harm can also restore a sense of control for the reporting party.

Communal Responsibilities of Care

Cultural feminism supports the “idea that law [should] encourage communal responsibilities of care” (Levit & Verchick, 2016, p. 18). This includes avenues of mediation such as restorative justice as opposed to criminal court litigation. Cultural feminism therefore strives for “greater incorporation ...of a culture of care” (Levit & Verchick, 2016, p. 18)

allowing for the focus to be on healing around the harm caused and creating behavioral change with a focus on community accountability.

As addressed in Chapter 2, advocates for restorative justice practices say that the intentional bringing together of reporting and responding parties along with community members helps to “repair harm, support true accountability, and reestablish trust” in a way that traditional practices, such as Model Code do not (Karp et al., p. 3, 2016). After a resolution of sexual misconduct occurs, restorative justice continues to reintegrate the responding party back into the community, even after suspension or expulsion. In order to achieve communal responsibility of care, community members must actively engage in education around rape culture, victim blaming, bystander intervention and gaining knowledge of the prevalence and perpetration of sexual misconduct. Participants in this study also identified this need and identified the community as an agent for reducing the perpetration of sexual misconduct and the recidivism among responding parties. This in turn generates an increase of care for those who have experienced sexual misconduct. The community understands the prevalence, the perpetration and the impact thus creating a culture shift away from rape culture and victim blaming practices.

Implications

As with any research study, the results are intended to identify implications for various audiences. Since this study focused on college and university adjudication processes for sexual misconduct, the implications of this study are directed toward university administrators including offices overseeing Title IX Compliance, Student Conduct, and support and outreach initiatives. University administrators play a key role in the policies and procedures, and setting a cultural tone for addressing sexual misconduct on their campuses. Specifically, the handling of

disclosures, providing support and advocacy, orienting students to restorative justice, and reviewing and updating policies and procedures are paramount.

Handling Disclosures

One key implication of this study is the need to train faculty and staff on how to effectively respond to a disclosure of sexual misconduct using a trauma-informed approach. Often, the disclosure of such an experience is what notifies the university that an incident of sexual misconduct has occurred, per mandatory reporting obligations under Title IX. It is the response of the person receiving the information that often inhibits or encourages the reporting party to pursue an adjudication process or seek resources related to living and learning environments, safety, and emotional and mental well-being. This study explored reasons why participants did not report their experience(s). Most frequently, participants stated they did not believe their experience was serious enough, felt it was a personal matter, did not think it would be taken seriously, were embarrassed, would be blamed or not believed, the university had a reputation for mishandling reports, or the responding party was well-known within the community. Some of these reasons are unavoidable, but others such as being taken seriously, not placing blame, and handling reports appropriately are things that are within control of university administrators and can be addressed by properly training and educating faculty and staff on how to handle disclosures using a trauma-informed approach, available resources, and their obligations as mandatory reporters under Title IX.

Proper training and education about Title IX helps to ensure students are receiving timely and trauma-informed support and information about reporting in order to meet their needs. This has many implications for not only the physical, mental and emotional well-being of students involved, but also their academic participation and success. This is also supported from the feminist legal theory lens in regards to a communal responsibility of care. Colleges and

universities should prioritize the assessment of their current policies and practices for offering support to both reporting and responding parties to ensure they are provided adequate and appropriate resources, and are feeling validated and respected when disclosing their experience of sexual misconduct. The framework in which faculty and staff receive a disclosure and how they respond can unintentionally, or intentionally, deter a student from taking further steps, such as filing a report to address their experience through an adjudication process.

Providing Support and Advocacy

Participants identified the importance of being offered support, resources and advocacy when reporting their experience(s) of sexual misconduct. Although this is not a new finding or recommendation from previous literature, this study builds on existing literature in that it identifies specifically how students expect to receive support and advocacy. This included anything from having someone to talk to who was respectful, validating and knowledgeable, to connection with free and timely mental health resources, interim safety measures such as no contact directives, and assistance through an adjudication process. If a student does not feel heard, validated and empowered, it is likely they will not pursue reporting and adjudication options.

It is important for universities to assess current services offered to both reporting and responding parties and to identify any gaps in support that may exist. Recently, there has been increased attention and advocacy for support services for responding parties, acknowledging that not only are colleges and universities legally responsible for responding to and addressing sexual misconduct complaints, they are required to provide support to both reporting and responding parties. These supports and resources need to be equitable. By increasing support and resource options for both reporting and responding parties, there will be better opportunities to ensure

students' holistic well-being and ability to pursue and/or participate in reporting options to address the behavior(s) of concern.

It is also important to recognize that support and advocacy does not always translate to making referrals and offering various resources, but providing reporting parties and responding parties with options. This includes various options for adjudicating cases of sexual misconduct. Rather than telling a reporting party their options are either to report to law enforcement and/or the Office of Title IX, there is an opportunity to expand options for adjudication processes. By including the opportunity to participate in a restorative justice process it provides another avenue for adjudicating sexual misconduct cases, and one that has been historically rooted in repairing harm, holding the responding party accountable, and creating a mechanism for participants to heal and gain closure. These foundational aspects are what participants reported they hoped to gain or would expect from an adjudication process and if given the option, may very likely pursue it.

Orienting Students to Restorative Justice

The results of this study showed that participants did not understand or have knowledge of restorative justice processes. As a result, they stated that they would likely not pursue restorative justice as an adjudication option. If a university decides to offer restorative justice as a means to adjudicate sexual misconduct cases, there will need to be additional dedicated training and education provided to students as well as employees. This education must include a focus on addressing the pillars and foundations of the process and what to expect during one-on-one meetings with students seeking to report an experience of sexual misconduct. It will be important for administrators to take the time in understanding the student's needs in opting for a restorative justice approach, and how those needs align with a particular a process.

The education of faculty, staff and community members is also important when it comes to restorative justice processes as university and college administrators are often whom students turn to for assistance. One of the most difficult things to circumvent is the delivery of misinformation, particularly when this misinformation is being provided by someone the student trusts, which is often the person they will most likely turn to for support. In addition, the education of faculty and staff is important because the restorative justice itself is collaborative in nature and includes the involvement of campus community members who contribute to the overall conversation and resolution of a concern. This specific type of engagement also extends the impact of the process to individuals outside of reporting and responding party roles and thus has large cultural impact in addressing sexual misconduct.

Reviewing and Updating Policies and Procedures

This study provides insights about what students need and expect from a restorative justice process, including offering support and advocacy, a means to hold the responding party accountable for their behavior(s), an opportunity for education and development for themselves, the reporting party and the community, the prospect of working toward or achieving closure, the sharing of their experience and information related to available options for addressing their concern(s), and a process that incorporates a trauma-informed approach. Universities should be encouraged to assess whether their processes incorporate these themes from the time a student discloses an experience of sexual misconduct, to filing a report and participating in an adjudication process. Following implementation, policies should be periodically reviewed to ensure they are current and appropriately address the needs of students involved in sexual misconduct adjudication cases.

Addressing the Gaps

There is a dearth of research on Model Code and restorative justice processes for adjudication of sexual misconduct on college campuses. Generally, research is strongest in the area of criminal court proceedings involving restorative justice practices, though there is some limited research on sexual misconduct cases. There is also a gap in literature regarding campus processes to adjudicate cases of sexual misconduct, regardless of a Model Code or restorative justice process. This study contributed to the literature by providing data about experiences and perceptions of Model Code and restorative justice processes for adjudication of sexual misconduct.

The research available regarding restorative justice on college and university campuses tend to focus on low-level violations such as alcohol and other drugs, where there was often not a reporting party who had been victimized. This study, utilizing a feminist legal framework, purposefully sought to include the voices and experiences of those who experienced sexual misconduct. Although this study included both reporting and responding parties, 97% of participants identified themselves as a reporting party, centering their perceptions and experiences. This aids in filling one of the major gaps in the literature around Model Code and restorative justice processes.

This study also contributed to our understanding of restorative justice as a means to adjudicate sexual misconduct cases by providing insight into whether it would be a utilized and meaningful process for participants. As previously mentioned, existing research focused on Model Code experiences and lacked the voices of responding parties. In addition, limited research is available regarding restorative justice practices on college and university campuses. This study accomplished both: studying the experiences and perceptions of reporting parties, and contributing to the literature regarding campus restorative justice.

The review of literature lacked information regarding the type and extent support and advocacy was offered and/or received in processes for adjudicating sexual misconduct cases, whether in a criminal court proceeding or in a university or college adjudication process. This study contributes to the literature about the support and resources participants utilized and what they needed and/or expected with how they would want to receive this support. Through the use of open-ended questions, participants expressed the importance of on-going support and advocacy throughout the adjudication process.

Lastly, there is a lack of existing research about university and college adjudication processes as they relate to meaningful and/or worthwhile experiences with the processes. Although some studies address levels of satisfaction, the current study brings meaningfulness into the discussion, extending the current body of research on this topic. Meaningfulness goes beyond satisfaction (Baumeister, 2012). Meaningful, as defined by participants in this study, includes something being “impactful,” “making a lasting difference,” having a sense of pride and having “deep meaning.” Acts of sexual misconduct cause harm and trauma. As this study addresses how participants define meaningful and what would make an adjudication process worthwhile, it is important for a process to provide an avenue where participants can experience lasting, positive impact from their participation in an adjudication process.

Limitations

This study provided an opportunity to explore and gain knowledge of participant experiences and perceptions related to Model Code and restorative justice adjudication processes that address sexual misconduct. As all studies have limitations, this section identifies and discusses the limitations of the current study. Specifically, the section includes discussion of the research design and distribution, response rate, utilization of T-Tests, response fatigue and lack of knowledge of participants as it relates to adjudication processes.

Research Design and Distribution

This study was conceptualized as a mixed methods approach that incorporated a survey and follow-up interviews in the design. Prior to finalizing the methodology of this research, 16 universities across a Southeastern state were contacted to gauge participation levels. It became apparent that implementing this survey and conducting qualitative interviews with participants across multiple institutions would not be feasible, mainly due to a lack of willingness of institutions to participate in a study that addresses a sensitive topic. One of the 16 institutions contacted agreed to implement questions for this research within their Title IX Campus Climate Survey.

The design of this research shifted from a mixed methods survey and interview approach to solely a survey. This decision was made in part, due to my role as a researcher and my role as a practitioner (see Role of Researcher). In addition, the survey was also administered during the time of the evolving COVID-19 pandemic when institutions of higher education were shifting their academic coursework to online modalities and closing down residence halls. Due to the chaos, anxiety and stress surrounding the pandemic, along with the shifting nature of academic coursework and concern for a lack of participation in interviews, qualitative interviews were eliminated from the methodology. The end result, was a survey utilizing closed-ended and open-ended questions. The decision to remove interviews from the research design caused a limitation in not being able to ask follow-up clarifying questions regarding participant responses or gain additional details from participants regarding their responses. Had interviews remained in the research design, additional qualitative data could have been collected to further enhance the understanding of participant experiences and perceptions with Model Code and restorative justice processes.

Response Rate

The survey was deployed via email from the Title IX Coordinator in the spring 2020 semester to 5,237 currently enrolled seniors and again in the fall 2020 semester to 19,800 currently enrolled undergraduate, graduate and distance education students, totaling a population of 25,037 enrolled students. Of the 25,037 participants, 2,028 responded, a response rate of approximately 8%. Due to this study being incorporated into the site university's Campus Climate Survey, the data collected had to be cleaned. Responses from participants who indicated they had not experienced sexual misconduct or been alleged to have engaged in sexual misconduct were eliminated from the final data set. In addition, data were eliminated if the participant did not complete the full survey. In total, 200 (10% of those who fully completed the survey) participants identified either as a reporting or responding party and had completed the survey in its entirety.

Another contributing factor to the low response rate may be due to national pandemic and the shift to online learning. All participants of this study were impacted by the campus disruption in that they experienced an increase in utilizing online modalities to complete online course work, and communicate with classmates, faculty and staff. This may have further limited individuals from participating in the study. Due to a lower response rate, the results of this study are not generalizable to a larger population.

Utilization of T-Tests

The use of scaled responses enabled quantitative analyses. Unfortunately, the number of participants identifying as reporting parties far outnumbered those identifying as responding parties. This created too large of a sample size difference to effectively run test statistics such as the chi-square (χ^2) test for independence or an independent t-test with the ability to compare

responding party and reporting party responses. Therefore, a parametric test was conducted to analyze response differences between Model Code and restorative justice experiences and perceptions. As a result, the Mann-Whitney U T-Test was utilized due to the use of scaled responses and it does not require a normal distribution of data. Had there been roughly equal population sizes for both reporting and responding parties, it would have allowed for the identification of any statistically significant difference among responses between the two groups. Although not a detriment to this study, these types of results would have provided another key perspective of the perceptions and experiences in Model Code and restorative justice processes based on party identification.

Response Fatigue

One aspect to survey research is understanding that survey overload and fatigue can contribute to a lack of participants or survey completion. The original survey had a 46-minute average time of completion. After reviewing the survey and making as many adjustments as possible, the estimated time of completion lessened to about 30 minutes. The Department of Institutional Research and Planning suggested that in order to increase the response rate, surveys generally should have a 10-minute completion time. This was not possible due to the nature of the topic being studied along with the desire to also gather open-ended survey responses. The open-ended survey questions were intentionally created to support the quantitative data, and to provide opportunities for individuals to share personal experiences and for a broader audience to make meaning of those experiences (Levitt & Verchick, 2016). In addition, this study was incorporated into the site university's Campus Climate Survey, resulting in questions that were not utilized for this particular study. According to the data collected, it took participants an average of 54 minutes to complete the survey. Although only two participants specifically identified the length of the survey being a challenge, it can be assumed that many participants

also felt the same way based on the length of the survey and the average time it took for participants to complete. In addition, the transition to online learning during the COVID-19 pandemic likely had a larger impact on survey fatigue than it would have in non-pandemic times.

Lack of Knowledge Regarding Adjudication Processes

Prior to administering the survey, it was assumed that most college-aged individuals lacked knowledge or familiarity with Model Code and restorative justice processes as means to adjudicate sexual misconduct cases on college campuses. This is likely due to a lack of experience with and information about such processes. To address this concern, detailed descriptions of each process were provided to participants in both written and audio formats. Participants were asked to read and/or listen to the educational materials provided in order to assist in them in answering the survey questions. Even though these detailed descriptions were provided, a large number of participants stated that they did not know or understand what these processes entailed (52%). This indicates that participants likely did not read and/or listen to the descriptions provided and this may have skewed the results of this study. Had participants fully read and engaged with the educational materials, they may have selected restorative justice as a process they would engage and participate in over a Model Code. This finding also reiterates the need for college and university campuses to dedicate time and resources to educating their community regarding adjudication processes, including restorative justice.

Despite these limitations, this research increases our knowledge about experiences and perceptions of Model Code and restorative justice processes. Specifically, there is limited research on both of these processes in the university and college setting. This study addresses aspects of this gap and builds on the existing literature by increasing knowledge around what reporting and responding parties hope to gain and have resolved in an adjudication process, what

they expect out of a process, and what their experiences and perceptions are in relation to accountability, closure, equity, fairness, and overall satisfaction.

Recommendations

Although research on the implementation of restorative justice as an alternative means to adjudicate sexual misconduct on college campuses is growing, much is still unknown. This section of the dissertation outlines recommendations for adjudication of sexual misconduct cases utilizing a restorative justice process.

One recommendation is for institutions to evaluate and assess their adjudication processes. Through the collection and analysis of data, institutions can provide evidence in support of their processes, or demonstrate a need for change. This data would not only aid the implementing institution, but would be beneficial for the field of higher education through the establishment of data-informed best practices.

In order to determine whether restorative justice or Model Code processes produce the most learning and positive behavioral change for responding parties, data should be collected on learning outcomes, behavioral changes, and perceived experiences. Ludeman (2004) suggests there is also a lack of research on the developmental outcomes of student participants in such processes, and this information would assist institutions in developing more effective and impactful procedures, thus potentially preventing or reducing recidivism of sexual assault. Additional research is also needed to assess whether reporting parties find restorative justice processes meaningful and just.

Another recommendation would be for the collection of data from larger sample sizes. Several studies are non-generalizable due to their small participant size. By increasing the sample sizes, scholars and practitioners can gain a better understanding of the true implications for adjudication procedures and their outcomes. This recommendation does not come without

limitations. The ability to collect larger sample sizes would require the combination of similar cases from multiple institutions, which would subsequently require institutions to utilize the same processes and definitions for Code violations. This alone could present a major hurdle to conduct research with larger sample sizes.

In addition, there is a need for longitudinal studies in order to gain a comprehensive analysis of long-term impacts of restorative justice and Model Code processes on both reporting and responding parties. This leads to an additional recommendation for research on victim and offender recovery after participation in adjudication processes. This would allow for further understanding of whether these processes aid in recovery and healing for victims, as well as behavioral changes for offenders. Longitudinal studies also present an opportunity to provide insight on responding party compliance with resolutions, as well as responding party experiences upon returning to the campus community after participating in Model Code and/or restorative justice proceedings.

A final recommendation would be to measure the impact of restorative justice processes on the campus community, particularly whether the implementation of restorative justice practices have an effect on the overall campus climate and culture. As campuses seek to reduce the prevalence and recidivism of sexual assault, it would be important to understand whether restorative justice processes contribute to greater change. In addition, it would be beneficial to understand whether participants within these processes have a different view of their role in a campus community and if that role has changed due to their involvement in restorative justice.

These recommendations address opportunities to increase the knowledge and practices in the field of higher education around adjudication of sexual misconduct cases through a restorative justice process. Continued data collection regarding participant experiences and

perceptions will aid in developing and enhancing current procedures for addressing sexual misconduct, and can thus lead to a campus culture shift. This culture shift is imperative to reducing the incidents of sexual misconduct. In order to begin this process, we must first understand the current culture, identify what needs to be changed and do so in a way that places the experiences of reporting and responding parties at the center. Further research in these areas can aid colleges and universities in implementing adjudication processes that uphold accountability, reduce recidivism, increase trauma-informed care, and provide the support and resources reporting and responding parties need to move forward, work through trauma and begin to heal and find closure.

Conclusion

As mentioned in Chapter 1, the ultimate goal of this research was to advocate for further review of current university and college processes and potentially incorporate alternative methods like restorative justice for sexual misconduct cases. As institutions of higher education begin to navigate the ever-changing shoals of Title IX, it will remain important for policies and procedures to adapt to Title IX modifications. This is not new for administrators in Title IX as over past years major alterations were made, resulting in significant changes to current university and college policies and procedures to meet the requirements under Title IX. Colleges and universities should expect to see additional changes under the Biden Administration in the coming months. Portions of this dissertation may even be outdated in the next few months as these changes come into existence. This is mainly in reference to the classic literature review found in Chapter 2 related to the history of Title IX.

However, even with these changes, this study will remain relevant, particularly should new regulations and/or guidance suggest and support the further implementation of alternative adjudication methods like restorative justice. This study aids colleges and universities by

providing voice, experiences and perceptions from a population of students who may engage, or have already engaged, in an adjudication process for sexual misconduct. Policy and procedure development and implementation at the campus level often lacks this type of reflection and input as compared to federal Title IX changes that include a period of comment from various audiences, which may include reporting and responding parties among campus administrators and national organizations that work to address concerns around Title IX. The participants of this study have provided feedback, advice and input on what these processes should include. This is a valuable tool that many colleges and universities may not have previously had. The results and findings of this study will assist in the develop and/or enhancement of policies and procedures for adjudicating sexual misconduct.

As a practitioner and current Title IX Coordinator of a university, I will lean on the results of this study in order to enhance our current policies and procedures for responding to and adjudicating sexual misconduct cases. Specifically, assessing processes to increase support, ensure trauma-informed practices are utilized and identify creative, alternative methods for accountability that promote student development and growth. These efforts would ultimately result in a process where parties can begin and/or continue to move toward healing and closure. The findings of this study provide critiques to current processes and can be utilized in a way to ultimately increase reporting and responding parties' trust of the adjudication process and for both to willingly and actively engage in the process. With this type of outcome, the hope is to see an increase in reporting of sexual misconduct experiences, contributing to the larger cultural shift needed to ultimately reduce incidents of sexual misconduct on college campuses

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APPENDIX A: INVITATION TO PARTICIPATE

Initial Email Invitation

Dear Student,

I am excited to share that [Cite University]'s Title IX Campus Climate Survey is now live, and you are invited to participate! I understand this is a busy time, made more demanding by our current pandemic. However, the data collected from this survey will help [Cite University] and campuses across the nation to better understand the reporting experiences and perceptions of students related to processes to resolve complaints of sexual misconduct.

Purpose of the Title IX Campus Climate Survey:

The purpose of this survey is to learn about students' understanding of and experiences with interpersonal violence. The White House and the Department of Education's Office for Civil Rights have identified campus climate surveys as a best practice that can capture the nature and scope of sexual misconduct as it exists on individual campuses. This iteration of the campus climate survey is in partnership with Ellen Grulke's work on a doctorate degree in Higher Education Administration at Appalachian State University. Information from this study will be used to help colleges and universities in understanding whether restorative justice proceedings would be a meaningful process to adjudicate sexual misconduct cases.

Data collected through this survey will not be connected with information that could be used to identify participants. The collection of data will occur through the software program Qualtrics. Your participation in this survey is completely voluntary. You are free to withdraw consent and discontinue participating in the study at any time. Once you have submitted your responses, you will no longer be able to rescind consent because we will be unable to identify your responses since the survey does not collect identifying information.

To participate in this anonymous survey, you must:

- be 18 years of age or older; and
- be an enrolled undergraduate or graduate student at [Cite University]

The survey will take approximately *30 minutes*, depending on your responses.

Incentive for Participating:

In order to thank you for your time, we are providing the opportunity to receive incentives for your participation in this important survey. At the end of the anonymous survey (your name and contact information will NOT be linked to your survey responses), you will be prompted to a separate form that will allow you to provide your name, email and phone number. By submitting this information, you are entering your name into a lottery for a chance to win one of the following:

- 10 oz. Yeti Rambler

- Free pizza or cake (from [Cite University] Dining Services)
- \$10 gift card to [Cite University] Dining Facilities
- A [Cite University] throw blanket

Follow this link to the Survey:

[\\${1://SurveyLink?d=Take the Survey}](#)

Or copy and paste the URL below into your internet browser:

[\\${1://SurveyURL}](#)

Follow the link to opt out of future emails:

[\\${1://OptOutLink?d=Click here to unsubscribe}](#)

Available Resources:

As this study focuses on the topic of sexual misconduct and student conduct procedures, you will be asked specific questions that may cause you to think about your previous experiences. Your emotional well-being is very important to us and we want to ensure that you have resources available to you should you need to access them. Below my signature line are resources available to you.

Thank you for your consideration to participate in this year's Campus Climate Survey.

Sincerely,

*Director Title IX Compliance
Office of Title IX Compliance*

Available Resources:

If you would like to speak with someone about harassment or discrimination based on sex, including sexual misconduct, please contact:

Title IX Coordinator

Office of Title IX Compliance

[Cite University Contact Information Provided]

or

Case Management

Office of the Dean of Students

[Cite University Contact Information Provided]

For confidential services:

The [Cite University]**Counseling & Psychological Services** can be contacted M-F, 8am-5pm and after hours through the counseling center's after-hours on-call at [Cite University Contact Information Provided]

Local Sexual Violence Resources Agency is a non-profit organization serving survivors of

domestic violence and sexual assault in [local] counties. [Local sexual violence resource agency] provides confidential crisis-intervention, counseling and support to survivors of sexual and intimate partner violence. They can be contacted at [contact information provided].

If you would like to report a crime:

Contact [Cite University Police Department] if the incident occurred on campus and [Local Law Enforcement Agencies]

To report a violation of [Cite University] please contact the Office of Title IX Compliance
For more information about resources available both on and off campus please visit: [website provided]

Reminder Email Invitation

Dear Student,

I sent you an email a few weeks ago because I am excited to share that [Cite University]’s Title IX Campus Climate Survey is now live, and you are invited to participate! I understand this is a busy time, made more demanding by our current pandemic. However, the data collected from this survey will help [Cite University] and campuses across the nation to better understand the reporting experiences and perceptions of students related to processes to resolve complaints of sexual misconduct.

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The purpose of this survey is to learn about students’ understanding of and experiences with interpersonal violence. The White House and the Department of Education’s Office for Civil Rights have identified campus climate surveys as a best practice that can capture the nature and scope of sexual misconduct as it exists on individual campuses. This iteration of the campus climate survey is in partnership with Ellen Grulke’s work on a doctorate degree in Higher Education Administration at Appalachian State University. Information from this study will be used to help colleges and universities in understanding whether restorative justice proceedings would be a meaningful process to adjudicate sexual misconduct cases.

Data collected through this survey will not be connected with information that could be used to identify participants. The collection of data will occur through the software program Qualtrics. Your participation in this survey is completely voluntary. You are free to withdraw consent and discontinue participating in the study at any time. Once you have submitted your responses, you will no longer be able to rescind consent because we will be unable to identify your responses since the survey does not collect identifying information.

To participate in this anonymous survey, you must:

- be 18 years of age or older; and
- be an enrolled undergraduate or graduate student at [Cite University]

The survey will take approximately **30 minutes**, depending on your responses.

Incentive for Participating:

In order to thank you for your time, we are providing the opportunity to receive incentives for your participation in this important survey. At the end of the anonymous survey (your name and contact information will NOT be linked to your survey responses), you will be prompted to a separate form that will allow you to provide your name, email and phone number. By submitting this information, you are entering your name into a lottery for a chance to win one of the following:

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Office of Title IX Compliance*

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For confidential services:

The [Cite University]**Counseling & Psychological Services** can be contacted M-F, 8am-5pm and after hours through the counseling center's after-hours on-call at [Cite University Contact Information Provided]

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If you would like to report a crime:

Contact [Cite University Police Department] if the incident occurred on campus and [Local Law Enforcement Agencies]

To report a violation of [Cite University] please contact the Office of Title IX Compliance For more information about resources available both on and off campus please visit: [website provided]

Final Reminder Email Invitation

Dear Student,

I am emailing you one last time to share that [Cite University]'s Title IX Campus Climate Survey is now live. If you have not already completed the survey, I invite you to participate! I understand this is a busy time, made more demanding by our current pandemic. However, the data collected from this survey will help [Cite University] and campuses across the nation to better understand the reporting experiences and perceptions of students related to processes to resolve complaints of sexual misconduct.

Purpose of the Title IX Campus Climate Survey:

The purpose of this survey is to learn about students' understanding of and experiences with interpersonal violence. The White House and the Department of Education's Office for Civil Rights have identified campus climate surveys as a best practice that can capture the nature and scope of sexual misconduct as it exists on individual campuses. This iteration of the campus climate survey is in partnership with Ellen Grulke's work on a doctorate degree in Higher Education Administration at Appalachian State University. Information from this study will be used to help colleges and universities in understanding whether restorative justice proceedings would be a meaningful process to adjudicate sexual misconduct cases.

Data collected through this survey will not be connected with information that could be used to identify participants. The collection of data will occur through the software program Qualtrics. Your participation in this survey is completely voluntary. You are free to withdraw consent and discontinue participating in the study at any time. Once you have submitted your responses, you will no longer be able to rescind consent because we will be unable to identify your responses since the survey does not collect identifying information.

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- be an enrolled undergraduate or graduate student at [Cite University]

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APPENDIX B: PARTICIPANT RECRUITMENT FLIER

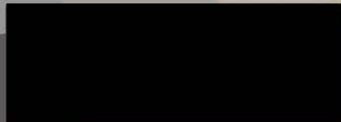
20
20

TAKE THE CAMPUS CLIMATE SURVEY AND....

WIN A **FREE**
10 OZ. YETI
RAMBLER



COMPLETE THE SURVEY
AND BE ENTERED INTO A
RAFFLE TO WIN ONE OF
OUR GREAT PRIZES!



OTHER PRIZES INCLUDE: FREE PIZZA OR CAKE
FROM UNIVERSITY DINING, A \$10 DINING HALL
GIFT CARD, OR AN [REDACTED] THROW BLANKET

VISIT (INSERT WEBSITE HERE) FOR MORE INFORMATION

APPENDIX C: STARR PROJECT SURVEY

Participant Survey Questions

1. STARR Project Survey for PARTICIPANTS

STARR Project Description and Consent Form

STUDENT ACCOUNTABILITY AND RESTORATIVE RESEARCH PROJECT

INTRODUCTION

You are invited to participate in a research study on the experience of students in campus conduct programs. You were selected as a possible participant because of your participation in a campus conduct process. We ask that you read this page and ask any questions to the available office staff you may have before agreeing to be in the study. The study is being conducted by David Karp Ph.D. (Skidmore College), Peter Meagher Ph.D. (Reed College), Casey Sacks Ph.D. (Colorado Community College System), and Molly Pierson M.A. (Washington University).

BACKGROUND

The purpose of this study is to assess the impact of campus conduct processes on students. There has been relatively little research done in this area and information from this study will be used to help college and university staff better understand the impact of these kinds of interventions.

DURATION

The length of time you will be involved with this study is approximately ten minutes.

PROCEDURES

If you agree to be in this study, we will ask you to do the following things:

- Enter a case ID below that will be used to track your case. In this way, the researcher will never ask you or the campus administrators for your name or be able to identify you personally. Survey and post-hearing information completed by case administrators will be shared with the researchers using this code. Case administrators will provide non-identifying information about the case including the type of violation and outcomes such as required tasks and whether they were completed, new violations, and GPA changes over time.
- Read and complete this consent form.
- Complete this brief survey (the data will go to the researchers, not the administrators in your campus conduct office).

*** 1. What is your case ID?**

*** 2. What is your school?**

Participant Survey Questions

2. STARR Project Survey for Participants

Description and Consent Form

RISKS/BENEFITS

The anticipated risks to you are no greater than those normally encountered in daily life. Benefits of filling out the survey include the opportunity to reflect on your experiences as well as to provide information that may help improve these kinds of processes for future participants.

CONFIDENTIALITY

The records for this study will be kept private. Data gathered from this study will be kept on either a password-protected computer or in a locked filing cabinet. In any sort of report that is published or presentation that is given, we will not include any information that will make it possible to identify a participant. Your campus conduct administrators will not have access to the survey you are about to complete.

VOLUNTARY NATURE OF THE STUDY

Your participation in this project is completely voluntary. You can refrain from answering any question without penalty or explanation and you are free to withdraw consent and discontinue participation in the project at any time. If you decide to participate and later change your mind, you may withdraw your consent and stop your participation without penalty or explanation. Your decision whether or not to participate will not affect your current or future relations with your home institution or any of its representatives.

CONTACTS AND QUESTIONS

You may ask any questions you have right now to the available office staff. If you have questions later, you may contact the principal investigator, David Karp Ph.D., at: dkarp@skidmore.edu or 518-580-5779. If you have questions or concerns regarding this study and would like to speak with someone other than the researchers, you may contact Dr. John Berman, Institutional Review Board Chair, Skidmore College, 815 N. Broadway, Saratoga Springs, NY 12866, phone 518-580-5317, e-mail jberman@skidmore.edu.

CHECKING "I AGREE" TO THIS CONSENT FORM INDICATES THAT YOU ARE AT LEAST 18 YEARS OF AGE AND HAVE READ THE FORM AND CONSENT TO PARTICIPATE IN THE STUDY.

1. Consent to Participate

I Agree

No Thanks, I Do Not Wish to Participate

Participant Survey Questions

3. STARR Project Survey for Participants

1. What was your primary role in this process?

- | | |
|--------------------------------------|-------------------------------------------------------|
| <input type="radio"/> Impacted party | <input type="radio"/> Community representative/member |
| <input type="radio"/> Support person | <input type="radio"/> Campus safety/law enforcement |
| <input type="radio"/> Observer | <input type="radio"/> Advisor |
| <input type="radio"/> Board member | <input type="radio"/> Other |
| <input type="radio"/> Witness | |

2. What is your primary connection to this institution?

- | | |
|-----------------------------------------------------|-----------------------------------------------------|
| <input type="radio"/> Student | <input type="radio"/> Alumni |
| <input type="radio"/> Faculty | <input type="radio"/> Neighbor |
| <input type="radio"/> Staff/Administrator | <input type="radio"/> Landlord of Student |
| <input type="radio"/> Family of Student Responsible | <input type="radio"/> Business Representative |
| <input type="radio"/> Family of Impacted Party | <input type="radio"/> Campus safety/law enforcement |

3. To what extent did you receive the information needed for you to confidently participate in this process?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

4. To what extent did you feel the student was held accountable?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

5. To what extent were you given options for your role in how the case would be handled?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

6. To what extent was the process fair to all parties involved?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

Participant Survey Questions

7. To what extent were you able to communicate your thoughts and feelings about the incident?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

8. To what extent did this process invite discussion of personal values and ethical responsibilities?

- Not a lot Just a little A fair amount A great amount Not sure/not applicable

9. How much did the process help you to understand the point of view of everyone involved?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

10. To what extent did you feel respected throughout the process?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

11. To what extent was a sincere apology offered during this process?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

12. To what extent did the outcome focus on repairing the harm that was caused by this incident?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

13. To what extent did the outcome create opportunities to respond to larger social issues that are relevant to the incident (such as relevant community service and/or research alcohol issues)?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

14. To what extent did the process help you to bring closure to the situation?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

Participant Survey Questions

15. Overall, how satisfied are you with the way the process was handled?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

16. To what extent did the process include people who could offer you counsel and support?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

17. To what extent were you able to meaningfully contribute your ideas to the outcome?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

18. To what extent did the process help the offender take responsibility for the consequences of the incident?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

19. Overall, how satisfied are you with the outcome of the process?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

20. To what extent did this process help reduce the likelihood that this incident will be repeated?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

21. To what extent would you now feel comfortable seeing the others involved in the incident around campus or in the community?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

22. To what extent would you recommend this process to others in a similar situation?

- Not at all Just a little A fair amount A great amount Not sure/not applicable

23. Sex

- Male Female

Participant Survey Questions

24. Age

- 18 - 20 21 - 30 31 - 40 41 - 50 51 - 60 61 - 70 71 - 80 81 or older

25. Race

- American Indian or Alaska Native Asian Black or African American Native Hawaiian and Other Pacific Islander White Other

26. Ethnicity

- Hispanic Non-Hispanic

27. Optional comments: Is there anything you would like to share with the researchers about your experience with this process?

Participant Survey Questions

4. End of Survey

Thank you for your time!

APPENDIX D: TITLE IX CAMPUS CLIMATE SURVEY

8/29/2021

Qualtrics Survey Software

Informed Consent

Victim Block

Please [click here and read the three processes](#) for addressing sexual misconduct. You may also choose to [watch and listen to a video version of the information](#). A [summary of the three processes](#) is also available.

Please indicate below whether or not you have read and/or listened to the information provided:

- Yes
- No

Please select any of the following that you have experienced while enrolled [REDACTED]:

- Relationship Violence
- Stalking
- Sexual Harrassment
- Non-Consensual Sexual Contact
- Non-Consensual Sexual Intercourse
- Sexual Exploitation
- None of the Above

How many times have you experienced **relationship violence** while enrolled at [REDACTED] (*Due to the survey length a limit of incidents is offered*)

- 1
- 2
- 3

1/50

How many times have you experienced **stalking** while enrolled at [REDACTED]? *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

How many times have you experienced **sexual harassment** while enrolled at [REDACTED]? *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

How many times have you experienced **non-consensual sexual contact** while enrolled at [REDACTED]? *(Due to the survey length a limited of incidents is offered)*

- 1
- 2
- 3

How many times have you experienced **non-consensual sexual intercourse** while enrolled at [REDACTED]? *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

How many times have you experienced **sexual exploitation** while enrolled at [REDACTED]? *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

Block off 2a- Relationship Violence

Considering incident \${Im://CurrentLoopNumber}, who was the person who engaged in the **relationship violence**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who engaged in the relationship violence any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did your experience of relationship violence take place? *Select all the apply*

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did this relationship violence interfere with your academic performance or participation in extracurricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 2b- Stalking

Considering incident \${Im://CurrentLoopNumber}, who was the person who engaged in the **stalking**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who engaged in the stalking any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did your experience of stalking take place? Select all the apply

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did this stalking interfere with your academic performance or participation in extracurricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 2c- Sexual Harassment

Considering incident \${Im://CurrentLoopNumber}, who was the person who engaged in the **sexual harassment**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who engaged in the sexual harassment any of the following?

- A student at [REDACTED]

- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did your experience of sexual harassment take place? Select all that apply

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did this sexual harassment interfere with your academic performance or participation in extracurricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 2d- Non-Consensual Sexual Contact

Considering incident \${Im://CurrentLoopNumber}, who was the person who engaged in the **non-consensual sexual contact**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate

- Stranger
- Supervisor
- Other:

Was the person who engaged in the non-consensual sexual contact any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did your experience of non-consensual sexual contact take place? Select all the apply

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did this non-consensual sexual contact interfere with your academic performance or participation in extracurricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 2e- Non Consensual Sexual Intercourse

Considering incident \${Im://CurrentLoopNumber}, who was the person who engaged in the **non-consensual sexual intercourse**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who engaged in the non-consensual sexual intercourse any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did your experience of non-consensual sexual intercourse take place? Select all the apply

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did this non-consensual sexual intercourse interfere with your academic performance or participation in extracurricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 2f- Sexual Exploitation

Considering incident \${Im://CurrentLoopNumber}, who was the person who engaged in the **sexual exploitation**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who engaged in the sexual exploitation any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did your experience of sexual exploitation take place? Select all the apply

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did this sexual exploitation interfere with your academic performance or participation in extracurricular activities at [REDACTED]?

- Yes
- No
- Not sure

Accused Block

Please select any of the following that you have been accused of engaging in while enrolled at [REDACTED].

- Relationship Violence
- Stalking
- Sexual Harrassment
- Non-Consensual Sexual Contact
- Non-Consensual Sexual Intercourse
- Sexual Exploitation
- None of the above

How many times have you been accused of engaging in **relationship violence** while enrolled at [REDACTED] *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

How many times have you been accused of engaging in **stalking** while enrolled at [REDACTED]? *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

How many times have you been accused of engaging in **sexual harassment** while enrolled at [REDACTED]? *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

How many times have you been accused of engaging in **non-consensual sexual contact** while enrolled at [REDACTED]? *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

How many times have you been accused of engaging in **non-consensual sexual intercourse** while enrolled at [REDACTED]? *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

How many times have you been accused of engaging in **sexual exploitation** while enrolled at [REDACTED]? *(Due to the survey length a limit of incidents is offered)*

- 1
- 2
- 3

Block off 10a- Relationship Violence (accused)

... 11/50

Considering incident \${Im://CurrentLoopNumber}, who was the person who accused you of engaging in the **relationship violence**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who accused you of engaging in the relationship violence any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did the relationship violence allegedly take place? *Select all that apply*

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did these accusations interfere with your academic performance or participation in extra-curricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 10b- Staking (accused)

Considering incident \${Im://CurrentLoopNumber}, who was the person who accused you of engaging in the **stalking**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who accused you of engaging in the stalking any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did the stalking allegedly take place? *Select all that apply*

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did these accusations interfere with your academic performance or participation in extra-curricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 10c- Sexual Harassment (accused)

Considering incident \${Im://CurrentLoopNumber}, who was the person who accused you of engaging in the **sexual harassment**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who accused you of engaging in the sexual harassment any of the following?

- A student at [REDACTED]

- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did the sexual harassment allegedly take place? *Select all that apply*

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did these accusations interfere with your academic performance or participation in extra-curricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 10d- Non-Consensual Sexual Contact (accused)

Considering incident \${Im://CurrentLoopNumber}, who was the person who accused you of engaging in the **non-consensual sexual contact**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate

- Stranger
- Supervisor
- Other:

Was the person who accused you of engaging in the non-consensual sexual contact any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did the non-consensual sexual contact allegedly take place? *Select all that apply*

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did these accusations interfere with your academic performance or participation in extra-curricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 10e- Non-Consensual Sexual Intercourse (accused)

Considering incident \${Im://CurrentLoopNumber}, who was the person who accused you of engaging in the **non-consensual sexual intercourse**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who accused you of engaging in the non-consensual sexual intercourse any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did the non-consensual sexual intercourse allegedly take place? *Select all that apply*

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did these accusations interfere with your academic performance or participation in extra-curricular activities at [REDACTED]?

- Yes
- No
- Not sure

Block off 10f

Considering incident \${Im://CurrentLoopNumber}, who was the person who accused you of engaging in the **sexual exploitation**?

- Acquaintance
- Coworker
- Family Member
- Friend
- Romantic Partner
- Roommate
- Stranger
- Supervisor
- Other:

Was the person who accused you of engaging in the sexual exploitation any of the following?

- A student at [REDACTED]
- A student at another college/university
- A faculty member at [REDACTED]
- A faculty member at another college/university
- A staff member at [REDACTED]
- A staff member at another college/university
- None of the Above

Where did the sexual exploitation allegedly take place? *Select all that apply*

- On campus at [REDACTED]
- Off campus, but in [REDACTED] County
- Off campus, and in a different county and/or state
- Off campus, but on another campus
- Via electronic communication (text, phone, social media, etc.)
- Other:

Did these accusations interfere with your academic performance or participation in extra-curricular activities at [REDACTED]?

- Yes
- No
- Not sure

Victim Survey

The following set of questions are focused on your experiences of your previous responses related to interpersonal violence (sexual misconduct, dating violence and/or stalking).

I told a **faculty/staff** member at [REDACTED] about my experience with the intention of seeking support and resources.

- Yes
- No

I utilized the following support and resources: *(please select all that apply)*

- Counseling Center
- Adjustment of my course schedule
- Adjustment of my course requirements (i.e. assignments, deadlines, exams, etc.)
- Housing relocation
- Notification to my Faculty regarding current academic concerns/absences

Local domestic/sexual violence resource agency

Office of the Dean of Students

Title IX Coordinator

Other:

There are many reasons why someone may decide not to tell anyone about an experience of interpersonal violence. Below are a list of some of those reasons. Please share with us, by selecting all that apply, reasons about your decisions not to seek support and resources:

I was embarrassed

It is a private matter- I wanted to cope with it on my own

I did not want any assistance

I was concerned others would find out

I did not want the person who did it to get in trouble

I was afraid of retaliation

I was afraid of not being believed

The person who did it is well recognized at [REDACTED]

I thought I would be blamed for what happened

I did not think what happened was serious enough to tell anyone

I did not think others would take it seriously

I thought people would try to tell me what to do

I felt it was my fault

I did not think others would understand

I did not have time to deal with it due to academics, work, etc.

I did not know the reporting procedures at [REDACTED]

I did not know what resources to utilize at [REDACTED]

I did not want any action taken

I was afraid that I or another person would get in trouble (e.g., underage drinking or drug use)

Other:

I reported my experience to a **faculty/staff** member at [REDACTED] with the intention of seeking a **student conduct process** to hold the responding party accountable:

- Yes
- No

Please describe in detail your decision not to report to [REDACTED]:

Please describe in detail your decision to report to [REDACTED]:

Whether you chose to report or not, what would you hope to gain from participating or pursuing such a process?

Whether you chose to report or not, what would your expectations of such a process include?

I participated in a **student conduct process** regarding my reported concern:

- Yes
- No

Please describe your experience participating in this process:

I participated in the following type of student conduct process:

Definition: **Informal Resolution**

Definition: **Formal Resolution**

- Informal Resolution
- Formal Resolution

I chose to fully participate in the student conduct process:

- Yes
- No

Please describe in detail your decision to fully participate in the process:

Please describe in detail your decision not to fully participate in the process:

The following questions ask you to rate on a scale of 1 to 5 your experience as a reporting party with the **student conduct process**. 1= Not at all, 2=Just a little, 3= A fair amount, 4= A great amount, N/A= Not sure/not applicable

	Not at all	Just a litte	A fair amount	A great amount	Not sure/ Not applicable
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	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent did you receive the information you needed to confidently participate in this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel the responding party was held accountable?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you given options for your role in how the case would be resolved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent was the process fair to all parties involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you able to communicate your thoughts and feelings about the incident during the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did this process invite discussion of personal values and ethical responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How much did this process help you to understand the point of view of everyone involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel respected throughout the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did the process focus on repairing the harm caused by this incident?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did the process help you feel closure?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
Overall, how satisfied are you with the way the process was handled?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did the process include people who could offer you counsel and support?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you able to meaningfully contribute your input to what the outcome would be?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent was this a worthwhile process to you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, how satisfied were you with the outcome?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel the process helped reduce the likelihood that the responding party would repeat the behavior in the future?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you now feel comfortable seeing the others involved in the incident around campus or in the community?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you consider this process to be a meaningful experience for you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you participate in this process again?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you encourage someone to utilize this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Did this process help you to feel closure regarding what happened?

- Yes
- No

Describe how this process assisted you in feeling closure:

Describe how this process did not assist you in feeling closure:

What would have helped bring you closure?

How familiar are you with [REDACTED] **student conduct process**?

- Extremely familiar
- Very familiar
- Moderately familiar
- Slightly familiar
- Not familiar at all

The following questions ask you to rate on a scale of 1 to 5 your perceptions of what the experience would be as a reporting party with the **student conduct process**. 1= Not at all, 2=Just a little, 3= A fair amount, 4= A great amount, N/A= Not sure/not applicable

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive you would receive the information you needed in order to confidently participate in this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would feel the responding party was held accountable?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be given options for your role in how the case would be resolved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would be fair to all parties involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be able to communicate your thoughts and feelings about the incident during the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would invite discussion of personal values and ethical responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive this process would help you to understand the point of view of everyone involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would feel respected throughout the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive the process would focus on repairing the harm caused by this incident?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would help you feel closure?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, do you perceive you be satisfied with the way the process was handled?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would include people who could offer you counsel and support?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be able to meaningfully contribute your input to what the outcome would be?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive this would be a worthwhile process to you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, do you perceive you would be satisfied with the outcome?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would help reduce the likelihood that the responding party would repeat the behavior in the future?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive you would feel comfortable seeing the others involved in the incident around campus or in the community after completing this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would consider this process to be a meaningful experience for you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would participate in this process again?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would encourage someone to utilize this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How familiar are you with **restorative justice**?

- Extremely familiar
- Very familiar
- Moderately familiar
- Slightly familiar
- Not familiar at all

In what context have you heard of **restorative justice**?

Have you ever participated in a restorative justice process on a college or university campus?

-

Yes

No

The following questions ask you to rate on a scale of 1 to 5 your experience as a reporting party with the **restorative justice process**. 1= Not at all, 2=Just a little, 3= A fair amount, 4= A great amount, N/A= Not sure/not applicable

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent did you receive the information you needed to confidently participate in this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel the responding party was held accountable?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you given options for your role in how the case would be resolved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent was the process fair to all parties involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you able to communicate your thoughts and feelings about the incident during the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did this process invite discussion of personal values and ethical responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How much did this process help you to understand the point of view of everyone involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel respected throughout the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent did the process focus on repairing the harm?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did the process help you feel closure?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, how satisfied are you with the way the process was handled?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did the process include people who could offer you counsel and support?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you able to meaningfully contribute your input to what the outcome would be?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent was this a worthwhile process to you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, how satisfied were you with the outcome?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel the process helped reduce the likelihood that the responding party would repeat the behavior in the future?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you now feel comfortable seeing the others involved in the incident around campus or in the community?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you consider this process to be a meaningful experience for you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent would you participate in this process again?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you encourage someone to utilize this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The following questions ask you to rate on a scale of 1 to 5 your perceptions of what the experience would be as a reporting party with a **restorative justice process**. 1= Not at all, 2=Just a little, 3= A fair amount, 4= A great amount, N/A = Not sure/not applicable

	Not at all	Just a litte	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive you would receive the information you needed in order to confidently participate in this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would feel the responding party was held accountable?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be given options for your role in how the case would be resolved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would be fair to all parties involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be able to communicate your thoughts and feelings about the incident during the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive the process would invite discussion of personal values and ethical responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive this process would help you to understand the point of view of everyone involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would feel respected throughout the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would focus on repairing the harm caused?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would help you feel closure?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, do you perceive you be satisfied with the way the process was handled?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would include people who could offer you counsel and support?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be able to meaningfully contribute your input to what the outcome would be?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive this would be a worthwhile process to you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a litte	A fair amount	A great amount	Not sure/ Not applicable
Overall, do you perceive you would be satisfied with the outcome?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would help reduce the likelihood that the responding party would repeat the behavior in the future?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would feel comfortable seeing the others involved in the incident around campus or in the community after completing this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would consider this process to be a meaningful experience for you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would participate in this process again?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would encourage someone to utilize this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

With your current understanding of **student conduct process** and **restorative justice process**, which process would you be more likely to pursue?

- Student Conduct Process
- Restorative Justice

Please explain in detail why you would choose this process over the other:

What would make a process for resolving a report of sexual misconduct meaningful to you?

How do you define meaningful?

Please [click here and read the three processes](#). You may also choose to [watch and listen to a video version of the information](#). A [summary of the three processes](#) is also available.

Which process would you be more likely to participate in?

- Process 1
- Process 2
- Process 3

Accused Survey

The following set of questions are focused on your experiences of being accused of interpersonal violence (sexual misconduct, dating violence and/or stalking).

I told a **faculty/staff** member at [REDACTED] about the accusations against me with the intention of seeking support and resources:

- Yes
- No

I utilized the following support and resources: *(please select all that apply)*

- Counseling Center
- Adjustment of my course schedule
- Adjustment of my course requirements (i.e. assignments, deadlines, exams, etc.)
- Housing relocation
- Notification to my Faculty regarding current academic concerns/absences
- Office of the Dean of Students
- Title IX Coordinator
- Other:

There are many reasons why someone may decide not to tell anyone about accusations against them. Below are a list of some of those reasons. Please share with us, by selecting all that apply, reasons about your decisions not to seek support and resources:

- I was embarrassed
- It is a private matter- I wanted to cope with it on my own
- I did not want any assistance
- I was concerned others would find out
- I was afraid of retaliation
- I was afraid of not being believed
- The person who accused me is well recognized at [REDACTED]
- I thought I would be blamed for what happened
- I did not think what happened was serious enough to tell anyone
- I did not think others would take it seriously
- I thought people would try to tell me what to do
- I felt it was my fault
- I did not think others would understand
- I did not have time to deal with it due to academics, work, etc.
- I did not know what resources to utilize at [REDACTED]
- I did not want any action taken

I was afraid that I or another person would get in trouble

Other:

I participated in a **student conduct process** regarding the allegations against me:

Yes

No

Please describe your experience participating in this process:

I participated in the following type of student conduct process:

Definition: **Information Resolution**

Definition: **Formal Resolution**

Informal Resolution

Formal Resolution

I chose to fully participate in the student conduct process:

Yes

No

Please describe in detail your decision to fully participate in this process:

Please describe in detail your decision not to fully participate in this process:

The following questions ask you to rate on a scale of 1 to 5 your experience as a responding party with the **student conduct process**. 1= Not at all, 2=Just a little, 3= A fair amount, 4= A great amount, N/A= Not sure/not applicable

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent did you receive the information you needed to confidently participate in this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you given options for your role in how the case would be resolved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent was the process fair to all parties involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you able to communicate your thoughts and feelings about the incident during the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did this process invite discussion of personal values and ethical responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How much did this process help you to understand the point of view of everyone involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel respected throughout the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent did the process focus on repairing the harm caused by this incident?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did the process help you feel closure?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, how satisfied are you with the way the process was handled?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did the process include people who could offer you counsel and support?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you able to meaningfully contribute your input to what the outcome would be?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent was this a worthwhile process to you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, how satisfied were you with the outcome?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel the process helped reduce the likelihood that a similar incident would occur in the future?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you now feel comfortable seeing the others involved in the incident around campus or in the community?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you consider this process to be a meaningful experience for you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a litte	A fair amount	A great amount	Not sure/ Not applicable
To what extent would you participate in this process again?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you encourage someone to utilize this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Did this process help you to feel closure regarding the accusations?

- Yes
- No

Describe how this process assisted you in feeling closure:

Describe how this process did not assist you in feeling closure:

What would have helped bring you closure?

How familiar are you with [REDACTED] student conduct process?

- Extremely familiar
- Very familiar

- Moderately familiar
- Slightly familiar
- Not familiar at all

The following questions ask you to rate on a scale of 1 to 5 your perceptions of what the experience would be as a responding party of your institution's **student conduct process**. 1= Not at all, 2=Just a little, 3= A fair amount, 4= A great amount, N/A= Not sure/not applicable

	Not at all	Just a litte	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive you would receive the information you needed in order to confidently participate in this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be given options for your role in how the case would be resolved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would be fair to all parties involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be able to communicate your thoughts and feelings about the incident during the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would invite discussion of personal values and ethical responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive this process would help you to understand the point of view of everyone involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive you would feel respected throughout the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would focus on repairing the harm caused by this incident?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would help you feel closure?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, do you perceive you be satisfied with the way the process was handled?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would include people who could offer you counsel and support?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be able to meaningfully contribute your input to what the outcome would be?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive this would be a worthwhile process to you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, do you perceive you would be satisfied with the outcome?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel the process helped reduce the likelihood that a similar incident would occur in the future?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive you would feel comfortable seeing the others involved in the incident around campus or in the community after completing this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would consider this process to be a meaningful experience for you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would participate in this process again?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would encourage someone to utilize this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How familiar are you with **restorative justice**?

- Extremely familiar
- Very familiar
- Moderately familiar
- Slightly familiar
- Not familiar at all

In what context have you heard of **restorative justice**?

Have you ever participated in a restorative justice process on a college or university campus?

-

Yes

No

The following questions ask you to rate on a scale of 1 to 5 your experience as a responding party with the **restorative justice process**. 1= Not at all, 2=Just a little, 3= A fair amount, 4= A great amount, N/A= Not sure/not applicable

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent did you receive the information you needed to confidently participate in this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you given options for your role in how the case would be resolved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent was the process fair to all parties involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you able to communicate your thoughts and feelings about the incident during the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did this process invite discussion of personal values and ethical responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How much did this process help you to understand the point of view of everyone involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel respected throughout the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did the process focus on repairing the harm?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent did the process help you feel closure?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, how satisfied are you with the way the process was handled?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did the process include people who could offer you counsel and support?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent were you able to meaningfully contribute your input to what the outcome would be?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent was this a worthwhile process to you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, how satisfied were you with the outcome?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel the process helped reduce the likelihood that a similar incident would occur in the future?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you now feel comfortable seeing the others involved in the incident around campus or in the community?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you consider this process to be a meaningful experience for you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent would you participate in this process again?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent would you encourage someone to utilize this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The following questions ask you to rate on a scale of 1 to 5 your perceptions of what the experience would be as a responding party with a **restorative justice process**. 1= Not at all, 2=Just a little, 3= A fair amount, 4= A great amount, N/A = Not sure/not applicable

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive you would receive the information you needed in order to confidently participate in this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be given options for your role in how the case would be resolved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would be fair to all parties involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be able to communicate your thoughts and feelings about the incident during the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would invite discussion of personal values and ethical responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive this process would help you to understand the point of view of everyone involved?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive you would feel respected throughout the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would focus on repairing the harm caused?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would help you feel closure?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, do you perceive you be satisfied with the way the process was handled?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive the process would include people who could offer you counsel and support?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would be able to meaningfully contribute your input to what the outcome would be?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive this would be a worthwhile process to you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, do you perceive you would be satisfied with the outcome?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent did you feel the process helped reduce the likelihood that a similar incident would occur in the future?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all	Just a little	A fair amount	A great amount	Not sure/ Not applicable
To what extent do you perceive you would feel comfortable seeing the others involved in the incident around campus or in the community after completing this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would consider this process to be a meaningful experience for you?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would participate in this process again?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To what extent do you perceive you would encourage someone to utilize this process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

With your current understanding of **student conduct processes** and **restorative justice**, which process would you be more likely to pursue?

- Student conduct process
- Restorative justice

Please explain in detail why you would choose this process over the other:

What would make a process for resolving a report of sexual misconduct meaningful to you?

How do you define meaningful?

Please [click here and read the three processes](#). You may also choose to [watch and listen to a video version of the information](#). A [summary of the three processes](#) is also available.

Which process would you be more likely to participate in?

- Process 1
- Process 2
- Process 3

Demographics

Ethnicity

- Asian
- Black or African American
- Caucasian
- Hispanic or Latinx
- Native American or American Indian
- Pacific Islander
- Prefer not to disclose
- Other identity:

Gender *(choose all that apply)*

- Agender
- Genderqueer
-

Gender fluid

- Man
- Non-binary
- Transgender man
- Transgender woman
- Questioning
- Woman
- Another gender category/identity:
- Prefer not to disclose

Sexual orientation

- Asexual/Aromantic
- Bisexual
- Gay/Lesbian
- Heterosexual
- An identity not listed:
- Prefer not to disclose

While enrolled at [REDACTED], I identified with the following student groups and/or organizations (*choose all that apply*)

- Athlete
- Fraternity and Sorority Life
- ROTC
- Student run club/organization
- Spiritual organization
- Religious organization
- Other student group/organization:
-

None

Current Classification/Status:

- Freshman/First-Year
- Sophomore/Second-Year
- Junior/Third-Year
- Senior/Fourth-Year
- Graduate
- Non-Degree Seeking
- Other: Please specify:

Enrollment at ██████████:

- On Campus (main campus regardless of COVID-19 transition to online)
- Distance Education (Satellite or Online)

APPENDIX E: PARTICIPANT CONSENT FORM

Title IX Campus Climate Survey

Start of Block: Informed Consent

Title IX Campus Climate Survey

Statement of Consent: I have read and understand the information presented in the email from [Title IX Coordinator Name], Director of Title IX Compliance. I understand that by participating in this study, I may be asked questions about my experience(s) related to interpersonal violence and student conduct procedures. I know that this may cause me to think about prior experiences, which may be triggering. I have read and am aware of the resources available to me should I feel the need to seek additional support.

This research project has been approved on April 15, 2019 by the Institutional Review Board (IRB) at Appalachian State University.

Important Information: Throughout the survey, you will see bolded font within questions. Please know these provide you with an opportunity to hover over the bolded font to read the word's definition.

In order to participate in this study, you must be:

- 18 years of age or older; and
- be currently enrolled as a student at [Cite University]

Contact Information: If you have any questions or comments about this study you may contact Ellen Grulke at (828) 262-8284 or grulkeep@appstate.edu, or her Faculty Advisor, Dr. Amy Dellinger Page at (828) 262- 2293 or pagead@appstate.edu. You may also contact the Appalachian Institutional Review Board Administrator at 828-262-4060(days), through email at irb@appstate.edu or at Appalachian State University, Office of Research Protections, IRB Administrator, Boone, NC 28608 regarding questions about subject rights.

I understand that by clicking “agree” below, I volunteer to participate in this research. I understand that I am not waiving any legal rights. I understand that I can print a copy of this consent form.

Yes (1)

No (2)

APPENDIX F: COLOR CODED THEMES AND CATEGORY IDENTIFICATION

Q19e

<u>Process</u>	### ### ### ### ### ### ### ### ### ### ### ### ###	61
<u>Accountability</u>	### ### ### ### ### ###	31
<u>Support/Advocacy</u>	### ### ### ### ### ### ### ### ### ###	45
<u>Unbiased</u>	###	6
<u>Education</u>	###	8
<u>Conf./Priv./Anony.</u>	### ###	14
<u>Neg Feedback</u>	### ### ###	19
<u>Trauma Inf.</u>	### ### ### ### ### ### ### ### ### ### ###	53
<u>Recidivism</u>	###	7
<u>Unsure/notwing</u>	### ### ### ###	23
<u>Interim Measures</u>	###	9

Victim 1/Alleged 2/ Both 3	Q19e	
		Whether you chose to report or not, what would your expectations of such a process include?
	1	Talking to the student accused about the act and, depending the severity, <u>punish them</u> for that behavior. Also with the consent of the person who dealt with these things to tell their ra so that the ra, if they're a trusted person, can help keep an eye out for them.
	1	Supporting the victim and letting them know that it wasn't their fault.
	1	I would hope it would include encouragement to seek <u>counseling</u> because talking about such matters can be very difficult.
	1	A <u>legitimate investigation</u> , but nothing that was a huge deal. What I mean by that is I think I should be interviewed, my accuser should be interviewed, and then maybe people I felt comfortable with being interviewed? If enough evidence can be found, I think the person should be <u>punished accordingly</u> , but if enough evidence can't be found... maybe a <u>restraining order</u> ? One of us could go online? I know that's not fair, but I haven't really thought about any of this. I never wanted anyone to know... I never wanted to include anyone else
	1	I <u>would have no idea what to expect</u> , so not sure about expectations for the reporting process.
	1	I <u>don't want to be scared of intimate contact</u> anymore.
	1	I'm not sure of what the entire process would look like but the people that I would have gone to would need to have the <u>utmost concern for the survivor</u> . Any <u>judgement about the situation</u> would need to be kept to themselves. Also there needs to be a choice of what gender you can report to to make the survivor feel more comfortable. If I walked into an office to report something and there was only a man available to speak to, I would have left. That being said there need to be men there to help guys feel more comfortable as well.
	1	I would hope those helping me would <u>understand and support me</u> . I don't feel as though that is often the case though.
	1	<u>Embarrassing. Cumbersome.</u>
	1	I would want it to be <u>quickly resolved</u> (which it was) and I would want everything to be <u>just and fair</u> . For example, since I was the one who was victimized it would not seem fair for me to be kicked out of the room (I was not kicked out this is just an example).
	1	The responsible party is <u>reprimanded</u> and has their <u>actions recorded for future reference</u> . Implementation of repercussions leading up to <u>termination, tenured or not</u>
	1	<u>That they would not do shit</u> . I do not think my thoughts are invalid and stem from many individuals who are students at [redacted], giving back to the [redacted] community and campus development of the campus who were <u>just shrugged off</u> and not offered any additional <u>follow up</u> and <u>more pressure on them than the perpetrator</u> of the event. In one instance the perpetrator just moved back their date for a meeting with the office, never showed and there was NEVER any follow up with the perpetrator or hold on their student status. The <u>survivor would be forced to tell their story</u> , fact checked with is the process but then the perpetrator was scotch free and living life to the fullest. Hows that for a survey
	1	It would have been a <u>thorough and invasive process</u> , but would have resulted in something good.
	1	I'm not sure. It just <u>seems really scary</u> , so I wanted to avoid it.

1	A respectful listener.	✓
1	reporting to someone who keeps confidentiality, have them reach out asking for details and what I would feel comfortable doing/dealing with, I would hope they would proceed in the way i requested.	✓
1	I don't know	✓
1	100% support from [redacted] staff.	✓
1	High	✓
1	counseling	✓
1	Being believed the entire way through, no guilt tripping, no making someone feel bad, mostly having someone who genuinely cares.	✓
1	That there would be a lesson learned through it. That you would educate people so do not do it again. Instead of dealing with the problems as they come we need to overall prevent it from even happening.	✓
1	Just a calm way to inform the accused and have a conversation with them and then have the access to take legal action if necessary.	✓
1	Acquiring facts from all parties involved, and holding a fair judgement process	✓
1	Feeling that the responding party is taking it seriously. If I actually reported something it would drive me crazy if I felt the guy only showed up because he had to, and if he just sat there and didn't listen to what I am saying or take me seriously.	✓
1	Extra lengthy and unnecessary	✓
1	I would expect to be believed in.	✓
1	I would expect to be uplifted and supported during the whole process.	✓
1	Simply adding another drop in the pool of women encountering unwanted contact from men, and a consequential push towards public awareness campaigns for consent.	✓
1	Transparency, understanding, and compassion, as well as the ability for choice in what happens.	✓
1	Emotional support.	✓
1	Confidential, swift, and as anonymous as possible by request.	✓
1	PRIVACY! That I am believed.	✓
1	I would want to be taken seriously and treated professionally. If I were to report anything I would expect not to be brushed off or dismissed. I would want a dialogue about possible next steps and to be involved in any next steps taken	✓
1	discipline of the perverted boys	✓
1	Actually holding the male accountable	✓
1	That I should not be forced to interact with the accused individual.	✓
1	For their wrong actions to impact their life to the point they second guess slapping their classmates asses.	✓
1	that person having a consequence	✓
1	I think it would take a lot of time and the punishment wouldn't help the situation.	✓
1	Kindness and empathy from faculty/staff and a timely report.	✓
1	An investigation and faculty meeting with the accused in private.	✓

• 1	Expelling students who have claims against them for sexual misconduct	✓
• 1	It would be horrible.	✓
• 1	My expectations are low because of my experience with reporting and what I've heard from others. I expect it would include explaining the situation, who was involved, what I want to do about it, paperwork, emails, referrals, the works. I would hope to expect help to cope but that looks different for everybody.	✓
• 1	n/a	✓
• 1	I don't know.	✓
• 1	I would expect to be listened to and not forced to choose a specific process	✓
• 1	Probably recommended counseling as well as step by step guidance.	✓
• 1	Still achieving my goals.	✓
• 1	Asking what happened, where, how, and why if possible. Asking for descriptions and offering patrol for areas that people often get harassed at. Offering free support to students and letting them know what their options are.	✓
• 1	Understanding professionals, fast feedback	✓
• 1	I'm not sure	✓
• 1	That those I went to in the process were understanding and listened and patient (as sexual violence and misconduct can be very traumatizing & it takes a lot of guts to report in the first place).	✓
• 1	Nothing, No action needed	✓
• 1	Just someone being supporting and telling me not to think low about this.	✓
• 1	Authorities and he would get in trouble maybe but people would turn against me and my family would find out and he would get mad at me and not like me anymore.	✓
• 1	A place online to the report the incident.	✓
• 1	the choice of whether or not for the guilty party gets in trouble and some kind of therapy.	✓
1	ONLY A FEW EXPLANATIONS I feel like when going through the process the person has to tell a painful story 5 times before reaching the person they actually need to talk to. it's something I haven't told even my friends much less a stranger.... but I guess comfort from someone to make me feel protected and encourage healing would be nice	✓
• 1	No bias, rape counseling services, not having to face him.	✓
• 1	At a minimum, sexual misconduct and consent courses for the accused party.	✓
• 1	i don't trust the system	✓
• 1	I expected it to be less triggering and more helpful	✓
• 1	Some sort of talk session along with a process to get charges against the person or some sort of punishment.	✓
1	I would expect to be trusted and respected above anything else. It's one thing to ask questions to gain details about the situation and an entirely different thing to ask questions that lack relevance in an attempt to shift blame to the victim	✓
• 1	Expecting someone to be sympathetic and not overbearing.	✓
• 1	not sure	✓

• 1	a very helpful reliable staff who believes and wants to help.	✓
• 1	Non-judgemental people to work with through the process, support from [REDACTED] "higher ups" (I've known this to be absent for friends), proper action taken	✓
• 1	The guys on campus being held accountable for the actions.	✓
• 1	support from admin.	✓
• 1	It was my expectation that I would be able to chose whether the person I reported would know if I reported them or not, but I would be able to adjust my schedule or housing to keep myself safe.	✓
• 1	Being believed and taken seriously even if what was being reported felt inconsequential	✓
• 1	Someone to listen empathetically, someone who is knowledgeable about the process and the consequences, someone who can be my advocate, someone who will not brush it off.	✓
• 1	My expectations of such a process would include a safe space, patience, and vigilance.	✓
• 1	I would expect that I would be referred to the counseling center 1000 times, but the one time I did go, I was turned away and told I needed long-term care which they could not provide.	✓
• 1	I don't know	✓
• 1	I expected him to move away (which he did)	✓
• 1	My expectation would be that it was serious and respectful. I would want to be treated like my story had value. And easy and immediate access to counseling	✓
• 1	Charges to be filed.	✓
• 1	being comfortably spoken to by one therapist NOT a police officer to give my report in a calm and safe environment.	✓
• 1	a lot of people not believing you	✓
• 1	Housing relocation	✓
• 1	That Title IX would investigate it.	✓
• 1	No victim blaming	✓
• 1	I know it involves giving a detailed account of what happened	✓
• 1	Justice for the bodily violations I experienced, and possibly legal actions.	✓
• 1	I'm truly not sure.	✓
• 1	the person I am talking to respects what I want to do about the situation	✓
• 1	mental health resources and 100% support	✓
• 1	Consideration and discretion. NO VICTIM BLAMING.	✓
• 1	[REDACTED]	✓
• 1	I expect person who was abusive to receive punishment and consequences of their actions.	✓
• 1	report, review, call to action, and a sentencing of sorts (courses, probationary period, removal from campus if behaviors didn't improve)	✓
• 1	Investigation, if enough proof an immediate FAIR trial.	✓
• 1	My expectations would be to be able to talk to someone who is actually listening to what happened and genuinely cares.	✓

1	I expect that the process of reporting is rigorous and would involve me trying to provide proof or witnesses, and having to talk about what happened multiple times and justify what happened. It isn't something pleasant, and I've heard that going through that isn't worth it anyway because hardly anything is done - even if you jump through all the hoops.	✓
1	Removal of the classmate from my current and future classes.	✓
1	No idea. I wouldn't want police. But that seems unreasonable	✓
1	A swift and speedy "trial." Staff members who are considerate and sensitive in regard to the issue at hand. An overarching expectation that victims are the ones who need to be protected, and offenders' actions should not be swept under the rug.	✓
1	Bringing them in to discuss the issue and trying to work with me to ensure my safety on campus.	✓
1	I would want the choice whether or not I would have to have contact with the perpetrator if necessary. I would want resources in case I needed support and for the case to focus just as much on the victim as the person who did it to them.	✓
1	I would expect a fair process and to be taken seriously.	✓
1	No bias active listening	✓
1	I would expect title nine to comply with my specific requests for what I was to do about the situation, when I worked with title nine in highschool after being raped they were very respectable to what I wanted and were willing to speak with my mom rather than me because I didn't want to have to think about the trauma. They kept completely in line with what I was comfortable with, and we eventually decided that was just to make them and their parents aware they knew what happened but I didn't otherwise get them in trouble because I was scared to think too deeply about what they did, and didn't want to ruin their lives. Looking back I wish I got them in way more trouble but at least Title Nine has the report with their names, and their parents know, so if they do something again at least theres some accountability. Still, I was very naive and sad about it all and didn't want to make my life about being raped. I think I just wanted to avoid thinking about it and being truly upset so I just kept going instead of dwelling and giving due justice. It wasn't violent or premeditated, I was just drunk for the first time in my life and clearly couldn't walk correctly so I know thats not right.	✓
1	Actual consequences for people who touch me without permission	✓
1	I would expect it to be a painful process for me and I would expect it not to be taken seriously or believed. I think insufficient consequences would be given and i would still be living in fear on campus.	✓
1	I guess if I reported, I would hope that justice would be done, maybe there would be repercussions for the student doing the harassment and the guy who jumped me would get caught so that he couldn't do it to other students.	✓
1	An opportunity to talk about what happened and helpful tips/ things to help cope:	✓
1	I would want to be anonymous	✓
1	I'm not sure.	✓
1	not sure	✓
1	I would expect to be believed 100% with no questions as to whether or not I was telling the truth and I would want the assailant held accountable.	✓

• 1	I thought it would be more on my side and believe me, but I felt I was constantly questioned and I had to go to more meetings than he did.	✓
• 1	That it would be long, complicated, tedious, and that it wouldn't change anything at all	✓
• 1	I'm not sure	✓
• 1	im not sure	✓
• 1	I learned a lot	✓
• 1	I expect the people involved to be understanding and nonjudgemental. I expect that the student should have the option to press charges if they desire but not to feel pushed into it.	✓
• 1	Having all resources available but allowing the reporter to decide what actions to take. They may simply want an officer to walk them back to their residence hall when they get off work late at night or they may want the person to be talked to - but it should be up to the person who is involved in the situation. Encouraged discussions with a therapist to assist in processing the situation and coming to their own decision may be a beneficial resource.	✓
1	Justice to the victim.	✓
• 1	I would expect a lot of meetings and paperwork; however it would be nice if this were not the case. The most helpful thing would be for everyone to be understanding and supportive. When I went off campus to get a restraining order, the judge was very rude and treated the issue as a trivial matter. This is very discouraging and makes a hard situation even harder.	✓
• 1	If I were to report it I would want it to be handled discretely and I would want someone to talk me through the process with me in detail and to be assigned to my case. I would also want updates on my case quickly, I wouldn't want it to be dragged out over months and months and months.	✓
• 1	respect for the victim and the person that is being accused, privacy for everyone is important especially if you aren't sure who is guilty	✓
• 1	Don't want to relive it.	✓
• 1	I would want to tell my full story and to feel heard instead of being made to feel like what I was saying didn't matter if I didn't have enough evidence. I think that a genuine experience in a safe welcoming environment. Also I wish there was an option that made people feel more safe in coming forward, the thought of him connecting the incident back to and knowing it was me made it impossible for me to file title 9	✓
• 1	I suppose knowing that the person was banned from campus or at least a restraining order so they couldn't come near me.	✓
• 1	my expectations would be justice	✓
• 1	I would hope to at least be able to get a restraining order but my overall hope is that he will be imprisoned because he has been allowed to hurt WAY too many people.	✓
• 1	same as above	✓
• 1	An emphasis on confidentiality and emotional support.	✓
• 1	Includ some bias assistance	✓
• 1	anonymousness and respect	✓

• 1	No victim blaming, thorough, action-based	✓
• 1	To be as fair as possible and to provide mental health resources for the victim	✓
1	to be believed, for their to be support through communicating w professors initially on my behalf, and asking if i need help with food or basic needs.	✓
• 1	I would want to talk to a councillor who was not paid by [redacted]. I don't trust [redacted] to not try and hide and discourage reporting.	✓
• 1	No victim shaming, no question of character, the person who committed the actions to not get off the hook	✓
• 1	Unsure	✓
• 1	A support system	✓
• 1	That it would be beneficial to an individual who has suffered from sexual abuse and some repercussions are made to the offender even after the incident happened a while ago.	✓
• 1	I don't know	✓
• 1	I would just want the person to know what they did wrong so that they knew not to do it again, I would also want to have more knowledge about how to deal with the situation if it were to ever happen again with another person.	✓
• 1	Support from faculty and staff, protection from faculty and staff whether or not I wanted my identity to be revealed, sufficient action and response from the school.	✓
• 1	see above question before, also NOT doing the things in two questions before. Look into processes that are esteemed and spoken about as better than the typical processes "do your research"	✓
• 1	I have no clue, I would expect to be asked to recount what happened a lot, and for him to as well.	✓
• 1	Ideally I would speak to a woman, I would be made to feel that it was a safe space, I would be taken seriously and believed.	✓
• 1	I would expect to not be prodded or further victimized; I would expect the process to be swift and private; I would expect no contact with the perpetrators; I would expect those I report to to listen and believe me, no excuses.	✓
• 1	Counseling, resources, check-ins.	✓
• 1	Probably discussing both sides of the story with the parties involved and then following the student code of conduct to continue making decisions for what to do following those conversations	✓
• 1	fullest punishment through student conduct at least; legal action	✓
• 1	A lot of discussion about the possibility of repercussions for this individual, I do not want to see this person get in any trouble. It would also be obvious that it was me who reported the experience.	✓
• 1	taking the victims story and figuring out (with the victim) how to deal with the abuser	✓
• 1	I am not sure I understand the question but my expectations were considerably low, based on being a minority in a 83% white university. It was also expressed by peers the frustration with the university regarding the handling of rape and sexual assault cases. I also have to say that I was happy about the hearing outcome but I believe some of the staff did not take my concerns seriously and I was very upset and talked to my legal team about how I was being treated and their advice in communicating with the school.	✓
• 1	Anonymity for the complainant and protection against retaliation for the complainant	✓

1	A case filed, speaking with sympathetic case workers, etc. I want to feel like my time is important and that reporting actually makes a difference.	✓
1	There would be a hearing, I would relive the trauma, probably wouldn't get the support or result I wanted or needed, etc.	✓
1	I would want to know that something would be done to prevent the action to happen again and to have someone, who had gone through something similar, or some numbers to feel understood	✓
1	I would expect whoever I reach out to to be opened, understanding, and kind. I would expect them to not attempt to tell me my situation was something that it wasn't (i.e. not sexual harrasment). Further, I would hope that this person has extensive knowledge and tools to help me cope in the future.	✓
1	A fair 'ruling', but also one that wouldn't jeopardize either party especially if the offender is a first timer, or if their actions were not 'intentional'	✓
1	Discipline harsher than a slap on the wrist	✓
1	I would expect professors to provide resources, and help you through the difficult time the best way they can so academics don't suffer if they don't have to.	✓
1	just recording that it happened	✓
2		
2		
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2		
3-1	The process should include privacy, openness, advice on law, direction on what to do going forward, follow up counseling, and some way to let the person who did this know what's going on.	✓
3-1	I'm unsure	✓
3-1	Intense memory to recall events. Facing my perpetrator for long amounts of time. Many triggering events.	✓
3-1	I would expect to be treated fairly, listened to, and allowed to tell the story from my point of view. I would also expect for both parties to be thoroughly and equally questioned on events leading up to it. Also, I would expect both parties to be treated with equal sensitivity to potentially traumatic events that occurred.	✓
3-2		
3-2		
3 2		
3-2		

• 1	listening and actually believing the victim	✓
• 1	Calling someone on campus and getting the process done	✓
• 1	I expect that I would be taken seriously, even if the harassment did not seem like a big deal.	✓
• 1	I would honestly expect not to be taken very seriously	✓
• 1	I would expect the student have a no contact order (now he does) during the process and would be moved	✓
• 1	Reporting to a staff member, a case being opened, a result	✓
• 1	Hoping that some action would be taken against the person.	✓
• 1	Depending on the severity I would want the student removed from campus. It isn't safe for females if the student only gets a slap on the wrist which is what happens often.	✓
• 1	Same question reworded	✓
• 1	I would expect an email from a staff member telling me to call/email/meet with them and explain what happened and then they attempt to either press charges or discredit my story.	✓
• 1	Keeping it from happening again	✓
• 1	Answer above.	✓
• 1	I would expect the other individual involved to face consequences and understand the results of his actions.	✓
• 1	I would hope to not be pressured throughout this situation, not pushed to talk about things I wouldn't be comfortable with. I would hope it was kept private, but that it wouldn't be pushed away like it didn't happen, I would be allowed to have a voice, as it is my right.	✓
• 1	Listening to BOTH SIDES regardless of who the victim or the alleged aggressor. I would hope that both people feel that they were heard regardless of what the outcome is. But I also would hope that it gets taken very, very seriously and that if needed, the victim is provided with the proper psychological resources.	✓
• 1	Nothing.	✓
• 1	I would expect to keep some privacy	✓
• 1	I expect that I would receive counseling at first (just talk about how it made me feel and coping strategies, as well), the offer to disclose the person's name is up to the victim, however, if the name is shared then I would expect consequences would be involved.	✓
• 1	consequences for the student	✓
• 1	An investigation on what happened, including the harasser, harrasee, and witnesses.	✓
• 1	speedy process where i was taken seriously and offered support	✓
• 1	Not much could be done because it occurred in another county	✓
• 1	Speaking with the Dean of Students as well as seeing a counselor.	✓
• 1	him to be held accountable for his actions and not scare other women like that	✓
• 1	N/A	✓
• 1	That I would be listened to and believed, that I wouldn't feel like it was my fault	✓
• 1	N/A	✓

VITA

Ellen Paget Grulke was born in Hartford, Connecticut. She earned a Bachelor of Science in Human Development and Family Studies from the University of Connecticut (Storrs, Connecticut). She earned a Master of Arts in College Student Development and a Doctor of Education from Appalachian State University (Boone, North Carolina).

Ellen has worked in higher education for eleven years serving in various roles in housing, student conduct, case management and Title IX. She currently serves as a Director of Title IX Compliance and Title IX Coordinator at Appalachian State University and is responsible for overseeing institutional compliance with Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013, and other federal and state laws and mandates. Ellen provides leadership and support to all institutional Title IX efforts including, but not limited to, policy and procedure development and maintenance, investigation oversight, federal and state compliance, prevention, training, and response management.

Ellen plans to continue her work in Title IX Compliance as a Higher Education professional. Based on her research in Title IX and campus adjudication, she plans to continue to evaluate and develop alternative approaches to address sexual misconduct on college and university campuses while meeting federal requirements under Title IX. Ellen currently resides in Boone, North Carolina with her husband, Chris Grulke, daughter Emmery and second daughter expected in March.