Campus Sexual Misconduct: Restorative Justice Approaches to Enhance Compliance With Title IX Guidance
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Abstract

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Key Findings

- Under the recent guidance in the Dear Colleague Letter [DCL] issued by the U.S. Department of Education’s Office for Civil Rights, institutions of higher education are responsible for addressing at least 42 types of sexual behavior with the goals of eliminating misconduct, preventing its recurrence, and remedying its effects.
- The DCL mandates a quasi-criminal justice, investigative and judicial response to sexual misconduct that is too narrow for the scope of sexual misconduct and the desired outcomes of institutional response.
- DCL guidance permits the use of restorative justice in student sexual misconduct cases in at least four ways: as a resolution process, as a victim impact process, as a sanctioning process, and as a reintegration process.
- Restorative justice resolution has been implemented for sexual misconduct with evidence of feasibility, safety, and justice satisfaction among participants.
- When implemented appropriately and effectively, restorative justice processes support the shared interest of victim survivors, institutions, the Office for Civil Rights, and student conduct professionals.
- Introducing innovative methods is a process that must be approached incrementally and be informed by the setting and its resources.