

A Shifting Position:
Responding Restoratively to Sexualized Violence at Post-Secondary Institutions in Waterloo
Region

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Executive Summary

Introduction & Background

Recent, high-profile cases of sexualized violence on Canadian post-secondary campuses have drawn attention to the frequency of these incidents, the prevalence of underreporting, and the inadequacy of institutionalized responses to campus sexualized violence. As of January 1st, 2017 all publicly funded post-secondary institutions in Ontario must have a stand-alone policy in place to respond to campus sexualized violence. However, these policies have been criticized for failing to meaningfully respond to the needs of victim/survivors and doing little to change the circumstances that contribute to sexualized violence. Restorative responses to sexualized violence offer an alternate frame of response that focuses on meeting needs of victim/survivors, holding perpetrators accountable, and engaging the broader community in responding to the rippling effects of sexualized harm. This research explores the suitability of restorative responses to campus sexualized violence, the openness of Waterloo Region's three post-secondary institutions to utilizing such responses, and the barriers and opportunities associated with responding restoratively to campus sexualized violence. Ultimately, the report articulates recommendations to the project client for how they might engage with the region's post-secondary institutions to offer restorative responses to campus sexualized violence.

Methodology & Methods

This research project used a qualitative multi-methods approach to conduct the research using a needs assessment methodological approach. The multi-methods approach included a literature review of relevant academic literature to inform the interview questions and produce a deliverable for the client, a document review of relevant policy and procedure documents from Waterloo Region's three post-secondary institutions to complete Phase I of the needs assessment. The second phase of the needs assessment was completed through two groups of semi-structured interviews, the first with restorative practitioners (Practitioner Interviews) who have experience working at the intersection of restorative justice and sexualized violence, and the second with employees of Waterloo Region's three post-secondary institutions whose roles include responsibility for the development and implementation of sexualized violence policies and/or supporting students who are impacted by sexualized violence (Administrator Interviews).

Key Findings

The literature review documents the considerable expertise and program success that exists when it comes to responding restoratively to sexualized violence. From the perspectives of victim-survivors, people who have offended sexually, and the broader community, the literature review documents the dominant offerings of restorative practices, their limitations or criticisms, the ways in which these limitations and criticisms might be attended to in theory or practice, and any available evidence that explores the impact of restorative responses to sexualized violence. These findings helped to inform the interview questions and recommendations. The document review

found that while no institutions explicitly prohibits restorative responses, only one – Wilfrid Laurier University – has meaningfully included mechanisms within their policy and procedures that supports access to restorative responses.

The findings of the Practitioner Interviews emphasized the potential of restorative responses to sexualized violence, especially as a means of addressing the cultural issues that contribute to the proliferation of sexualized violence in campus environments. Practitioners also articulated considerations for program design including what accountability means and building processes that are flexible. Practitioners also emphasized that a poor understanding of restorative practices is a central barrier to their acceptance. Finally, Practitioners emphasized that moving forward would require: Outreach & Training, Partnership & Collaboration, and Testing Approaches.

The Administrator Interviews in all three institutions found that while not necessarily explicitly included in policy and procedure documentation, the region’s post-secondary institutions are receptive to learning more about how they might use restorative responses to campus sexualized violence. The research also found that Administrators understand the limitations and shortcomings of existing responses but many do not understand the nuances of a restorative response to the degree that would be required if they were to design and implement restorative responses themselves.

Recommendations

The report concludes with six recommendations that support the project client to realize their strategic vision to engage post-secondary educational institutions in Waterloo Region. Recommendations include:

1. Engage anti-violence sector partners: collect their criticisms and concerns to build processes that they support.
 - a. Involve their expertise in training facilitators, and create opportunities for participation in restorative processes and training.
2. Build a foundation of interest and acceptance of restorative practices in this context through education and outreach including: information sessions, information sharing, webinars, meetings, and training.
3. Offer training opportunities for motivated parties, including those working in post-secondary institutions and the anti-violence sector.
 - a. Partner with David Karp and the Skidmore Restorative Justice Project to offer training on understanding restorative models, restorative conference facilitation, circle processes, and working with PWOS.
4. Work collaboratively with institutions to develop context specific restorative program options using available research and evidence including the critical components of program design highlighted in this report (Access, Flexibility, Training, and Evaluation).
5. Collect relevant data (summative and formative) to build an evidence base that will be used to evaluate campus restorative programs.

6. Pursue opportunities to engage in further research on the topics listed in the “Recommendations for Future Research” section of this report.

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1.0 Introduction

1.1 Defining the Problem

Recent, high-profile cases of sexualized violence on Canadian post-secondary campuses have drawn attention to the frequency of these incidents, the prevalence of underreporting, and the inadequacy of institutionalized responses to campus sexualized violence. In 2016, Bill 132 was passed in Ontario; the bill amended the Ontario Ministry of Training, Colleges and Universities Act (1990) such that all publicly funded colleges and universities were required to have policy in place to respond to campus sexual violence by January 1st, 2017. While policy is an important starting point, operationally, campus sexualized violence remains underreported, institutional barriers to reporting sexualized violence persist, and students continue to be unsatisfied with the available courses of action following an experience of sexualized violence (Buss et al., 2016, p. 8).

1.2 Project Client

Community Justice Initiative (CJI) is a Waterloo Region based not-for-profit organization that has operated a diverse range of programs rooted in the principles of restorative justice for over 40 years. It is known for initiating the first restorative justice program, the Victim Offender Reconciliation Program, to be supported by the criminal justice system in Canada. Throughout Community Justice Initiative's history, the organization has used restorative principles to respond to the community's need for conflict resolution. Julie Friesen is the Director of Programs for CJI's Conflict Resolution and Mediation Services. In this role, Friesen oversees programming focused on Workplace Mediation, Elder Mediation, Housing Mediation, Sports Mediation, Family Mediation, Conflict Resolution and Mediation Training, the Adult Victim Offender Reconciliation Program (VORP) and the Youth Restorative Justice Program, and Revive—a program for men, women, and youth who have been impacted by sexual harm. The Revive program works with both those who have experienced sexual harm and those who have offended sexually. In addition to separate support groups for those who have experienced sexual harm or offended sexually, Revive offers a facilitated dialogue program between those who have experienced sexual harm and the individual(s) who caused the harm. A preliminary evaluation of the Revive program was recently published in the Contemporary Justice Review (Rye, Hovey, & Waye, 2018).

CJI is endeavoring to make Waterloo Region Canada's first Restorative Region, where restorative justice approaches are used as the primary responses to experiences of conflict, crime and wrongdoing (Cowie & Davidson, 2017, p. 2). CJI's strategic plan outlines engagement with the region's post-secondary institutions as an important step towards realizing their vision of a Restorative Region. CJI's experience and expertise in responding to sexual harm using restorative practices is unparalleled in the region. As such CJI is uniquely positioned to engage

with and support the region's post-secondary institutions in offering restorative responses to campus sexualized violence.

1.3 Research Context

Waterloo Region includes three cities, Kitchener, Waterloo, and Cambridge and the surrounding townships of North Dumfries, Wellesley, Wilmot, and Woolwich. The region is home to 583,500 people, and notably for the purpose of this research, three public post-secondary educational institutions—Conestoga College, University of Waterloo and Wilfrid Laurier University with a combined student population of almost 65,000 (Region of Waterloo, 2018). Conestoga College is one of Ontario's fastest growing colleges, specializing in career-focused education and training. It is home to 13,000 full time students who attend campuses in Kitchener, Waterloo, Cambridge, Guelph, Stratford, Ingersoll and Brantford (Conestoga College, n.d.). The University of Waterloo is the region's largest post-secondary institution with over 36,000 students; it is recognized around the world for its innovative spirit and academic excellence especially in the engineering and computer science fields (University of Waterloo, n.d.). Wilfrid Laurier University is the region's oldest post-secondary institution, with 19,500 students attending two campuses, one in Waterloo and the other in Brantford. Institutionally, their mission is to build whole people and they strive to create engaged and aware citizens (Wilfrid Laurier University, 2018).

1.4 Project Objectives and Research Questions

The purpose of this project is to provide the client, CJI, an in-depth understanding of institutional openness to incorporating restorative responses to sexualized violence, an up-to-date review of academic literature on restorative practices as a response to sexualized violence, contribute to expanded understandings of the offerings of restorative responses to sexualized violence, and offer specific contextual recommendations to support the client's strategic goal to engage post-secondary institutions in Waterloo Region. This objective is supported by the following research question and associated sub-questions:

- How can restorative practices be used to meet the needs of those impacted by sexualized violence – including victim-survivors, people who have offended sexually, and the community – at post-secondary institutions in Waterloo Region?
 - To what extent are post-secondary institutions in Waterloo Region open to and equipped to respond restoratively to campus sexualized violence?
 - What are the barriers to offering restorative responses to campus sexualized violence in the region? How might these barriers be addressed?
 - What further research, outreach, education, and training are needed to support post-secondary institutions to use restorative practices to respond to campus sexualized violence in the region?

1.5 Organization of Report

The report is organized in the following sections: Background, Methodology & Methods, literature review, Findings, Discussion, Recommendations, and Conclusion. The Background section provides an overview of the larger issues relevant to this project. There are two main themes explored in the background section that set a rationale for this project. First, an exploration of the shortcomings of existing, especially criminal justice, responses to sexualized violence and second, an explanation of restorative justice theory and practice.

Next, the Methodology & Methods section describes the overall methodological approach to the research project as well as the methods that were used to fulfill the project objectives and answer the research questions. The section includes an exploration of the approach used to analyze the resulting data. Finally, this section outlines the limitations and delimitations of the project.

The literature review outlines relevant academic literature that addresses the use of restorative practices to respond to sexualized violence, including an exploration of the offerings of restorative responses in post-secondary contexts, and the criticisms or shortcomings and how these criticisms are responded to in theory and practice. The literature review is organized to address the perspectives of victim-survivors, people who have offended sexually (PWOS), and the community, which is aligned with a restorative framework's explicit concern for each of these groups,

The Findings section outlines the findings of the needs assessment organized by Phase, with corresponding methods. For Phase I, the findings of the literature review are briefly re-stated followed by the document review. For Phase II, the findings of the Practitioner Interviews are laid out, followed by the findings of the Administrator Interviews.

The Discussion section links and integrates the findings of the Literature and document reviews with the two sets of stakeholder interviews and focuses on two key themes: first, the perception and understanding of restorative responses to sexualized violence and second, pertinent considerations for program design. Suggestions for future research are outlined in this section. The discussion in this section contributes directly to the articulation of six recommendations to the project client that are outlined in the following section entitled: Recommendations. The final section of the report offers a brief conclusion.

2.0 Background

2.1 Introduction

This research project explores how CJI could support the post-secondary institutions in Waterloo Region to offer restorative responses, one form of non-adversarial response, to those affected by campus sexualized violence. Sexualized violence¹ refers to any form of violence, be it physical or psychological, that is perpetrated through sexual means or targeting sexuality (Victoria Sexual Assault Centre, 2014). The purpose of this section is to lay a foundation for understanding campus sexualized violence, the role of institutionalized responses, and the shortcomings of traditional responses, whether they are criminal or quasi-criminal. As Elizabeth Sheehy (2017) emphasizes:

In order to understand why students are turning to their post secondary institutions for responses to sexual assault and what those institutions might offer, it is necessary to situate the issue in relation to the social and legal realities of sexual assault both on and off campus in Canada. (p. 11-12)

This chapter contains three main subsections. The first outlines background information on campus sexualized violence in Canada and the current legislation that mandates sexual violence policies at all publicly funded post-secondary institutions in Ontario. The second section briefly explores the shortcomings of criminal justice or highly formalized investigative and adjudicative responses to sexualized violence, paying specific attention to the shortcomings that might be addressed through restorative responses. The final subsection provides an introduction to restorative justice, which orients the reader to the theoretical framework that informs this research project.

2.2 Campus Sexualized Violence

While sexualized violence is ubiquitous, the fact remains that there are certain groups of people who are more likely to experience sexualized violence than others. The pervasiveness of sexualized violence in institutions of higher learning and the institutional responses to such violence is the focus of this research. Understanding the current situation and the efforts that have raised the profile and public awareness of campus sexual violence provides crucial background for this project. A post-secondary context is a unique one in which to explore this topic, as members of such communities are subject institutional policies concerning both academic and non-academic behaviour. Sexualized violence policies and procedures outline

¹ For the purpose of this report, I have relied on a general definition of sexualized violence as specific forms of violence that are covered by institutional sexualized violence policies vary by institution. For example, some post-secondary institutions' policies include sexual harassment, whereas others use a different policy to address harassment. It is also worth noting that the term sexualized violence refers to all forms of violence that are sexualized, not only those that are considered criminal offences.

possible consequences for violations of their policies as well as possible courses of action for those who have been impacted by such violations. By virtue of affiliation with a post-secondary institution, individuals who are impacted by sexualized violence may participate in processes, such as making a formal report or an investigation, that are not available to the general public

Recent discussions of campus sexual violence often begin with the stories that made headlines: “pro-rape” chants at St. Mary’s University (Kingkade, 2013) and UBC (Barry, 2013; Sherlock, 2013), the student house near Western University that displayed a “no means yes” sign (Rahmati, 2016), and the infamous Dalhousie School of Dentistry ‘Gentlemen’s Club’ (CBC News, 2015). These incidents have been used to elucidate the existence, and persistence, of “rape cultures” on university campuses, where complex social processes normalize and trivialize sexualized violence (Quinlan E., 2017, p. 6). A rape culture is not the result of a singular specific incident of sexualized violence, but represents a social environment characterized by gender inequality, manifesting as high rates of sexualized violence, disproportionately experienced by women (Bourassa et al., 2017, p. 46) but also members of the LBGTQ community, Indigenous people, and those living with mental or physical disabilities (Conroy & Cotter, 2017, p. 8).

The relatively recent attention that has been paid to this issue by the mainstream media is not indicative of the continuous violence students pursuing higher education have faced. The Canadian Federation of Students initiated their “No Means No” campaign over 20 years ago to raise awareness about and reduce sexualized violence on campus (Canadian Federation of Students, 2018). In 1993, researchers DeKeserdy & Kelly (1993) undertook a nationally representative study to understand the incidence and prevalence of sexual violence experienced by undergraduate students at Canadian colleges and universities. Their seminal study found that 27.8% of undergraduate women had experienced at least one form of sexual violence in the previous year, and that 45.1% of women had experienced sexual violence since leaving high school (DeKeserdy & Kelly, 1993, p. 142). In 2014, the most recent year for which data is available, male and female students experienced 41% of all self-reported incidents of sexual assault in Canada (Conroy & Cotter, 2017, p. 7). These figures serve to elucidate the reality that high rates of sexualized violence on Canadian campuses have persisted over time and that campus assaults rarely make headlines.

2.2.1 Legislation

In the context of rising attention to this issue, Ontario passed legislation, Bill 132, to amend the 1990 Ontario Ministry of Training, Colleges and Universities Act. The amendment requires all publicly funded colleges and universities in the province to have a dedicated policy in place to respond to campus sexualized violence as of January 1st, 2017². As per the amendment, colleges and universities must update the policy at least every three years (Section 17.5) and must

² As the focus of the legislation is on sexualized violence specifically, not gendered violence which includes other forms of violence – namely intimate partner violence – this research is focused on sexualized violence not gendered violence.

consider student input in the review process (Section 17.4). The amendment also requires institutions to collect basic data to be shared with the Ministry on an annual basis. While the specifics vary by province, similar legislation exists in British Columbia, Manitoba, and Quebec and has been introduced as a Private Members Bill in Nova Scotia. At this point there is no federal legislation that addresses campus sexualized violence as legislation regarding post-secondary institutions is considered provincial jurisdiction. However, the 2018 Federal Liberal budget suggested that universities might face funding cuts in 2019 if they fail to adequately address sexualized violence on campus (Government of Canada, 2018; Lum, 2018). In the United States legislation prohibiting gender discrimination in education, Title IX, is interpreted to include the duty of schools to respond to sexualized violence (Lopes-Baker et al., 2017, p. 159). As Title IX legislation has been in place since 1972, there is a much longer history of institutionalized responses to sexualized violence in the United States.

While policy is an important starting point, the fact remains that sexualized violence in Ontario is highly underreported to the police or the university/college, institutional barriers to reporting sexualized violence persist, and students continue to be unsatisfied with available courses of action when they experience sexualized violence (Buss et al., 2016, p. 8). Lee & Wong's (2017) study which reviewed sexualized violence policies at Canadian universities concludes that these institutions have a long way to go to ensure that such policies are comprehensive and ultimately useful to those who seek to use them (p. 13). Our Turn, a Canada-wide student movement to address sexualized violence on university and college campuses, supported fourteen student unions to complete an evaluation of their institution's sexual violence policies; more than half of participating institutions scored a 'C' grade or lower (Our Turn, 2017, p. 20).

2.3 Shortcomings of Criminal Justice Responses to Sexualized Violence

The following section outlines the shortcomings of traditional or criminal responses to sexualized violence in order to demonstrate the importance of campus-specific responses to sexualized violence. The dynamics that characterize traditional responses to sexualized violence in general are also relevant to those who experience sexualized violence while they belong to a post-secondary institution. As Sheehy (2017) argues, understanding these shortcomings is an integral starting point (p. 11-12).

Sexual violence is one form of crime where the inadequacy of the criminal justice system is especially apparent. According to the most recent available data, in Canada only 5% of sexual assaults are formally reported to police (Conroy & Cotter, 2017, p. 16). Of this 5%, which are reported to police, one in five cases is dismissed as unfounded—meaning that the police dismiss the case because the events do not satisfy the threshold for a criminal investigation (Doolittle, Periera, Blenkinsop, & Agius, 2017). Of the cases police deem to be founded, only about 40% of cases result in the accused being charged (Rotenberg, 2017, p. 7). This means that at the national level, for every 100 incidents of sexual assault, five are reported to police, four are investigated, and only 1.6 cases result in a charge against the accused. Waterloo Region—the site of this

study—has an unfounded rate of 27% (Doolittle, 2017), meaning that for survivors of sexualized violence in Waterloo region, there is an even greater chance that the police will deem their case unfounded and not investigate further. Johnson's (2017) study of female survivors of sexual assault found that increasingly survivors expect the police to take them seriously and investigate their case despite no noted improvements to charging or prosecution rates (p. 59).

While these figures provide important insights as to why many victim-survivors do not pursue a formal, criminal justice response, relying on these factors alone depends on the logic that justice in the wake of an experience of sexualized violence is retributive (Flynn, 2015, p. 94). The following section adds more nuance to this discussion by exploring reasons beyond the low conviction rate that existing responses to sexualized violence are inadequate from the perspective of victim-survivors, people who have offended sexually (PWOS), and the broader community.

2.3.1 Victim-Survivors

Pervasive ideas about the nature of sexualized violence and the archetypical victim-survivor serve to obfuscate victim-survivors' experiences and exclude them from pursuing formal mechanisms of response (Randall, 2010, p. 398). Flynn points to “dominant cultural, political, and social narratives around what constitutes ‘real rape’, what is consent, and who fits into the normative sexual victim and offender labels,” (2015, p. 92). Daly (2015) argues that context and interpretation contribute to the recognition of some forms of sexualized violence as ‘crime’, while others are not viewed this way (p. 36). Victim-survivors may not recognize their experiences within the dominant narratives of victimization and ‘real rape’ and as such may not feel served by existing support or recourse pathways. Despite the failings of the criminal justice system, there exist few alternatives available to victim-survivors (Joyce-Wojtas & Keenan, 2016, p. 46). Civil processes are one option, but they are expensive, time-consuming, no more likely to result in a charge against an accused, and are inaccessible to many (ibid.), as such, victim-survivors of sexualized violence face a considerable justice gap in the wake of an experience of sexualized violence.

Further, it is possible, that despite experiencing considerable harm, the victim-survivor may not pursue formal reporting options if they do not wish to see the offender charged criminally. This may be especially relevant in cases where the victim-survivor and offender are known to each other, as was the case in over half of self-reported experiences of sexual assault in 2014 (Conroy & Cotter, 2017, p. 13). Indigenous people or People of Colour must face the tension that results from considering their own need for justice and the racism that is embedded within the criminal justice system (Hayden & van Wormer, 2013, p. 125). Oudshoorn, Jackett, & Stutzman Amstutz (2015) draw attention to the reality that white men have used the criminal justice system as a tool to marginalize and colonize (p. 5), as such it is understandable that certain communities fundamentally mistrust the criminal justice system.

In the event that the criminal justice system is used, victim-survivors are treated as witnesses (Joyce-Wojtas & Keenan, 2016, p. 46). In a common law system, such as Canada's, criminal

charges are brought by the state against the accused and are not focused on the victim's experience or resulting trauma (Keenan, 2017, p. 48). Crime is viewed as an offence against society (Department of Justice, 2017), and as such one might argue that the purpose of the criminal justice system is not to respond to the needs or harms of victim-survivors (Keenan, 2017, p. 48) and expecting it to do so is unreasonable. However, somewhat in tension, Canada's Victims Bill of Rights (Canadian Victim Bill of Rights Act, 2015) asserts victims of crimes do have rights, and specifically the right to participate (s. 14-15).

2.3.2 Offenders and the Community

Criminal justice responses also fail people who have offended sexually (PWOS) and the broader community. At a time when sexualized violence was considered a private matter, feminist advocacy looked to the symbolic function of the criminal justice system and the law as a means of condemning sexualized violence (Pali, 2017, p. 29). Despite the considerable achievements of feminist legal reform (Randall, 2010, p. 400-404), legal reform and a reliance on punitive responses have demonstrated their limits for both victim-survivors and PWOS (Pali, 2017, p. 38). Carceral feminism, that which relies on the criminal justice system and punitive responses to address sexualized violence (Sweet, 2016, p. 202), has been criticized for disproportionately impacting men from minority or marginal groups (Naylor, 2010, p. 681; Pali, 2017, p. 29). In a carceral model, the response to those who commit sexualized violence involves incarceration, which subjects the offender to non-formalized violence within the prison (Sweet, 2016, p. 202). Kim (2015) refers to the increasing alignment of the feminist anti-violence movement with criminal justice responses to sexualized violence as the "carceral creep". Randall (2013) also argues that incarceration is counterproductive as it may reinforce the "ideological and behavioural orientations, which contribute to gendered violence" (p. 475).

Criminal responses to sexualized violence actively discourage offenders from telling the truth and taking responsibility for their actions, as doing so increases the likelihood of incarceration and associated violence (Keenan, 2017, p. 49). Further, prisons are unlikely to create the space that offenders need to heal in order to address the behaviour that contributed to the offence (Oudshoorn et al., 2015, p. 7). As indicated by rates of recidivism, involvement with the criminal justice system does little to re-integrate offenders and support them through rehabilitation to change the behaviour that contributes to cycles of offending (Keenan, 2017, p. 50-51). The stigma that surrounds PWOS is fueled by the criminal justice system (Joyce-Wojtas & Keenan, 2016, p. 49) contributing to their ongoing social exclusion.

In a criminal justice process the state is meant to represent the interests of the community, namely the interest of the community for safety. However, communities are not homogenous groups, as Oudshoorn et al. (2015) articulate, "communities include people who have been hurt, people who have caused harm, and people who have both harmed and are hurting," (p. 6). This reminds us of the diversity of experiences and perspectives that are present within communities,

and the reality that while communities are harmed by crime and violence they may also perpetuate ideas and attitudes about the crime and violence that cause harm.

2.4 Campus Responses to Sexualized Violence

Mirroring larger societal patterns of non-reporting following an experience of sexualized violence, campus sexualized violence is also highly underreported (Holland & Cortina, 2017; Sabina & Ho, 2014; Sawa & Ward, 2015). When students do choose to disclose or report their experience they may not find the support they were hoping for (Lee & Wong, 2017, p. 2) as they face disbelief, blame and stigmatization (Quinlan, E. 2017b, p. 61). Beyond experiencing sexualized violence, feeling betrayed by one's institution can contribute to the trauma experienced by victim-survivors of sexualized violence (Quinlan E., 2017b, p. 66).

Building on the research of Sabina & Ho (2014), Holland & Cortina (2017) found in the U.S. context, despite considerable resources that are allocated to support Title IX compliance and campus sexualized violence services, fewer than six percent of victim-survivors made formal reports to the university (p. 54). Participants identified issues of accessibility, acceptability, appropriateness and alternative coping as reasons that students did not engage with formal response options (Holland & Cortina, 2017). Comparable statistics have not yet been made available in Ontario, or throughout Canada.

Policy responses that are perceived to be quasi-criminal, that is, modeled on investigative and adjudicative procedures similar to those offered by the criminal justice system, may dissuade victim-survivors from using available supports because of accessibility, acceptability (including: negative emotions, consequences, contextual characteristics, minimizing impact, and minimizing behaviours), appropriateness and alternative coping (Holland & Cortina, 2017, p. 55). For many survivors their reasons for not reporting to their institution mirrored reasons that they do not report their experiences to the police: they fear negative consequences or discern that their experiences are not serious enough (Holland & Cortina, 2017, p. 62). The issue of underreporting has not been effectively addressed by legislative action or policy responses, neither in Canada nor the U.S. (Lopes-Baker, McDonald, Schissler, Pirone, 2017, p. 166).

An experience of sexualized violence during school can be a uniquely impactful experience. Survivors bear the educational costs of men's sexualized violence in addition to the personal, physical, psychological, relational and economic costs of sexualized violence (Sheehy & Gilbert, 2017, p. 294). Students who experience sexualized violence, but do not receive support or accommodation may experience substantial impacts on their academic performance (Stermac, Horowitz, & Bance, 2017, p. 31). Impacted academic performance could have major implications for the professional trajectories of affected students.

It is also important to note that much of the research on campus sexualized violence has focused on majority-culture students, resulting in limited understandings of the ways in which experiencing sexualized violence impacts racialized women's education (Stermac et al., 2017, p.

29). For example, as Bourassa et al. (2017) assert, “few discussions attempt to determine how colonial violence and its intersections with gender inequity create unique risk factors for Indigenous women on university campuses” (p. 46).

Kaplan (2017) notes the tendency of universities to adopt quasi-criminal processes to respond to campus sexualized violence even though they are ill equipped to manage such systems (p. 704). This sentiment is echoed by Coker (2016) who argues that “Crime Logic” dominates current responses to campus sexualized violence (p. 150). Coker’s (2016) view is that:

Crime Logic is reflected in (1) a focus on individual culpability rather than on collective accountability; (2) a disdain for policy attention to social determinants of behaviour; (3) a preference for narratives that centre on bad actors and innocent victims; and (4) a preference for removing individuals who have harmed others. (p. 156)

Kaplan (2017) advocates for institutions of higher education to shift away from responses to campus sexualized violence that rely on adversarial and adjudicatory processes (p. 712). High rates of non-reporting also means that people who have offended sexually are not held to account for their actions nor are they encouraged to seek opportunities to accept responsibility under threat of punitive sanction. In the event that an individual is found to be responsible, Crime Logic emphasizes removal through suspension or expulsion (Coker, 2016, p. 156). Focusing on the removal of responsible individuals does nothing to address the larger social and organizational cultures that contribute to sexualized violence and maintains the conception of sexualized violence as an individualized problem (Quinlan E., 2017b, p. 63). Holding sexualized violence as an individualized issue prevents the collective university or college community from taking responsibility, which is required to stop sexualized violence (Godderis & Root, 2017, p. 4).

Cahill (2017) raises a pivotal question: Is the purpose of a campus sexualized violence policy to achieve legislative compliance or to fundamentally shift the ways in which institutions respond to campus sexualized violence (p. 276)? As Cahill (2017) asserts:

Universities are privileged sites within democratic societies, sites where new ideas are tested, and where new knowledge and insight is generated. In short, what universities do matters, and in developing practices and policies regarding sexual violence, universities have the opportunity to develop innovative, progressive, and potentially effective approaches to a systemic cultural problem. (p. 277)

Universities are sites of inquiry, practice, testing, expansion, and emergence. As institutions, they are uniquely positioned to fundamentally shift the current discourse on sexualized violence and how society responds. The next section provides an introduction to the practices of restorative justice, which this project advocates as an innovative, progressive, and potentially effective approach to address campus sexualized violence in Waterloo Region.

2.5 Restorative Justice

2.5.1 A Brief Introduction

There is no definitive understanding of restorative justice. Attempts to define, differentiate, or bind restorative justice have resulted in considerable scholarship. Restorative justice invites engagement with an alternative paradigm of response, practically and philosophically, when the actions of one individual or group have deleterious effects on another. Restorative justice has been described in various ways, including: as a framework (Zinsstag & Keenan, 2017, p. 4), a set of principles or philosophy (Zehr, 2002, p. 5; Napoleon, 2000, p. 179), an umbrella term (Daly, 2000, p. 167), an alternative to standard criminal justice processes rooted in Indigenous traditions (Public Safety Canada, 2015), or a diverse social movement concerned with shifting the ways society responds to crime or other actions that have caused harm (Johnstone & van Ness, 2007, p. 5).

“Restorative justice” refers to a variety of practices, rooted in shared principles that are used to respond to a variety of experiences of violence, harm and crime. As such this report uses the term restorative practices as opposed to restorative justice as an indication that there is not merely one model of restorative justice. The process that is used to respond restoratively to a situation depends on the context of harm, no one model is deemed appropriate for all cases (Zinsstag & Keenan, 2017, p. 4). Restorative practices can be applied at the macro level, for example in peace building or in Truth and Reconciliation Commissions like the one in South Africa, or at the micro level, between individuals (Hayden & van Wormer, 2013, p. 121).

In Canada, the emergence of current restorative practice is attributed to “The Elmira Case” in 1974, where two youth, guilty of numerous counts of vandalism, met with some of the individuals they had harmed at the recommendation of their parole officer (Tomporowski, Buck, Bargaen, & Binder, 2011, p. 821). This case is considered the first victim-offender meeting, and is often attributed to the incorporation of restorative practices as a response to crime and harm throughout Canada and abroad. The parole officer in this case, Mark Yantzi, went on to found an organization that would use restorative practices to respond to crime and conflict. The organization is now known as Community Justice Initiatives, the client of this research project (Community Justice Initiatives, n.d.).

The rationale that undergirded this initial interaction between victim and offender sparked a movement based on the fundamental belief that there is another way, distinct from the practices of the criminal justice system, to respond to the needs of individuals and the broader community following an experience of violence or crime. In this way, restorative practices may be conceived of as a response to the limitations of the criminal justice system (Zehr, 2002, p. 3). As Morrison & Vaandering (2012) articulate, “employing finely tuned, prescribed levels of punishment for a range of harmful incidents has resulted in little understanding of the root causes of the harmful behaviours and their far reaching effects,” (p. 139). Restorative practices offer a fundamentally

different approach where a response is adjusted to suit the specific situation with the intention of addressing the root causes of harmful behaviour.

Where the criminal justice system views crime as a transgression against a disembodied state or a violation of rules that govern conduct, restorative justice holds that crime and violence are representative of a breakdown in the social fabric that is better addressed by providing an opportunity for accountability and cooperation rather than punishment, retribution and exclusion. Zehr (2008) articulates that restorative justice shifts the focus from law breaking, guilt, and punishment to a focus on harms, needs and obligations (p. 3). Restorative justice does not view an act of harm or violence as merely the isolated behaviour of an individual, but as inextricable from systemic issues (Kaplan, 2017, p. 715).

Central to restorative justice is the belief that victims, offenders, and the broader community each have distinct, but vitally important, roles to play in responding to situations of violence or crime. Restorative justice allows for the construction of more expansive narratives that include the voices of victims, survivors, and the community in articulating the harm and the response (Randall & Haskell, 2013, p. 531).

Restorative justice may be conflated with mediation. But while mediation and restorative justice can both be understood to belong to a field of practice that is premised on responding to crime, harm, or conflict by non-adversarial means, they are distinct practices (Zehr, 2002, p. 8). The focus of a restorative process is on the needs that have emerged as a result of the harm, not on the resolution of a dispute. As such, the success of a restorative encounter is not premised on the outcome of the process, the process itself may serve to respond to the emergent needs of the parties involved whether or not a specific outcome results.

2.5.2 Values and Signposts

Despite the fluidity and ambiguity that surrounds restorative justice, Zehr (2008) advocates for the explicit articulation of underlying values to protect against misuse or co-optation of restorative practices (p. 6). Indeed, the misuse of restorative practices in response to any form of harm, but especially sexualized harm, is deeply concerning to both practitioners and scholars. Zehr (2002) poses six key questions that can guide analysis of whether a particular model fits on the continuum of restorative practices (see Figure 1 below).



FIGURE 1 - ZEHR'S RESTORATIVE QUESTIONS (2002, P. 55)

Restorative Justice is well known for several models of practice including Victim-Offender Mediation, Victim-Offender Reconciliation Programs, Circle Processes, Family Group Conferencing, and Sentencing Circles. Community Justice Initiatives, the organization that has grown out of the first documented modern restorative encounter in 1974, is guided by Howard Zehr's Sign Posts of Restorative Justice, laid out below in Figure 2.

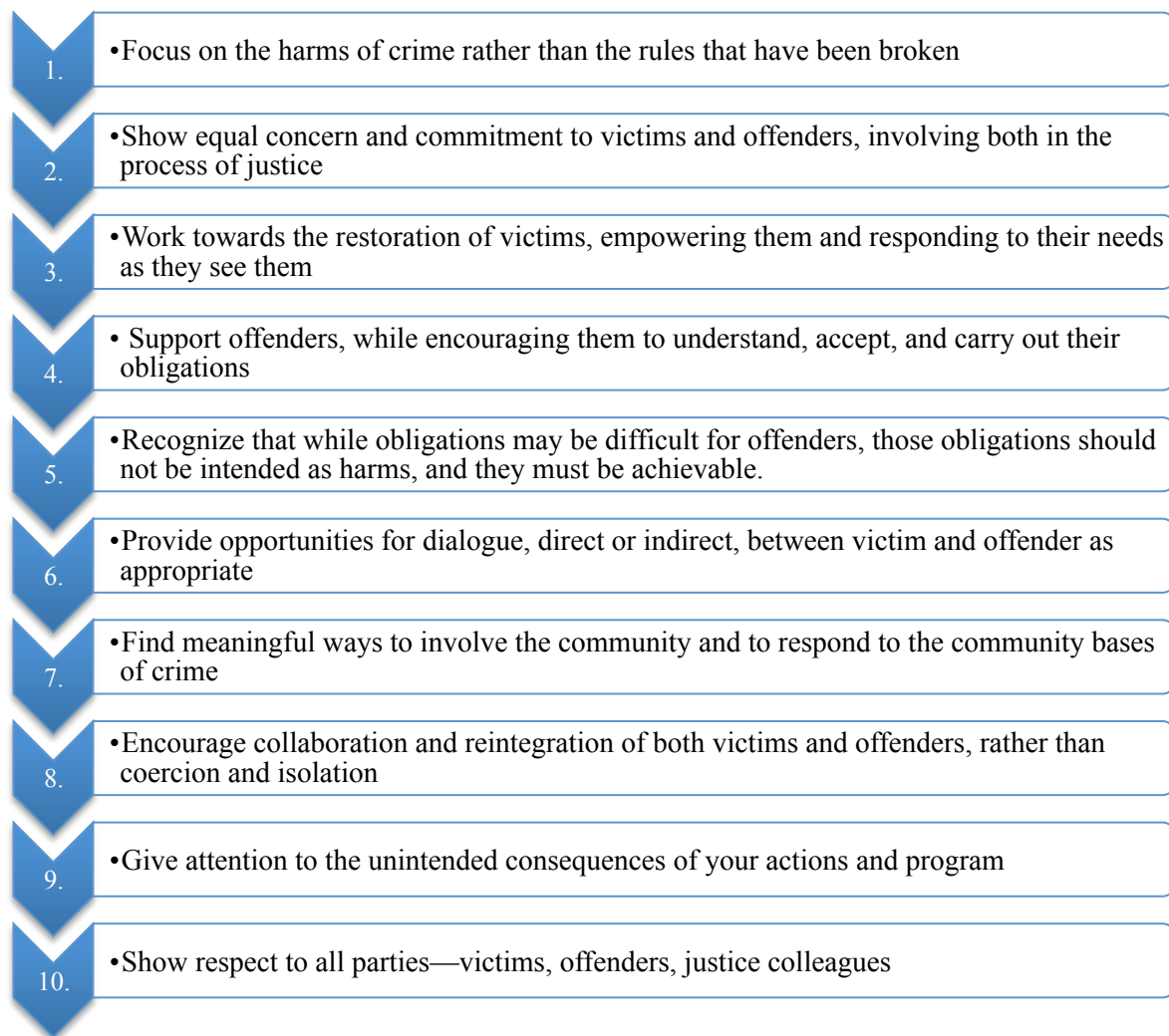


FIGURE 2 - SIGNPOSTS OF RESTORATIVE JUSTICE (ADATED FROM ZEHR, 2002, P. 40-41)

Zehr’s (2002) signposts emphasize a focus on harm—experienced as a result of the encounter, but also ensuring that the outcome is not focused on perpetuating harm, the importance of considering and including both victims and offenders, the role of offender accountability, and the necessary involvement of the broader community. A model such as Zehr’s signposts provide a frame of reference, without which it is difficult for a group to assess the appropriateness of using restorative practices in response to any situation of harm (Waltman-Spreha, 2013, p. 93)

While restorative practices are used in diverse contexts, in response to diverse experiences of harm, some applications are more readily accepted than others. For example, restorative practices are readily accepted as a diversionary practice in response to youth crime. One application that has resulted in considerable consternation on the part of practitioners and academics is the use of restorative practices in response to experiences of sexualized violence

and harm. The literature review section of this report explores these concerns and associated responses in depth.

Despite the potential of restorative practices to respond to the identified gaps in dominant responses to sexualized violence, the means of doing so and the limits of the applicability of restorative practices in cases of sexualized violence have been the subject of considerable academic inquiry. The ways in which restorative practices respond to the aforementioned gaps, the criticisms and shortcomings of restorative practices, and the practical considerations for modeling and practicing restorative justice in this context are the major themes explored in the literature review section of this report. The following section of this report outlines the methodological approach and specific methods that were used to realize the research objective and answer the research questions.

3.0 Methodology and Methods

3.1 Methodological Approach

This section outlines the overarching methodological approach that was used to conduct the research; the specific methods that were used are outlined in Section 3.2. This project used a qualitative research methodology to address the research questions and fulfill the research objective. The research client, CJI, is an organization that is deeply rooted in Waterloo Region, and as such the production of findings and recommendations that are generalizable to a much broader context was not the priority. The research objective of producing highly specific recommendations demonstrates the suitability of a qualitative approach (Flick 2015, p. 27; Lune & Berg, 2017, p. 6). This methodology was used to understand new aspects of a situation rather than test what is known, as such the research design is considered exploratory (Flick, 2015, p.11).

A needs assessment provided the overall methodological framework for the research; it is a phased approach that explores the nature and extent of the need for a program (McDavid, Huse, & Hawthorn, 2013, p. 488). This approach allows for the exploration of the gap between what is and what could or should be (Altschuld & Kumar, 2010, p. 3) and is often incorporated in the planning phase of projects or programs (Altschuld & Watkins, 2015, p. 7). A needs assessment is a three-phased approach that includes Pre-assessment, Assessment, and Post-Assessment (Altschuld & Kumar, 2010, p. 22). Phase I or Pre-Assessment involves finding out what is already known, Phase II or Assessment focuses on collecting information that could not be learned in Phase I, and the final Phase, Post-Assessment, is concerned with designing and implementing solutions and evaluating results (Altschuld & Kumar, 2010, p. 22). The following section (Section 3.2) describes how the first two phases of the needs assessment are operationalized in this project using multiple methods including a literature review, document review, and two groups of semi-structured interviews.

Mary Koss (2014), restorative scholar and practitioner, advocates the importance of innovating within the “comfort zone of individual settings,” for restorative practitioners and program developers (p. 1656). The methodological approach of this project follows this advice by seeking to understand the “comfort zones” of post-secondary institutions in Waterloo Region with regard to using restorative responses to address campus sexualized violence using a needs assessment approach. This approach allowed for the articulation of highly relevant recommendations to CJI, which will support the organization in working towards supporting the implementation of restorative practices at post-secondary institutions, which is a part of their strategic vision for a Restorative Region. This report includes the findings of the first two phases of a needs assessment (Phase I literature and document review; Phase II interviews); the implementation and evaluation of solutions—the third and final phase—is beyond the scope of this project. Each subsequent phase of a needs assessment builds on the previous stage, and as such the client can use the findings of this report to move towards the third and final phase of program development

, implementation, and impact evaluation. This research can be considered a formative needs assessment, because it is being conducted prior to the implementation of a particular program and its purpose is not to determine the extent to which an existing program is relevant (McDavid, Huse, & Hawthorn, 2013, p. 236). The following section outlines the methods that were used to conduct the needs assessment.

3.2 Methods

The first phase of a needs assessment involves finding out what is already known about “what is” and “what could be” from available data sources (Altschuld & Kumar, 2010, p. 34). In Phase I, or Pre-Assessment, the researcher uses available information to inform their understanding of what is already known (Altschuld & Kumar, 2010, p. 22). This project used two methods to complete the first phase: a literature review and document review.

3.2.1 Literature Review

The first stage of this project was to conduct a thorough review of the academic literature that addresses the use of restorative practices in response to sexualized violence. As Race (2008) asserts, a review of different aspects of the literature is an essential precursor to initiating primary research on a topic (p. 488). In conversation with the project client it was determined that they did not have an up to date review of the literature or a solid evidence base that supported their programming in this area. Thus, I conducted a literature review as a part of this project to build a deep understanding of the current debates, practical considerations, and available evidence on the topic. Completing a thorough literature review allowed me to ask more informed questions in interviews as well as to provide a concrete deliverable that could be used by the project client in the future. The literature review is included as a standalone section of this report. The organization of the literature review was an intentional choice meant to suit the project client specifically as well as restorative practitioners more generally by exploring the literature from the perspectives of victim-survivors, PWOS, and the broader community. This review served to inform the interviews, offer a concrete deliverable to the client, and inform the articulation of recommendations. In the needs assessment, the literature review addresses the “what could be” question of the Pre-Assessment phase, whereas the document review, detailed in the next section, provided an understanding of “what is”, when it comes to responding to sexualized violence at Waterloo Region’s three post-secondary institutions.

3.2.2 Document Review

The document review conducted for this project provided important context for the researcher and the project client. It was used in conjunction with the literature review to complete Phase I of the needs assessment. In this case, to engage in thoughtful interviews with relevant administrators and policy makers, it was important to understand the sexual violence policies and procedures that apply at each institution. The purpose of the document review was to determine if the policy and procedure documents made reference to restorative practices as a possible

course of action for those who sought to use their institution's sexualized violence policy. Document review typically consists of content analysis focused on counting the use of particular words or phrases (Prior, 2008, p. 230): relevant documents were reviewed for the inclusion of the key words "restorative" and "restorative justice". Due to restorative justice's focus on accountability, "accountability" and "accountable" were also included in the key word search.

The document review was conducted in March 2018, as such any changes to policies or associated procedure documents since that point are not reflected in this review. The review was conducted prior to conducting semi-structured interviews to give the researcher the opportunity to understand the policy and procedure as it is written and how it is operationalized. This allowed for targeted recruitment of key individuals within each institution as well as research-informed semi-structured interviews with key respondents. The semi-structured interviews, which supported the second phase of the needs assessment, are described in the following section.

3.2.3 Semi-Structured Interviews

Two groups of semi-structured interviews were conducted to support the second phase, of the needs assessment whereby additional information that could not be collected during the first phase is sought out (Altschuld & Kumar, 2010, p. 22). Guided by predetermined questions, informed by the Literature and Document reviews, semi-structured interviews were conducted with post-secondary administrators (n=7) and restorative practitioners (n=4). A semi-structured interview format allows for an interview that is informal and conversational allowing participants to articulate responses in their own words (Longhurst, 2010, p. 105). This form of research required approval from the University of Victoria's Human Research Ethics Board, which was secured prior to recruitment of participants (UVIC HREB Ethics Protocol Number 18-031, Appendix 3). The two groups of interview participants, described in more detail below, were recruited for participation through publicly available contact information or through snowball sampling – whereby initial participants provided referrals to other relevant individuals within their institution (Lune & Berg, 2017, p. 29). In total 11 individuals participated in semi-structured interviews (N=11).

Interview guides were developed for each group to support the conduct of semi-structured interviews (Flick, 2015, p. 140), these guides constituted the predetermined interview questions. The semi-structured nature of the interviews, as opposed to the rigid formulation of a questionnaire, allowed the researcher to adjust the formulation of questions as required in order to solicit the individual perspective of interview participants (Flick, 2015, p. 140). The interview guides that were used are included as Appendix 1 and Appendix 2 to this report. All participants consented to have their interviews audio recorded; the resulting audio files were then used to assist in the coding and analysis processes. The interviewer took supplemental notes throughout the interviews, which were also used to assist in the coding process.

Group 1: Administrator Interviews

Following the document review, Group 1 participants (n=7) were selected for participation based on their relevant roles at one of the three post-secondary institutions in Waterloo Region (Wilfrid Laurier University, n=2; University of Waterloo, n=3; Conestoga College, n=2); as such these interviews can be considered elite interviews (Flick, 2015, p. 141). Criteria for recruiting individuals within the institutions included 1) responsibility for the implementation or development of sexualized violence policies or 2) providing direct support to individuals affected by sexualized violence on campus. All participants had responsibility for administering at least one component of their institution's sexualized violence policy and procedures, as such these interviews are called "Administrator Interviews". Once contact was made with an individual at an institution, snowball sampling was used to recruit other participants.

Interview times varied from 35 to 55 minutes in length, with the average interview lasting 44 minutes. This Administrator interviews were guided by the questions outlined in the interview guide, located in Appendix 1. Administrator interviews resulted in 309 minutes of audio recordings. In order to protect the anonymity of participants, as specified in the informed consent form, included in Appendix 4, their specific roles are not identified in this report. About half of participants (n=3) provide direct service and support to students who have experienced sexualized violence or are respondents – meaning they have been accused of committing sexualized violence. Other participants (n=4) work in roles where they are responsible for the development and implementation of their institution's sexualized violence policy and procedures. Some participants who are responsible for policy development and implementation may also work directly with policy users. Depending on the organizational structure of the institution, participants worked within institutional counseling departments, dispute resolution offices, equity offices, in campus sexualized violence support services and in student conduct.

With regard to the development of the policy, three participants indicated that the policy at their institution was put into place before they began working in their current role and were not involved in the development of the policy. The remaining four participants were directly involved in developing the initial policy in order to meet the January 1st, 2017 deadline set by the legislation. These Administrator interviews brought the policy and procedure to life by engaging those who were responsible for designing it and working with individuals who are trying to use it.

Group 2: Practitioner Interviews

While the literature review provides a thorough exploration of the academic literature that is concerned with how and why restorative responses to sexualized violence are potentially valuable alternatives to existing responses, their perspectives are not necessarily informed by experience facilitating such processes. As such, a second group of semi-structured interviews was conducted with experts (n=4), who were recruited because of their expertise and experience

facilitating restorative practices (Flick, 2015, p. 141). This group of interviews is referred to throughout this report as Practitioner Interviews as all participants were restorative practitioners who have worked using restorative practices as a response to sexual harm. The intention of the Practitioner interviews was to support Phase II of the needs assessment and build on the literature review, by including the perspectives of practitioners with “on the ground” experience.

The interviews were guided by a list of prepared semi-structured questions that were provided to participants in advance of the interview to allow them to prepare (the interview guide is available in Appendix 2 of this report). Participants were recruited following the procedure laid out in the approved HREB application. Initial recruitment was focused on those with whom the client organization or the project supervisor had contact. Other participants were recruited through snowball sampling, during interviews, participants were asked if they were aware of anyone else who could provide important insights to this project. Interview times varied from 27 to 79 minutes, the average interview lasted 50 minutes and resulted in 203 minutes of audio recordings. The focus of the interview varied depending on the particular expertise of the participant and what they felt was important to share. All participants agreed to be audio recorded during the interview, which supported the analysis phase, detailed in the following section.

3.3 Analysis

The analysis process for both groups of interviews was similar and conducted concurrently; however, as the purpose of each group of interviews was distinct, the findings, outlined in the Findings section, are clearly presented as emerging from either the Administrator or Practitioner interviews.

The coding process for both groups of interviews was iterative. Administrator and Practitioner interviews were initially open coded using the audio recording and the researcher’s supplemental notes, in the interest of time full transcripts of the interviews were not prepared. The resulting codes were a mix of axial and in vivo codes. Following an initial round of open coding of all interviews a second round of coding refined the results into a smaller number of codes, typically two or three key themes/codes per question. The second round of coding was consistent with a thematic approach to coding, whereby data are segmented to prepare for thematic analysis (Ayres, 2008, p. 867).

The resulting codes were then analyzed thematically in order to present the findings. It is worth noting that these stages are presented sequentially although in reality the distinction between thematic coding and analysis is often ambiguous (Ayres, 2008, p. 868). To conduct thematic analysis I wrote out a description of the central themes associated with the questions posed in the interview guide, included relevant quotes, and explored in greater detail where perspectives overlapped or diverged. Once this was completed I had a detailed record of the findings for each of the questions that I posed in the interviews, but they were not necessarily organized in a way that clearly responded to the research questions. I then reviewed the detailed findings and looked

for key themes that responded to the research questions. These overall themes were used to present the findings, as outlined in Sections 5.2 to 5.4 of this report, in a clear and concise way to ensure maximum utility to the project client. There were a number of interesting findings that were not necessarily pertinent to the articulation of recommendations to the client; these were not included in this report³.

3.4 Project Limitations & Delimitations

3.4.1 Limitations

The methodological approach to this research project was informed by several factors: the nature of the research questions, the research context, and the skills and experience of the researcher. In an effort to maintain a reasonable scope of research, this project is focused on the perspectives of individuals who occupy positions of power and relative privilege within institutions. As such the perspectives of potential users, namely students, of restorative practice responses were not included. It is also important to note that the privileged social location of the researcher – a white, settler, cis-gendered, able-bodied, graduate student – certainly impacted the articulation of findings and recommendations as it is known that sexualized violence disproportionately affects those who occupy relatively marginalized social locations.

Further, due to the novel application of restorative practices to respond to campus sexualized violence the research was unable to identify models for replication or articulate a catalogue of smart practices⁴. What resulted was instead a review of up to date academic literature that addresses this particular application of restorative practices and the articulation of critical considerations for program design and practice. Where possible the particulars of practice were noted, however there is relatively little research that has evaluated the impact or effectiveness of specific programs or models.

As discussed earlier, this research project is not a complete needs assessment as time and scope constraints prevented the implementation of the third phase – implementing and evaluating programming. However, it is intended that this report be used to support the client in moving towards the third phase of a needs assessment in the future.

3.4.2 Delimitations

Despite the noted limitations of this research project the methodology and associated methods allowed the researcher to articulate highly contextual findings to the project client and to compile a thoroughly researched review of relevant academic literature. In addition to this research

³ The detailed write up of the findings are quite lengthy, and ultimately I used my discretion and my understanding of the client's needs to articulate the findings in a way that would be useful. If anyone is interested in these more detailed findings, they can be provided on request.

⁴Bardach & Patasnik (2016) assert that the extent of research required to deem something a “best” practice is rarely done and as such research of this kind is more appropriately conceived of as “smart” practices research (p. 126).

project, I was hired by the client organization to support their Restorative Region project. This experience was extremely beneficial and helped me to ground my research in the client context and to strive to articulate findings that are supportive of the organization's goals and vision, and responsive to the realities of program development and partnership building for CJI. Initially, I was concerned that I was unable to articulate specific models or programs that CJI could adapt and then propose to post-secondary institutions. However, working alongside CJI staff, I learned the importance of not approaching partnership with rigidly articulated models in place. There is a fine balance that must be struck between clearly articulating what CJI has to offer in terms of partnership, program design or training and building programs and trainings that are highly responsive to the partnership context, their priorities, interest or capacity. In this way the literature review that resulted as an important foundational piece of research that can be used to engage those who may have limited understandings of restorative practices, particularly restorative responses to sexualized violence.

All the supportive evidence in the world however, will not build partnerships if there is not an understanding of the "comfort zone" of potential partners. As such, the needs assessment approach was highly suitable methodological approach to this research project. This allowed me to investigate institutional positions as well as make connections with key individuals and potential future partners.

Finally, as was briefly noted in the Background section, this project focused specifically on sexualized violence rather than gendered violence. The decision to limit the focus of this project to sexualized violence was informed primarily by the focus of the legislation that mandated policy development and secondly due to the reality that there are different dynamics at play in other forms of gendered violence. It is also worth noting Hopkins & Koss' (2006) assertion that many of the feminist concerns and criticisms of restorative responses to gendered violence are germane to situations of ongoing family violence (p. 716). Admittedly the distinction between these forms of violence is ambiguous, however in the interest of scoping the project other forms of gendered violence, namely intimate partner violence, was not the focus of this project.

4.0 Literature Review

4.1 Introduction

As articulated in the Methodology & Methods section, the complexity of this particular application of restorative practices requires thoughtful and in depth engagement with the theory and practice that supports and raises critical questions about the safety and effectiveness of restorative responses to sexualized violence. The purpose of this section is to use extant academic literature to understand what restorative responses to sexualized violence are, their advantages, criticisms that have been raised and how these criticisms have been attended to in theory and practice.

The literature review is organized into several sections. The first is focused on providing an understanding of the models that are discussed in the literature when referring to restorative responses to sexualized violence: this will shed light on what restorative responses are and how they work. The subsequent sections review literature that addresses the benefits of restorative processes, the criticisms and concerns of using such processes to respond to sexualized violence, and the practical and theoretical ways to which these concerns can be attended. Engaging with the criticisms of restorative responses is crucial, however as Daly (2017) articulates: “. . . if an RJ process adopts good practice protocols, i.e. they are modified to address the dynamics of gender violence, the question of appropriateness is moot . . . ” (p. 109). As such, this review and the research project itself is not focused on whether restorative practices are appropriate, but how they are best implemented to offer another avenue of response to those impacted by sexualized violence.

Following a restorative framework’s concern with the impact of violence or harm on victim-survivors, PWOS, and the community the literature review is organized to explore the opportunities, criticisms, and practical/theoretical considerations of restorative practices in this context from each perspective. The final section of the literature review is focused on the use of restorative practices to respond to sexualized violence in post-secondary contexts. Admittedly, there is a relatively small body of literature that addresses the use of restorative practices in this context; however, research is currently expanding as scholars engage with questions of how to address campus sexualized violence restoratively, begin to implement programs that include restorative options, and test restorative responses.

4.2 Restorative Models to Address Sexual Harm

There are a variety of models and practices rooted in the restorative paradigm that are used to respond to sexualized violence that are discussed in the literature. Restorative practices offer informal victim-survivor focused processes that require the offender to take responsibility and can be adapted to the needs of an individual or situation (Pali, 2017, p. 34). Where retributive notions of justice seek to designate blame, a restorative approach to justice asks, “Who has been

hurt?” (Rentschler, 2017, p. 566). Restorative justice is not focused on finding facts; it is oriented towards the present and future, not the past (Koss, Wilgus, Williamsen, 2014, p. 246).

Restorative processes range in the level of interaction between parties, in their interconnectedness to other formal (i.e. criminal justice) processes and how restorative processes are accessed. While the specifics of practice vary based on the program, some common models of restorative justice responses to sexual harm include facilitated dialogue, victim-offender dialogue, restorative conferencing, sentencing circles, victim-offender panels, and Circles of Support and Accountability. The variety of restorative models is representative of the “conflicting values and expectations [which] mean that it is difficult to identify a model which would be acceptable to all stakeholders—community, offenders and victims,” (Naylor, 2010, p. 682). Below I review some of the different characteristics of restorative models that are used to respond to sexualized violence.

4.2.1 Level of Contact

In some cases processes that involve both the victim and offender are not possible; for example, if the offender will not accept responsibility, there are safety concerns that cannot be sufficiently addressed, or if one party is no longer living. However, the absence of a direct encounter does not preclude a restorative response. Restorative processes are possible and even beneficial in cases where only one party is able to participate (Walker, 2013, p. 35). Walker (2013) refers to these as “partially restorative processes”, (p. 36), which is aligned with Zehr’s (2002) continuum of restorative responses (p. 55).



FIGURE 3 - THE CONTINUUM OF RESTORATIVE JUSTICE PRACTICES (ZEHR, 2002, P. 55)

One model that does not involve direct contact between direct victim-survivors and offenders is called a Victim-Survivor Panel (Hayden & van Wormer, 2013). In this model, individuals who have been impacted by sexualized violence, but not directly by the offenders in attendance, share their stories with the intention of evoking an empathetic understanding of the way the offenders’ behaviour may have caused harm (Hayden & Van Wormer, 2013). This model also offers victim-survivors the opportunity to tell their stories without threat of blame.

Another model that does not involve direct contact between victim-survivors and offenders is the Circles of Support and Accountability (CoSA) model. In this model, an individual who has been charged with a sexual offence and served a prison sentence, known as the “core member”, is matched to a group of community volunteers who support and hold the core member accountable as they re-enter society following incarceration (Bohmert, Duwe & Hipple, 2018; Clarke, Brown, & Vollm, 2017). Again, this model does not include the direct victim-survivor in the process; as such, Joyce-Wojtas & Keenan (2016) suggest that CoSA presents a “partially restorative” approach (p. 49).

A restorative response to sexualized violence may also involve a direct encounter between victim-survivor and offender (Hayden & van Wormer, 2013, p. 126). Naylor (2010) describes this model as conferencing. In a conferencing model, a victim-survivor and the offender have a meeting that is professionally facilitated and attended by support people and community members (Naylor, 2010, p. 665). Similar practices are also described as dialogues. In a dialogue or conference, the focus is to provide a platform for the victim-survivor to address the person who caused them harm (Pali & Sten Madsen, 2011, p. 52). Conferencing is a commonly used restorative justice practice that has been used since the 1980s, as it incorporates elements of many restorative models it is considered the most evolved form of RJ (Koss, Wilgus, & Williamsen, 2014, p. 248).

4.2.2 Attachment to Criminal Justice Processes

Restorative processes to respond to sexualized violence also vary in their level of attachment to formal investigative or criminal justice processes. Some restorative practices may be engaged concurrent to a criminal justice process, while others are entirely separate from any form of criminal or adjudicative process. The Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience (RESTORE) program in Arizona offered a restorative justice option in prosecutor-referred adult misdemeanor and felony sexual assault cases (Koss, 2014; Koss, 2010). As participation in RESTORE is based on prosecutorial referral, this process can be considered to have a high degree of attachment to a criminal justice process. Court-based referral models depend on a guilty plea but do offer a high degree of procedural protection (Naylor, 2010, p. 682). CoSA programs, discussed above, can also be considered to have a high degree of attachment to the criminal justice system because core members have typically been charged criminally and incarcerated.

At the other end of the spectrum, there are models of practice that are not affiliated with or connected with criminal justice or other formal processes. The Copenhagen Centre for Victims of Sexual Assault offers restorative dialogues at the request of victim-survivors who are clients of the centre (Pali & Sten Madsen, 2011, p. 51). A more informal model offers victim-survivors the opportunity to engage in a restorative process without requiring that a formal report be made to police. As the vast majority of victim-survivors of sexualized violence never report their

experiences to police, informal models respond to the needs of a much wider group of victim-survivors.

4.2.3 Access

How and when a restorative process is made available also varies by model. When or how access to a restorative response is offered has a substantial impact on who might access such a response as there are high rates of non-reporting and attrition as cases move through a formal pathway (Koss, 2014, p. 1624). For example, if a restorative process were not offered until a formal process has failed very few victim-survivors would have the opportunity to access a restorative response. In their exploration of how a restorative process is offered to victim-survivors of harm, van Camp and Wemmers (2016) delineate between “Protective” and “Proactive” models of restorative justice (p. 419). A Protective model is one where “information is not systematically distributed to victims; instead, information may be withheld from victims in an effort to shield them from any possible risk of distress,” (van Camp & Wemmers, 2016, p. 419). A Proactive model prioritizes a victim-survivor’s need for information to support them in making an informed choice with regard to participating in a restorative process (van Camp & Wemmers, 2016, p. 419-420). A proactive approach provides victim-survivors with information about RJ without their having to request it (van Camp & Wemmers, 2016, p. 422). Joyce-Wojtas & Keenan (2016) point out that even when there is legislative support for using RJ in response to sexualized violence, its application and impact is limited by the reticence of mediators, health care and criminal justice professionals (p. 53). Even in situations where restorative processes are institutionalized, if access is predicated on a police report many victim-survivors will be unaware, unable, or unwilling to access restorative responses (Keenan, Zinsstag, & O’Nolan, 2016, p. 106)

4.3 Victim-Survivors

There is a substantial body of literature that is concerned with the implications of restorative practices in response to sexualized violence for those who have experienced it. This section of the literature review revisits the rationale for offering restorative responses to victim-survivors, the criticisms of restorative practices from the victim-survivor perspective, and how these criticisms are attended to in theory and practice.

4.3.1 Reviewing the Justice Gap

As discussed in the Background Section, victim-survivors of sexualized violence face many barriers to the realization of their justice needs. Few victim-survivors choose to report their experiences to police, and those that do face participating in a prescriptive process where the achievement of justice is narrowly defined as the incarceration of the offender provided the available evidence stands the test of the court. As Randall (2013) articulates, the legal system “remains profoundly unresponsive to the needs of women who are harmed by sexual and physical violence,” (p. 463). Coker (2016) articulates that framing intimate partner violence or

sexual assault using “Crime Logic” results in an “untenable choice” for those who experience gendered violence:

They can embrace a Crime Logic framing of their experience—they were victims, they have no agency, and harm was done to them; the person who harmed them is a criminal, a deviant; any right-thinking person would want him or her to be punished. Alternatively, they can deny the criminality of their experience, minimize its harmfulness, and refuse to identify their friend, lover, husband, wife, or fellow student as a rapist, batterer, criminal. (p. 161)

A restorative process may offer a victim-survivor another way to frame their experience beyond the punish/deny dichotomy presented by the criminal justice system, characterized by Coker (2016) as ‘Crime Logic’.

Further, in a restorative orientation to justice, there are multiple victim constituencies including direct victims, family and friends of victim survivors, family and friends of perpetrators who experience shame and stigma, and members of the community who feel less safe (Koss, 2014, p. 1624). Non-restorative responses to sexualized harm do little to respond to the ripple effects of sexualized violence and may even actively exclude those who are not the direct victim-survivor or offender.

4.3.2 What Restorative Responses Offer Victim-Survivors

Given the considerable gap that exists in responding to the needs to victim-survivors following an experience of sexualized violence, this section reviews literature that explores how restorative responses address this aforementioned gap. Victim-survivors vary immensely in their lived experiences and their needs following an experience of sexualized violence. McGlynn, Downes, & Westmarland, (2017) capture this diversity in the image of a ‘kaleidoscopic vision of justice’ (p. 181), where a victim-survivors conception of justice is:

A continually shifting pattern; justice constantly refracted through new circumstances, experiences and understandings; justice as non-linear, with multiple beginnings and possible endings; and justice as lived, on-going and ever-evolving experience without certain ending or result. (McGlynn et al., 2017, p. 181)

Victim-survivors are not a homogenous group; as such their experiences, desired outcomes, capacity to seek redress, and the impacts of an experience of sexual violence will vary dramatically. A victim-survivors capacity for or interest in a restorative response will be mediated by numerous factors including the length of time since an experience, the presence or absence of supportive friends and/or family, the expertise of facilitators, and the preparation process (McGlynn et al., 2017, p. 186). In this way, what a victim-survivor seeks and receives from participation in a restorative process is not universal. However, the following sections

present the findings of research that has explored why some victim-survivors might pursue a restorative response.

Choice and Empowerment

Restorative responses provide victim-survivors a pathway to address the harm they have experienced without the determination on the part of the state that their harm is sufficient or valid. Naylor (2010) asserts that victim-survivors want access to non-adversarial processes as opposed to the adversarial process offered by the criminal justice system (p. 688). In one study that incorporates the perspectives of victim-survivors, Marsh & Wager (2015) found that victim-survivors of sexualized violence were in favour of offering access to restorative processes in cases of sexualized violence (p. 354).

Naylor (2010) warns “just as the offence has taken away their control, the criminal justice process also risks their continued disempowerment and indeed irrelevance. A process is needed that does not reinforce their ‘victim’ status,” (p. 668). Hayden & van Wormer (2013) assert that choosing to participate in a restorative process can be an empowering experience (p. 124). Where criminal processes relegate a victim-survivor to the role of witness, restorative processes provide the opportunity for a victim-survivor to actively participate, which Daly (2017) has identified as a justice need of victim-survivors (p. 115). Further, as discussed earlier, some victim-survivors may not want to interact with the criminal justice system if they fundamentally do not trust the system—restorative justice responds to this by offering a process that is potentially separate from the state sponsored justice system.

Voice

Naylor (2010) argues that victim-survivors need access to a process that offers them a “genuine voice” (p. 668). Proponents argue that restorative processes offer victim survivors *Voice* (Daly, 2014, p. 388). Voice can mean the opportunity to tell the story of what happened (Daly 2017, p. 116), active participation in decision-making in the justice process (McGlynn et al., 2017, p. 183), and the opportunity to speak out and be heard by the offender, family, friends and the broader community (McGlynn et al., 2017, p. 183). Godden-Rasul (2017) argues that “RJ’s potential to provide space for victim-survivors to speak of their experiences of harm done to them is more significant than has been recognized in rape and RJ literatures,” (p. 21). Koss’s evaluation of the RESTORE program found that “having the opportunity to express how the incident affected me” was more important to participants than they initially anticipated (2014, p. 1644). Put plainly, restorative processes can create spaces for victim-survivors to say what happened and assert their voice in distinct ways from a formal or criminal process.

Flexibility

Connected to voice is the flexibility of restorative responses to sexualized violence to create space for victim-survivors to “carve out their own path to wholeness,” (Hayden & van Wormer,

2013, p. 124). These processes respond to the particular harm experienced by a victim-survivor rather than the “generic labeling of harm” offered through the criminal justice system (Godden-Rasul, 2017, p. 21). The flexibility of restorative practices means that they can be adapted depending on the needs and capacities of the victim survivor (Daly & Stubbs, 2006, p. 18). Daly (2014) distinguishes between victim-survivors justice needs and survival or coping needs and argues that some will have greater priority depending on the context or experience of victimization (p. 389). Further, criminal processes tend not to be responsive to cultural and diverse needs of individuals (Naylor, 2010, p. 677), restorative processes can be adapted to meaningfully attend to relevant needs and circumstances.

Recognition

Fundamental to restorative processes is the fact that the victim-survivor is believed and not blamed for what happened (Daly, 2017, p. 116). Koss’ (2014) evaluation of the RESTORE program found that the opportunity to hold the responsible party accountable was the victim-survivors’ primary reason for participating in a restorative process (p. 1642). McGlynn et al. (2017), define recognition as the “shared perception of something as existing or true,” (p. 182). A restorative process is premised on the recognition of the responsible party’s actions as harmful, and the victim-survivor is unequivocally recognized as the person who experienced harm. Recognition may be especially impactful when an experience of sexualized violence has resulted in denial or disbelief; a restorative process provides a victim-survivor the opportunity to be recognized as such, without being subject to suspicion or scrutiny.

To summarize, current academic literature outlines several potential benefits of restorative practices for victim-survivors of sexualized violence namely their capacity to provide opportunities for choice and empowerment, to provide victim-survivors the opportunity to share what happened in their own voices, to flexibly respond to their self-determined needs and finally to have their experiences recognized without dispute of fact. Despite the numerous offerings of restorative practices for victim-survivors, there are some criticisms that must be acknowledged.

4.3.3 Victim-Survivor Focused Criticisms of Restorative Practices

While restorative justice processes may be responsive to many of the gaps victim-survivors of sexualized violence face, they are not universally accepted. Much of the literature warns against holding restorative processes to be a panacea in responding to the needs of those who have been impacted by sexualized violence. This section outlines concerns have been raised in the literature with regard to using restorative responses to sexualized violence from the perspective of victim-survivors.

Safety & Risk of Further Harm

Safety of victim-survivors is a central concern of those who are critical of using restorative responses in cases of sexualized violence. Concerns around the safety of victim-survivors refer to

both the risks to physical and emotional safety. As Randall (2013) articulates, many incidents of sexualized violence are one-time events where the responsible party does not pose an ongoing threat to the victim-survivor (p. 477). That being said, Koss (2014) asserts that conferencing in the context of sexualized violence does require greater attention to safety than typical conferencing (p. 1651). As Godden-Rasul (2017) articulates, it is not possible to control the response of an offender (p. 22), as such, despite accepting responsibility during case development, an offender may subvert the process, which poses a substantial risk of harm to the victim survivor (p. 24).

There is also concern that in a model predicated on an encounter between a victim-survivor and offender, an unwilling offender has the power to deny a victim-survivor a pathway to justice (McGlynn et al., 2017, p. 183). Further, it is possible that adequate support services for victim-survivors may not exist, which could mean greater risks to the safety of victim-survivors (Zinsstag & Keenan, 2017, p. 7). Finally, without proper facilitation “RJ risks being society’s echo chamber, reverberating with men’s voices and silencing women,” (Godden-Rasul, 2017, p. 22). These criticisms are of vital concern for anyone advocating for the use of restorative responses to sexualized violence. If an experience of sexualized violence is conceptualized as damaging to personhood, as Godden-Rasul (2017) advocates, the potential of restorative justice to repair harm is greater but greater too is the risk of causing further harm (p. 24).

Pressure

Another concern is that victim-survivors may feel pressured to participate. Restorative processes assume that participants can participate freely (Hayden & van Wormer, 2013, p. 124). However, victim-survivors have differing capacities for and interests in participation in a restorative process depending on the time that has passed since the incident, the presence or absence of supportive family and friends, access to community supports, ability of the participant to speak in their own voice, and the preparation process (McGlynn et al., 2017, p. 22). Victim-survivors who are less able to advocate for themselves may accept outcomes that minimize their interests (Daly & Stubbs, 2006, p. 17). Marsh & Wager (2015) found that victim-survivors of sexualized violence emphasized that no one should be pressured to pursue a restorative process (p. 354). Another concern related to pressure is that restorative processes may be perceived as requiring a victim-survivor to forgive the offender or subject the victim-survivor to pressure to reconcile. However, restorative justice is not focused on granting forgiveness, but provides a platform for the victim survivor to address the person who caused them harm (Pali & Sten Madsen 2011, p. 52).

The safety, emotional and physical, of a victim-survivor who has agreed to participate in a restorative process is paramount if such processes are going to be used. Further, it is integral that victim-survivors are able to make informed choices about participating in a restorative process and that they are not pressured to participate or accept outcomes that do not serve their self-determined needs. The following section outlines ways in which practitioners and researchers

have responded to these integral criticisms as they seek to offer restorative process in response to sexualized violence.

4.3.4 Responding to Criticisms in Practice & Design

Training

Sexualized violence specific training programs for restorative practitioners are one integral way that the criticisms noted in the literature have been responded to. Koss (2014) asserts the importance of employing highly trained facilitators (p. 1651). Joyce-Wojtas & Keenan (2016) outline relevant training for practitioners including: awareness of power-imbalances that may exist between parties and knowledge of the means through which to establish procedural safeguards to ensure the emotional and physical safety of victim-survivors; training must focus on understanding the effects of trauma as well as the dynamics of sexualized violence and abuse (p. 60). Marsh & Wager (2015) argue for the inclusion of those with expertise in the dynamics of sexual offenders and victimization, who can adequately prepare both parties and actively address actions that may represent attempts to blame or manipulate a victim-survivor (p. 341). Joyce-Wojtas & Keenan (2016) emphasize that restorative responses to sexualized violence be practiced by experienced practitioners working under close supervision (p. 60).

Trauma-Informed Models & Victim-Centred Practice

Linked to the role of training and supervision to ensure safe and effective restorative practices for victim-survivors are the concepts of trauma-informed and victim-centred practice. As sexualized violence is often a traumatic experience for the victim-survivor, Randall & Haskell (2013) assert the importance of trauma-informed restorative justice practices in this context. Trauma-informed practice requires the education of those working with victim-survivors so that they can better understand, accept, and relate to individuals who have experienced trauma (Randall & Haskell, 2013, p. 510). From the perspective of victim-survivors, trauma-informed practices seek to deliver services in ways that do not inadvertently re-traumatize individuals and cause further harm (Randall & Haskell, 2013, p. 518). As Randall & Haskell (2013) articulate, “[r]estorative justice is centrally concerned with restoring and repairing relationships which have been harmed or damaged by conflict, crime, or some other disruption. Trauma-informed work recognizes that healing from traumatic events can only occur in relationships” (p. 532). Another way that concern for safety is built into restorative practice is through victim or survivor-centred practice. As Randall (2013) articulates, victim-centred practices are those where “. . . victims are the drivers of a process designed to repair the harm they have suffered . . .” (p. 478). As noted earlier, when victim-survivors are able to have agency in the design of the process, the potential benefits include voice, choice, empowerment, recognition and flexibility.

4.3.5 Evidence from Practice

While limited, there is a body of literature that seeks to present the perspectives of victim-survivors who have engaged in restorative process in response to sexualized violence. Daly &

Stubbs (2006) suggest that comparative analyses are difficult as the meanings and practices of restorative justice are highly varied (p. 23).

Koss's (2014) seminal evaluation of the RESTORE program demonstrates the positive impact of restorative responses to sexualized violence. The study found numerous positive impacts including a reduced number of victim survivors that met the diagnostic criteria for PTSD following the restorative conference (Koss, 2014, p. 1641). Overall her findings demonstrate high levels of process satisfaction for all victim-survivor participants, over 90% felt that the conference was a success and were satisfied with the resulting redress plan (Koss, 2014, p. 1644 & 1647). Ultimately 90% of all participants would recommend the RESTORE process to others who have had similar experiences (Koss, 2014, p. 1647). This finding is in-step with van Camp & Wemmers' (2016) finding that victim-survivors of violent crime were supportive of RJ being offered to all victim-survivors who would be empowered to make the choice to participate for themselves (p. 429).

In their in-depth case study McGlynn, Westmarland, & Godden (2012) detail the experience of one woman in the United Kingdom who participated in a conference with the man who sexually abused her. In her own words:

[The conference] was a really big turning point for me actually. Instead of having this whole episode of my life that I couldn't do anything with, I could stop hating myself and put the blame where it should be. (McGlynn, Westmarland, & Godden, 2012, p. 228)

While highly specific, their case study uniquely represents a victim-survivors perspective on participating in a restorative response to sexualized harm in her own words. At this point, very little is known about the in-depth experiences of victim-survivors who have participated in a restorative process.

4.4 People Who have Offended Sexually

A considerably smaller body of literature is concerned with the implications of restorative practices for people who have offended sexually (PWOS). As discussed earlier, criminal justice processes do little to encourage offender accountability, rarely tend to the rehabilitative needs of offenders, and subject offenders to the physical, social and even sexualized violence associated with incarceration. Much of the literature on the needs of PWOS is situated in discussions of Circles of Support and Accountability (CoSA) models or the well-researched RESTORE program. It is worth noting that both of these models work with individuals who have been found guilty of offending sexually and have or face the possibility of serving a criminal sentence. As such, less is known about working with PWOS who do not face the threat of criminal sanction. The following section explores the potential benefits of participation in restorative processes from the perspective of PWOS.

4.4.1 What Restorative Practices offers PWOS

Taking Responsibility and Being Accountable

Restorative responses to sexualized violence offer people who have offended sexually the opportunity to take responsibility for the harm they have caused in concrete ways and participate in a process that aims to hold them to account rather than punish (Zehr, 2002, p. 16). Where victim-survivors face a justice gap, offenders face an “accountability gap” (Keenan, Zinsstag, & O’Nolan, 2016, p. 107). In a criminal justice process, offenders are encouraged not to take responsibility and tell the truth about what happened in order to protect themselves from the violence of incarceration (Keenan, 2017, p. 49). When facing criminal prosecution, most offenders focus on self-preservation rather than “gaining an understanding of other” (Randall & Haskell, 2013, p. 526). In a restorative justice process for offenders being accountable means understanding the impacts of their behaviour and ultimately taking steps to put things right (Zehr, 2002, p. 16).

In a more formal or criminal justice process, offenders are limited in the ways they may take responsibility and be held to account. Daly defines offender accountability constituting of three elements: first, taking active responsibility for the harm caused, second, offering sincere expressions of remorse and thirdly accepting and participating in censure or sanction (2014, p. 388). As Oudshoorn et al. (2015) articulate, restorative justice is invitational, meaning that people who have offended sexually are held accountable but within a context of support rather than exclusion and punishment (p. 29). Such processes encourage people who have offended sexually to move from: denial to naming wrong doing; minimizing to acknowledging harm; rationalizing to taking responsibility; and, justifying to taking responsibility (Oudshoorn et al., 2015, p. 29). Koss’s evaluation of the RESTORE program shows that for 95% of people who offended sexually, the opportunity to apologize to the person they had harmed was a major reason for participating in the restorative process (2014, p. 1642).

Rehabilitation and Re-Integration

Involvement in a criminal justice process does little to re-integrate offenders (Keenan, 2017, p. 50-51) or support people who have offended sexually to examine and address the behaviour that contributes to cycles of offending. In the absence of threat of criminal punishment, offenders are more likely to develop empathy and the capacity to mentalize—the capacity to understand one’s own thoughts and mental processes (Randall & Haskell, 2013, p. 525). Randall & Haskell (2013) call mentalizing an “essential skill” if offenders are going to be able to understand the effect of their actions on others or to grasp the extent of the harm they have caused (p. 526). Trauma-informed restorative practice allows for a response that can address the risk factors that contribute to offending behaviour for a particular offender – including unresolved trauma, substance abuse, mental health issues, misogynistic beliefs – in order to tailor a response where offenders can take responsibility and make the change required to prevent further harm (Randall & Haskell, 2013, p. 526). A study conducted by Rye, Hovey, & Waye (2018) on Community

Justice Initiative's Revive program found that program participation for PWOS resulted in understanding of why they sexually offended, victim empathy, stress reduction, and increased self esteem. These findings represent evidence that a restorative approach may contribute to rehabilitation for PWOS and also emphasizes that program success must look beyond recidivism as the only indicator of success (Rye, Hovey, & Waye, 2018, p. 293).

John Braithwaite's theory of Reintegrative Shaming is an important contribution to this discussion (Braithwaite, 1989). Reintegrative shaming is a process that "shames while maintaining bonds of respect or love, that sharply terminates disapproval with forgiveness, instead of amplifying deviance by progressively casting the deviant out," (Braithwaite, 1989, p. 12). Braithwaite (1989) distinguishes Reintegrative Shaming from Disintegrative Shaming, which he contends is counterproductive, especially when it serves to marginalize and exclude offenders (p. 4). Restorative responses to sexualized violence can offer opportunities for communities and victim-survivors to use reintegrating shaming whereby they unequivocally disapprove of offending behaviour while demonstrating gestures of reacceptance and commitment to reintegration (Braithwaite, 1989, p. 55). Writing on the effectiveness of the CoSA model, Clarke, Brown & Vollm (2017) are clear about the reintegration as an integral element in reducing the likelihood of reoffending (p. 447). Participation in a restorative process may also offer the opportunity for relationship repair for those who wish to continue the relationship (Daly & Stubbs, 2006, p. 18). Koss (2014) found that where there was a greater degree of intimacy between victim-survivor and responsible party interest in restorative justice was greater (p. 1649). Despite the ways in which restorative responses attend to the shortcomings of other, namely criminal justice, responses, there are important criticisms that must be acknowledged. These are outlined in the following section.

4.4.2 Criticisms of Restorative Practices for PWOS

Addressing Harmful Behaviour and Mindsets

People who have offended sexually may hold beliefs that they employ to justify their behaviour (Naylor, 2010, p. 678). If these beliefs remain unchallenged throughout a restorative process the impact on an offender's behaviour will be limited (Daly & Stubbs, 2006, p. 17). This could be particularly problematic in a situation where a person who has offended sexually perceives their participation in a restorative process as symbolic of the fact that their behaviour is not wrong (Daly & Stubbs, 2006, p. 17). As most of the research on re-integration on offenders comes from CoSA, which works with people who have been convicted and served a prison sentence for their offences, less is known about the importance or role of reintegration for those who are not found "formally responsible".

Further, Braithwaite (1989) asserts that shaming is more effective when an individual is "enmeshed in multiple relationships of interdependency," (p. 14), as such it may be less effective for individuals who are highly isolated or who have been marginalized because of their offending behaviour. Advocates of restorative practices in this context would be naïve to assume that all

people who have offended sexually are ready to take responsibility for their actions. Oudshoorn et al. (2015) acknowledge that in some cases incapacitation, through incarceration, is necessary to keep communities safe and limit an individual's ability to re-offend if they are not prepared to take responsibility (p. 30-31). It is worth noting that, excepting the work of Koss (2014) and Julich & Landon (2017), there is very little literature on the use of restorative practices in response to sexualized violence that includes the perspectives of offenders.

Legal and Procedural Concerns

Keenan (2017) raises the concern regarding due process considerations for the accused including the presumption of innocence, right against self-incrimination, right to a fair trial, and right to legal representation (p.55-59). Keenan (2017) asserts that the limits to confidentiality of the RJ process need to be made clear to all participants at the beginning of a process (p. 57) so that participants do not fear that what they have said can be used as evidence against them in a subsequent criminal process (Coker, 2016, p. 202; Reimund, 2005, p. 685).

4.4.3 Responding to Criticism in Practice and Design

Screening

Screening offenders to determine their capacity to understand their behaviour as harmful and a willingness to work towards changing such behaviour is vital. The model of the practice, be it diversionary, supplemental or completely separate from a formal criminal justice process, may provide different incentives for offenders to participate (Miller & Iovanni, 2013, p. 249). Practitioners must be attuned to the manipulative tendencies that are employed by individuals who commit sexual harm (Julich & Landon, 2017, p. 207). Marsh & Wager (2015) note that the presence of those trained to recognize and challenge manipulative or blaming behaviour during an encounter is vital to ensure the safety of victim-survivors and impact for PWOS (p. 341). The RESTORE program included a robust screening protocol, which only includes cases deemed safe for community-based resolution by the prosecutor and makes ongoing use of clinical risk assessment prior to acceptance into the RESTORE program, during preparation and throughout the supervision period (Koss, 2014, p. 1651).

Integration with Support Services

Mary Koss's research on the RESTORE program details a model of practice that is highly integrated with support services. In the RESTORE model, a responsible person is supervised for 12 months following the conference to ensure they are on track to complete the redress plan (Koss, 2014, p. 1651). This may be especially important where an individual's successful re-entry may be hampered by additional factors such as access to stable housing, substance abuse disorders, or mental health considerations (Bomhert, Duwe, & Hipple, 2018, p. 752-753).

Reintegrative Shaming

By including parties that are influential to the offender, “reintegrative shaming” may take place, where an influential individual makes it clear that they do not support the offender’s behaviour (Naylor, 2010, p. 681). Restorative justice practices that incorporate re-integration as an integral element of the process respond to the isolation and marginalization that those who have offended may experience. This is most apparent in a CoSA model, where a social network supports a PWOS or Core Member as they reintegrate into community while holding them accountable to making change (Bomhert, Duwe, & Hipple, 2018, p. 739).

Procedural Protection

Coker (2016) suggests that a Memorandum of Understanding (MOU) can be used in situations where there is no statutory protection of the content of an RJ process (p. 204). However, it is important to note, procedural protections are less relevant in circumstances where a criminal process is not possible due to a statute of limitations or a lack of evidence (Keenan, 2017, p. 53) or in a post-conviction model.

4.5 Community

Community is often unrecognized as a secondary victim of crime, and criminal justice processes are slow to involve the community in responding a crime (Keenan, 2017, p. 52). As Oudshoorn et al. (2015) assert, communities may be victimized by sexualized violence but they also have a responsibility to respond (p. 32). The criminal justice system holds a limited view of how to support community safety. Restorative responses seek to support the development of an environment where inclusive and cooperative responses may be engaged as viable alternatives to responses that are typically used to respond to crime (Van Ness, 2014, p. 132).

4.5.1 What Restorative Practices offer Community

Responding to Community Harm

People who experience harm are connected to others, and so the sphere of impact of sexualized violence extends beyond the individual victim-survivor (Godden-Rasul, 2017, p. 21-22, 24). Restorative responses have a place for those beyond the direct sphere of victimization to share how the harm has affected them. This broader conceptualization of harm is not meant to minimize the harm experienced by the direct victim-survivor. Those connected to the victim survivor and offender are contained in the sphere of impact and are affected, albeit in different ways following a traumatic event of sexualized violence (Randall & Haskell, 2013, p. 505). Unlike criminal or investigative processes, restorative processes seek explicitly to address the rippling effects of harm that radiate through community when there is sexualized violence.

The Responsibility of Community

Restorative responses invite communities to participate, not only as secondary victims, but also as an integral element of the response (Joyce-Wojtas & Keenan, 2016, p. 50). McGlynn et al. (2017) assert that a victim-survivor may have been harmed by their community's response to their experiences and that a restorative response provides a venue for an exploration of the wider social significance of sexualized violence for a particular community (p. 183). Further, an experience of sexualized violence may interrupt a victim-survivors sense of belonging to the broader community, restorative responses may be symbolic of the reestablishment of this connection (Randall & Haskell, 2013, p. 528). Restorative justice is explicitly concerned with the systemic or contextual factors that contributed to an experience of sexualized violence, including the community in the response allows for the examination of the systemic factors that contributed to the experience and how to address them (Kaplan, 2017, p. 724). A restorative justice process can also serve as an opportunity for the broader community to affirm its commitment to challenging norms that perpetuate sexualized violence (Kaplan, 2017, p. 725). In these ways, restorative practices invite engagement with and recognition of the rippling effects of sexualized violence.

4.5.2 Criticisms of Restorative Practices: Community Perspective

Community Views of Sexualized Violence

In the event that a community holds problematic views about sexualized violence, involvement of the community in a restorative process could actually contribute to the re-traumatization of the victim-survivor or affirm problematic views of a PWOS. In cases where the community holds problematic ideas about sexualized violence or where it is in the interest of community leaders to minimize and deny sexualized violence, restorative processes may serve to reinforce social privilege, disadvantage, male dominance, and victim blaming (Miller & Iovanni, 2013, p. 250; Naylor 2010, p. 675 & p. 678). Belonging to a close-knit community may limit a victim-survivors willingness to report an experience of sexualized violence, particularly if the offender is also a part of that community. This is especially a concern for students who experience marginalization and may fear alienation from their previously supportive community (Brubaker, Keegan, Guadalupe-Diaz et al., 2017, p. 9). In these ways it is possible that the attitudes of community could limit a victim-survivor's access to a restorative process or even reinforce harmful attitudes, which could jeopardize a victim-survivors acceptance by that community.

Privatization of Sexualized Violence and Responses

Some argue that non-criminal responses to sexualized violence contribute to its privatization, which undermines the immense work and advocacy to have sexualized violence recognized as a crime germane to the public interest, rather than an experience that is relegated to the private sphere. The wider citizenry may have an interest in how cases of sexualized violence are handled (Keenan, 2017, p. 52) and restorative justice responses may be perceived to privatize sexualized

violence. However, the public's interest in the handling of sexualized violence cases is hardly supported by the criminal justice system as very few cases are ever tried in the public context (Sheehy & Gilbert, 2017, p. 293).

Potential to Limit Access

The community may impact upon the effectiveness of restorative responses to sexual violence. Even when there is legislation or policy that supports the use of restorative justice in the context of sexual violence, its effectiveness will be limited if people are unwilling or resistant to using it. Joyce-Wojtas & Keenan (2016) point out that although there is legislative support for restorative practices in the context of sexual violence in Finland and Norway, the reticence of mediators, health, and/or criminal justice professionals to initiate such processes limits its application (p. 53). Van Camp and Wemmers (2016) emphasize that front-line professionals play a pivotal role in informing victim-survivors of their option to pursue restorative responses, as many victim-survivors will not interact with formal victim services (p. 434) especially in the case of sexualized violence where fewer than 5% of experiences are reported to police (Conroy & Cotter, 2017, p. 16). Beyond the role of front-line professionals, social, political, and institutional climates have also been identified as factors that can impact whether restorative responses are offered or accepted (Keenan, Zinnstag, & O'Nolan, 2016, p. 107).

Another factor that could limit access is the capacity of communities to respond restoratively, in terms of expertise and resources. Restorative justice can be resource intensive (Marsh & Wager, 2013, p. 341). Communities may not have the resources or capacity to respond to or participate in restorative practices in cases of sexualized violence (Miller & Iovanni, 2013, p. 250). The following section explores how the criticisms of restorative responses to sexualized violence from the perspective of the broader community can be addressed in theory and practice.

4.5.3 Responding to Criticisms in Theory and Practice

Defining Community

Chang (2017) asserts "holding on tenaciously to a theoretical ideal of 'community' that does not exist in practice brings harm to the goals of restorative justice," (p. 388). RJ processes must include genuine peers of victim-survivors and offenders (Chang, 2017, p. 387) otherwise the process risks including an abstract concept of community that does not meaningfully represent the community for victim-survivors or offenders. For the incorporation of the broader community in a restorative process to be meaningful, it must include community representatives whose presence is significant to victim-survivors and PWOS.

Building Community Knowledge

When models and practice are explicitly trauma-informed, restorative responses to sexualized violence can offer opportunities for learning and/or consciousness raising within the broader community. Restorative responses cultivate opportunities for communities to better understand

the harms of victimization, the nature of traumatic responses, and how to respond to offenders (Randall & Haskell, 2013, p. 527). Holding community involvement as a central pillar of a restorative response creates opportunities to engage with and shift problematic assumptions and attitudes about sexualized violence.

Outreach & Strategic Partnership

Van Camp & Wemmers (2016) emphasize that front-line professionals play a pivotal role in informing victim-survivors of the option to pursue a restorative response, especially in cases of sexualized violence where so few victim-survivors will interact with formal victim services (p. 434). Soliciting the participation of various community agencies, especially those with experience working in the anti-violence or victim advocacy sector, is also very important to ensure that victim-blaming attitudes are named and are not perpetuated by restorative processes (Godden-Rasul, 2017, p. 21). The support and participation of anti-violence sector partners is an integral component of ensuring safe and effective practice.

In summary, the Literature Review is demonstrative of the considerable effort paid to researching and exploring the benefits, shortcomings and specifics of program design when it comes to responding to sexualized violence using restorative practices. The following section explores the use of restorative practices to respond to sexualized violence specifically in a post-secondary education institutional setting.

4.6 Restorative Justice and Campus Sexualized Violence

This section reviews literature that addresses the use of restorative practices to respond to sexualized violence in post-secondary contexts. As the purpose of the research project is to support the implementation of restorative practices in such contexts it is important to understand what has been done in other contexts. This section reviews the literature that addresses the compatibility of restorative practices with post-secondary contexts, how restorative practices can be or have been applied, how such processes might be implemented, and addresses some critical considerations before concluding with a discussion of the use of restorative practices to address sexualized violence in the Canadian post-secondary context.

4.6.1 Context Compatibility

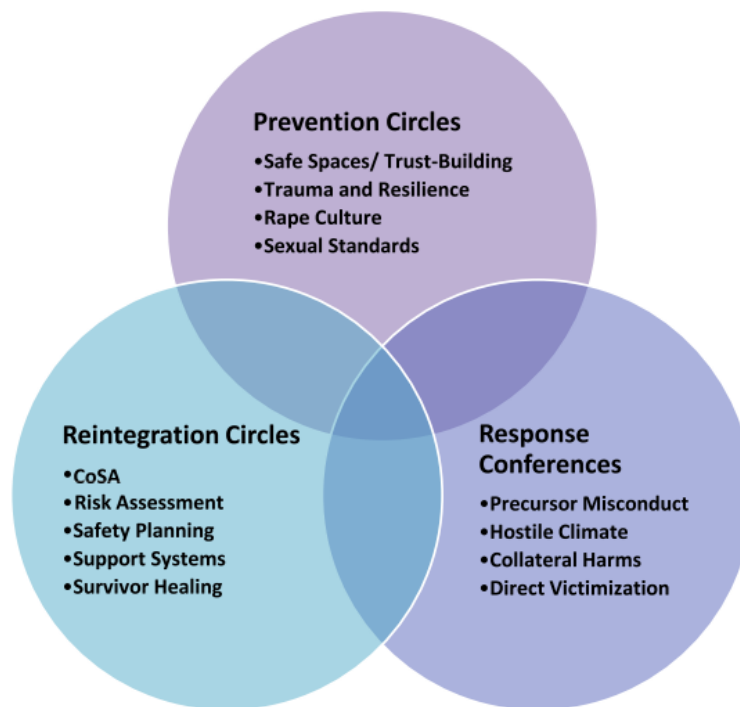
Karp & Sack's (2014) study of student conduct processes at 18 colleges and universities in the US found that the type of process used in response to student conduct violations was the most influential factor on student learning and that restorative justice practices had a consistently greater impact on student learning over traditional disciplinary processes (p. 169). While not directly focused on sexualized violence, this study provides important insight to the connection between student learning and disciplinary processes. Kaplan (2017) asserts that in the context of sexualized violence, restorative justice practices are highly compatible with the goals of a university, which include student education, responding to student needs, and strengthening the campus community (p. 705).

Koss, Wilgus, & Williamsen (2014) argue that adjudicative campus processes are mainly concerned with due process for those who are accused of misconduct and are ultimately focused on punishment rather than meeting a victim-survivor's needs (p. 254). Coker (2016) advocates that feminists abandon the Crime Logic reasoning that has informed these adversarial, adjudicative processes and create space to restorative justice responses that seek to contribute to changing the social environment (p. 154). Coker (2016) argues that addressing the "social determinants of behaviour" (p. 159) and the "social conditions that foster sexual aggression" (p. 198), is integral if post-secondary institutions do in fact want to prevent and reduce the high rates of sexualized violence that plague them. Adversarial and adjudicative processes focused on due process and testing the "facts" of a situation against policy result in exclusion and alienation, not the transformative change that is needed to end sexualized violence. Coker (2016) is clear that with the proper safeguards for both victim-survivors and PWOS restorative practices are a useful tool in responding to campus sexualized violence (p. 205).

4.6.2 Application

The Promoting Restorative Initiatives for Sexual Misconduct or Campus PRISM Project report represents the work of a group of scholars that is focused on promoting restorative responses to campus sexualized violence. The 2016 Campus PRISM Project report outlines how restorative justice can be used in prevention and education, in response to incidents of sexualized violence, and to reintegrate members of the post-secondary community who have committed harm (Karp, Shackford-Bradley, Wilson, & Williamsen, 2016, p. 2-3).

The vision of the Campus PRISM Project is that institutions include restorative justice practices in an effort to meet the needs of victim-survivors, offenders, and campus communities rather than simply satisfying legislative requirements (Karp et al., 2016, p. 5). In the context of campus sexualized violence, restorative practices can be used in various ways. It can be included as a part of the resolution, victim impact, sanctioning, and/or reintegration process (Koss et al., 2014, p. 249). The PRISM report emphasizes that restorative conferencing can be used to respond to direct victimization but also to pre-cursors to sexualized violence, hostile campus climates or the collateral harms of such violence (Karp et al., 2016, p. 24). Restorative practices have been identified as a useful tool as institutions work to prevent sexualized violence (Kaplan, 2017, p. 705; Karp et al., 2016, p. 15-22) and shift social conditions and attitudes that contribute to sexualized violence (Coker, 2016, p. 150). The contexts for application of restorative responses to campus sexualized violence is laid out in Figure 4 below.



A Restorative Model for Prevention, Response, and Reintegration

FIGURE 4 - KARP ET AL., 2016, P. 7

4.6.3 Implementation

Understanding how restorative responses can be used to respond to campus sexualized violence through prevention, conferencing or reintegration is an important starting point, but how institutions would go about offering these processes is also an important consideration. Despite the presence of RJ practices on campuses for other matters, there are no standard restorative campus sexual misconduct programs that can be replicated (Koss et al., 2014, p. 254). The expectation for a straightforward path to developing and implementing a restorative response may be unrealistic, given the varying nature of needs resulting from campus sexualized violence (Coker, 2016, p. 198). McMahon, Karp, & Mulhern’s (2018) case study documents the use of a Circles of Support and Accountability model restorative process that was used to re-integrate a students who had been suspended for sexual misconduct. To date, this study (McMahon, Karp, & Mulhern, 2018) represents one of the only academic studies that details the implementation of a restorative process in a post-secondary context. McMahon, Karp, & Mulhern (2018) emphasize that their case study “...exemplifies the complexity that each case may entail,” (p. 8).

There is debate as to whether the incorporation of restorative justice practices as a response to other forms of student misconduct is a necessary antecedent to institutional adoption of restorative responses to sexualized misconduct. Koss et al. (2014) suggest that while it may be more productive to initially implement restorative responses to non-sexual misconduct cases, there is no guarantee that this will result in their adaptation for cases of sexualized misconduct

(p. 254). They note several post-secondary institutions where restorative practices have been used for years but have never evolved to include responses to sexualized violence (ibid.).

Kaplan (2017) affirms the need to include individuals with expertise in restorative justice and sexualized violence in campus responses as well as the importance of stakeholder engagement between RJ experts, sexual assault centres, and campus groups (p. 745). Bearing all these considerations in mind, the PRISM project asserts seven recommendations for institutions interested in using restorative responses to address sexualized violence (Figure 5).



FIGURE 5- RECOMMENDATIONS ADAPTED FROM KARP ET AL. (2016, P. 39-42)

The breadth of these recommendations demonstrates that responding restoratively to campus sexualized violence cannot be accomplished by merely implementing one of these recommendations as a standalone response. In response to McGlynn et al.'s (2012) observation on the absence of empirical data that supports the use of restorative practices in this context, (p.214) I would also add that careful collection of data resulting from a piloted restorative approach is integral to support the ongoing development and acceptance of the application of restorative practices in this context.

4.6.4 Critical Considerations

Kaplan's (2017) research offers a unique perspective as she also outlines the risks associated with using restorative justice to respond to campus sexual assault, namely, the civil nature of campus processes means that concurrent or future criminal proceedings are possible (p. 732). Kaplan (2017) suggests that agreements with local prosecutors are required to ensure that the contents of a restorative process are not admissible in future criminal processes (p. 735). Another concern has to do with coercion, which could be due to the power imbalance between students and the university administration and a student's lack of understanding the potential consequences of their decision to participate in a restorative process (Kaplan, 2017, p. 736). Finally, Kaplan (2017) cautions that restorative processes may exacerbate racial disparities if students of colour feel pressured to participate in restorative processes in order to avoid more

severe sanctions in a criminal or disciplinary process or if restorative processes are more frequently provided to white students (p. 737).

4.6.5 Canadian Context

In Canada, the most notable example of a post-secondary institution using restorative justice to respond to sexualized violence is the Dalhousie School of Dentistry that implicated 13 male members of the graduating class (Llewellyn, MacIsaac, & MacKay, 2015). This case has been used to demonstrate how restorative practices can be used to address larger social change efforts within post-secondary institutions (Coker, 2016, p. 210). As two students involved in the RJ process articulated:

We did not want to see 13 angry men expelled who had learned nothing about why what they wrote was wrong...we were looking for a form of resolution that would allow us to graduate alongside men who held an understanding of the harms they had caused, who had owned these harms, and who could carry with them a sense of responsibility and obligation to do better. (Llewellyn, Dempsey, & Smith, 2015, p. 46)

Llewellyn, Dempsey, & Smith (2015) reflect that the public response to the use of restorative justice in this situation “. . . sought the arc of established justice narratives . . .” (p. 49) whereby guilty offenders are excluded harshly. Public dissatisfaction with the restorative process was made clear when a petition calling for the expulsion of the students received over 50,000 signatures (Change.org, n.d.). Restorative responses can prompt very vocal resistance despite institutional support, demonstrating community buy-in as an integral consideration.

Despite the considerable public outcry from particular factions that resulted from the restorative process in the Dalhousie case, there is growing acceptance of restorative justice processes among those advocating for change on Canadian campuses. The Our Turn coalition that evaluated sexualized violence policies at thirteen Canadian post-secondary institutions awarded one point for the inclusion of informal response mechanisms and an additional point for the inclusion of restorative justice mechanisms (Our Turn, 2017, p. 35). While the report did not include rationale for the additional points that were awarded for the inclusion of informal and restorative justice mechanisms, it does indicate that those who have been vocal about the shortcomings of post-secondary institutions’ responses to sexualized violence Canada are interested in the potential of restorative practices.

5.0 Findings

This section outlines the findings of the research project, which includes the literature review, document review (Phase I of the needs assessment) and Semi-structured Administrator and Practitioner Interviews (Phase II of the needs assessment). While the methods that were used to conduct Phases I and II of the needs assessment yielded many findings that are related to the research topic, only those that are relevant to articulating recommendations to the project client are included in this section of the report. To reiterate, the research question and associated sub-questions that guided this project asked:

- How can restorative practices be used to meet the needs of those impacted by sexualized violence – including victim-survivors, people who have offended sexually, and the community – at post-secondary institutions in Waterloo Region?
 - To what extent are post-secondary institutions in Waterloo Region open to and equipped to respond restoratively to campus sexualized violence?
 - What are the barriers to offering restorative responses to campus sexualized violence in the region? How might these barriers be addressed?
 - What further research, outreach, education, and training are needed to support post-secondary institutions to use restorative practices to respond to campus sexualized violence in the region?

The findings of the research, laid out in this section are organized as follows: first, the findings of the methods that were used to complete Phase I of the needs assessment are explored. This Phase includes the major findings of the literature review, which are briefly restated, followed by the findings of the document review, organized by institution. A brief summary of the findings of Phase I is included before moving on to the findings of the second phase. Phase II of the needs assessment involved conducting two groups of semi-structured interviews; the findings of the Practitioner Interviews are explored first followed by the findings of the Administrator Interviews. A brief summary of the findings of the second phase concludes this section of the report.

5.1 Needs Assessment Phase 1 Findings

5.1.1 Literature Review Summary

The literature review component of this report mainly served to address the primary research question: How can restorative practices be used to meet the needs of those impacted by sexualized violence including victim-survivors, People Who Offend Sexually, and the broader community? This section offers a brief review of the key findings of the literature review, laid out in Section 4.0, and offers a summary of their significance to this report.

Restorative responses to sexualized violence have been shown to offer victim-survivors access to processes that are flexible, choice and empowerment, and recognition of their

experiences and voice in the process. For PWOS, restorative processes offer the opportunity to take responsibility and demonstrate accountability, and to seek opportunity for rehabilitation and reintegration. The harm to the broader community is recognized as they are also invited to participate as a critical component of moving forward after sexualized violence.

The offerings of restorative practices do not come without notable criticisms and concerns; again these are unique for the victim-survivors, PWOS and the community. For victim-survivors there are serious concerns regarding the safety of a restorative process, concern that participation might subject a victim-survivor to the risk of further harm and that a victim-survivor might feel pressured to participate or achieve a predetermined outcome such as forgiving the responsible party. For PWOS there is concern that a restorative process may not be able to meaningfully address the harmful behaviour or challenge the mindsets that underlie offending behaviour. From a legal and procedural perspective there are due process concerns for a responsible party. For the broader community the criticisms of restorative practices are centred on the reality that involvement of the broader community might actually limit some individual's willingness to participate in a restorative process, especially when the community holds problematic views about sexualized violence. Restorative practices have been criticized for privatizing responses to sexualized violence, which is seen to run counter to the work that has been done to ensure that sexualized violence is of public concern. Finally, communities – especially those that are marginalized – may not have the capacity to participate in a restorative process, which can be resource intensive.

The literature review also explored research that has been conducted into how the criticisms and concerns might be attended to, in theory and in practice as well as collected available evidence that supports the effectiveness of restorative practices in response to sexualized violence. Available evidence appears supportive of the positive potential of restorative responses to sexualized violence. Existing research emphasizes numerous ways that these very real criticisms and concerns can be attended to through facilitator training, appropriate screening, procedural protections, integration with support services, trauma-informed models, victim-centred practice, building community knowledge, and outreach and strategic partnership opportunities.

Finally, the literature review explored why post-secondary institutions are uniquely positioned to offer such processes and the extant literature that overviews how and why restorative practices might be adopted and adapted for use in post-secondary contexts. Available research asserts that post-secondary institutions are ill-equipped to offer the quasi-legal investigative processes that they have typically relied on to respond to campus sexualized violence and that these processes do very little to support students, both those who have experienced and perpetrated sexualized violence. The Promoting Restorative Initiatives for Sexual Misconduct on Campus (PRISM) Project has clearly articulated the

utility and indeed suitability of restorative practices on campus in prevention, response, and reintegration (Karp et al., 2016).

5.1.2 Document Review

The purpose of the document review was to determine if existing policy and procedure documents from Waterloo Region's three publicly funded post-secondary institutions made reference to restorative practices as a possible outcome for those who sought to use their institution's sexualized violence policy. The document review addresses, in part, the following research sub-question: To what extent are post-secondary institutions in Waterloo Region open to and equipped to respond restoratively to campus sexualized violence?

The document review was conducted in March 2018, as such any changes to policies or associated procedure documents since that point are not reflected in this review. The review was conducted prior to conducting semi-structured interviews to give the researcher the opportunity to understand the policy and procedure as it is written, which allowed for targeted recruitment of key individuals within each institution as well as informed interviews with key respondents. As outlined in the Methodology section, documents were reviewed for indications of the inclusion of restorative practices or terminology as a demonstration of openness to using restorative responses to campus sexualized violence.

University of Waterloo

For the University of Waterloo (UW), two documents were located for review, Policy 42 – Prevention and Response to Sexual Violence (Policy 42) (University of Waterloo, 2018a) and the Sexual Violence Response Protocol and Procedures (SVRPP) (University of Waterloo, 2018b). Policy 42 was established on January 1st, 2017, and is the responsibility of the Equity Office. It is scheduled for mandatory review by January 1st, 2019. A keyword search of the documents revealed that the term “restorative justice” does not appear in either the written Policy 42 document nor does it appear in the Sexual Violence Response Protocol and Procedures document. Section 5.1 of Policy 42 asserts that individuals will be held accountable for their actions, but does not specify what this means. The term “accountable” does not appear in the Sexual Violence Response Protocol and Procedures document. As such, restorative justice is neither explicitly supported nor prohibited at UW.

Wilfrid Laurier University

At Wilfrid Laurier University (WLU) the Gendered and Sexual Violence Policy and Procedures (SVPP) (Wilfrid Laurier University, 2017) applies to WLU students (Section 2.00), the Advocates for a Student Culture of Consent and WLU's Gendered Violence Taskforce developed the policy. The SVPP was originally approved on November 24th, 2016 and was updated December 19th, 2017. The Office of Dispute Resolution and Support has administrative responsibility for the SVPP. Section 3.00 of the SVPP outlines the existence of Voluntary

Accountability Processes, which must be participated in only when participants are informed and their participation is voluntary. These processes are intended to help participants “recognize and account for harmful behaviour” and outlines a number of possible outcomes including: facilitated discussion, safety planning and agreements, anti-violence/anti-oppression/consent education and training, a recognition of impact statement or letter (Section 3.01). Section 5.40 outlines possible sanctions, noting that the acceptance of responsibility will be taken into account when determining sanctions; restorative justice is listed as one form of possible sanctioning. The articulation of Voluntary Accountability Processes and the explicit inclusion of “restorative justice” as a possible form of sanctioning indicate that WLU has engaged with many of the ideas and values that underlie a restorative response to campus sexualized violence.

Conestoga College

The Conestoga College Sexual Assault and Sexual Violence Policy (SVP) (Conestoga College, 2015) came into effect March 2nd, 2015, it was revised in November 2016 and is scheduled for review in November 2021. Human Resources, the Vice President of Student Affairs and Security Services have responsibility for the SVP. The SVP applies to all employees, governors, students, contractors, suppliers of services, individuals who are directly connected to any college initiatives, volunteers, and visitors. The procedure is outlined in Conestoga College’s Sexual Assault and Sexual Violence Procedure document.

While Section 1 of the SVP asserts that its purpose is to “hold individuals who have committed an act of sexual violence accountable” neither the policy nor the procedure documents indicate how individuals who have committed an act of sexual violence would be held accountable. The procedure document identifies Counseling Services as the point of contact for students who have experienced sexual violence, whether or not they wish to make a formal report. With regard to outcomes, Section 8.8 of the procedures document outlines disciplinary outcomes for students, staff and contractors. Neither the SVP nor the procedure document mentions restorative justice processes or how respondents may demonstrate accountability.

5.1.3 Phase I Summary

In summary, the literature review element of this project revealed that there is considerable research and a growing body of evidence that supports the use of restorative practices in response to sexualized violence. While the application of restorative practices as a response to sexualized violence in the post-secondary context is only just beginning to be documented in academic literature, there is considerable support for its thoughtful integration into policy and procedure.

The document review revealed that of the three institutions, only WLU’s policy and procedure documents include explicit mention of restorative processes as one possible response to an incident of sexualized violence. While all institutions assert the importance of holding responsible parties accountable there is not a clear indication of what this means. Again WLU is

an exception; their procedure includes a framework for “Voluntary Accountability Processes”. While Voluntary Accountability Processes are not necessarily restorative, their inclusion is indicative of an alignment of the institution’s policy with the theoretical underpinnings of responding restoratively to sexualized violence. It is also worth noting that none of the policy or procedure documents explicitly prohibit restorative responses to sexualized violence. The following section outlines the findings of the second phase of the needs assessment (Phase II), where information that could not be attained through the first phase – detailed in this section – is collected.

5.2 Needs Assessment Phase II Findings

This section outlines the findings of the two groups of semi-structured interviews. These interviews yielded many interesting findings, however in the interest of providing clear, substantiated recommendations to the client, only those findings that contribute to the final recommendations are included in this section of the report.

5.2.1 Practitioner Interviews

The Practitioner Interviews addressed the following research questions:

- How can restorative practices be used to meet the needs of those impacted by sexualized violence – including victim-survivors, people who have offended sexually, and the broader community – at post-secondary institutions in Waterloo Region?
 - What further research, outreach, education, and training are needed to support post-secondary institutions to use restorative practices to respond to campus sexualized violence in the region?
- What are the barriers to offering restorative responses to campus sexualized violence in the region? How might these barriers be addressed?

The findings of the Practitioner Interviews are grouped into central themes including: 1) critical elements of program design, 2) the use of restorative practices to contribute to broader cultural change and sexualized violence prevention, and 3) the ways in which perceptions of restorative practices serve as a barrier to their use. The final subsection of the Practitioner Interview findings includes reflections on how to move forward grouped into three sub-themes: 1) Outreach & Training, 2) Partnership & Collaboration, and 3) Testing Approaches.

Program Design: Barriers & Opportunities to Building Restorative Responses

Participants spoke to both the procedural and conceptual elements of program design that they viewed as integral when responding restoratively to sexualized violence including: the clear articulation of the purpose and design of the program, training of facilitators, adequate case-development including thorough safety planning, and the nature of the encounter – i.e. direct or indirect contact between the parties.

A major potential barrier to restorative processes related to program design concerned the capacity of the PWOS to demonstrate accountability; two participants emphasized this as a critical antecedent to a restorative practice. However, participants also noted that with adequate case development, the restorative process itself provide the opportunity for a PWOS to develop and demonstrate accountability. One participant described accountability as “a slowly opening door” (G204). Another participant articulated that where adversarial processes are primarily concerned with due processes in the determination of guilt or innocence, restorative processes are only possible once a PWOS can admit to causing harm, thereby eliminating the need for a process designed to find facts (G205). With regard to accountability, one participant observed that being called to account can motivate a PWOS to address problematic behaviour in ways that a punitive response does not (G204).

In terms of actually accessing restorative processes, all participants spoke to procedural barriers that inhibit support for restorative practices in response to campus sexualized violence. One noted that there are generally not clear steps in place for students who do not want to pursue a formal investigation (G201).

In terms of opportunities, participants discussed the flexibility of restorative approaches, in that they can take several forms depending on the needs of those involved and can interact with other processes depending how they are designed. As one participant articulated, “restorative practices do not replace traditional options...but it opens up options for students who would otherwise do nothing,” (G205).

One participant also noted the importance of flexible responses that can focus on meeting victim-survivor needs because,

Victimization is complex, and not every person who has been victimized wants some kind of punishment...they often want some kind of acknowledgement that what they experienced was inappropriate, that they will be safe going forward on campus...meeting victims where they are at and getting a better sense of what their needs are and trying to be more open to the complexity of those needs. (G204)

Thus the challenge in designing restorative responses is in maintaining the centrality of the victim-survivor and allowing for processes that can be adapted depending on each situation.

Broader Cultural Change & Prevention

Participants articulated that a fundamentally important offering of restorative practices as a response to campus sexualized violence is their potential to look beyond a direct incident and engage a community about the larger contributing cultural factors at play. One participant noted that restorative processes should provide the opportunity respond more comprehensively:

If a restorative justice process ends in a resolution that only addresses the immediate micro-level harms and does not address the broader culture and climate issues, it's a failure of process. (G205)

Participants also recognized the importance of working with PWOS, especially those whose offending behaviour is linked to their own experiences of victimization. As one participant clearly explained:

Most survivors of sexual violence do not go on to perpetrate sexual violence, however the vast majority of people that do perpetrate sexual violence have experienced some form of early sexualization or some form of sexual violence themselves. (G204)

Restorative processes allow for a shift in focus which can support the creation of safer communities by elucidating factors that make the community unsafe for some (G201). In terms of contributing to community safety one participant emphasized, "We will not reduce or eradicate sexual violence unless we dedicate time and energy and resources and education and support to the people who are causing the harm," (G202). In this way restorative processes also seek to prevent future harm. In the context of post-secondary institutions, one participant reflected, "I think it's a circular process around prevention and response. So the response leads to more customized, focused prevention education that's trying to address say, rape culture issues," (G205).

Understanding Restorative Practices: Barriers to Acceptance

Another central theme of participants responses centred on the perception of restorative practices by non-practitioners/experts. One participant noted that "punishment is the only way society perceives justice as being served," and that this is a major barrier to interest in and uptake of available restorative processes. One participant (G201) indicated that there are those working in victim advocacy who feel that a restorative process opposes the trauma needs of victim-survivors, and as such demonstrating restorative practices' capacity to attend to victim-survivor needs is a crucial consideration of using restorative practices to respond to sexualized violence. One participant's (G204) assertion that restorative processes must be victim-driven is one way of demonstrating restorative practices' capacity to respond to victim-survivor needs.

One participant articulated that restorative justice does not have a great track record of working collaboratively with the anti-violence against women movement (G204). Historically, advocacy efforts have struggled to have sexualized violence taken seriously, and pushed for punitive sentencing. Another participant noted that restorative practices and mediation are often assumed to be synonymous, and that a history of bad practice using mediation to respond to domestic violence has impacted the acceptance of restorative processes as suitable (G205). Not understanding the difference between restorative processes and mediation was identified as an important conceptual barrier (G204).

There is also fear of bad practice that causes further harm or that institutions could use restorative processes as a way of minimizing the issue of sexualized violence. One participant emphasized that if restorative practices are going to gain support of survivor advocates program designers must demonstrate how victim-centred the process is as well as clearly articulate what accountability means and how it is taken seriously (G205). In the context of scarce campus resources, this same participant raised the idea that some may feel resources should be dedicated to serving victim-survivors rather than working with offenders (G205).

Another participant reflected that it is difficult for institutions to move forward with restorative practices when there is a limited evidence base (G204). In the U.S. context, institutions are concerned that by using restorative practices they would violate federal legislation which has resulted, from one participant's perspective, in institutions that are more concerned with meeting guidelines rather than thinking about how they want to serve students (G205).

Practitioners reflected on how the barriers to the implementation of restorative practices could be addressed in order to increase access to restorative responses to sexualized violence. Their responses corresponded with three dominant themes: Outreach & Training, Partnership & Collaboration, and Testing Approaches.

Outreach & Training

All participants reflected on outreach and training as crucial components of fostering institutional awareness of and support for restorative responses to sexualized violence. In terms of outreach, one participant articulated four key ideas that need to be communicated to build understanding of restorative practices: first, restorative justice needs to be explained as a framework, second, outlining why past approaches have not worked, third, providing examples of how programs have actually been created based on these practices and finally, share research on the extent to which these processes meet victim needs (G204). Two participants referred to the concept "trauma-informed". One participant asserted that the presence of trauma-informed approaches were an important pre-condition to the adoption or offering restorative responses (G201). Another participant articulated that if institutions are trauma-informed they will see restorative processes as capable of responding to pain and trauma (G204).

Partnership & Collaboration

Participants spoke at length about the importance of partnership and collaboration between community organizations and post-secondary institutions, but also between restorative practitioners and those in the anti-violence sector. Student buy-in was noted by two participants as important, as one participant articulated, "a comprehensive response won't be created unless students are asked what they need," (G202). Leadership was also identified as important to support those who facilitate restorative processes and to ensure that they have sufficiently addressed any legal or liability issues (G202). Counselling departments were also noted as an

important partner. One participant articulated that support for restorative processes requires “champions in multiple spaces on campus,” (G201). One respondent warned:

RJ People’ need to be careful not to be saying things like ‘we think this is the *best* approach” or acting as if they are trying to talk people into it.” It’s more about coming at it from the sense of here’s what we have done in this area, how might it apply in your institution, can we work together, who needs to be involved at the table for having a dialogue around this issue. (G204)

This respondent also noted that survivor advocates or those from the anti-violence sector are vital partners, who need to be included in conversations about implementing restorative responses to campus sexualized violence. As another participant emphasized, “RJ alone cannot do the work of ending sexual violence,” (G201).

Testing Approaches

Three participants spoke to the need to begin using restorative practices in order to build support. All reflected on the need for slow, iterative testing of restorative approaches and the incremental development of programming. One participant noted that understanding how restorative practices conflict or complement existing policy and procedure is an important consideration. This participant also emphasized the importance of a flexible format so that the institution could adapt restorative practices to the particular situation they face (G204). Clearly articulating the purpose and process of a particular program that uses restorative practices to respond to sexualized violence allows victim-survivors to make informed choices about their participation. As one participant articulated, “[Restorative practices] are not for everybody...we need to provide an accurate picture of what is possible so that people can choose what they need,” (G202). On the other hand, one participant noted in their experience campuses embrace restorative practices when they are in the midst of a crisis. The participant referred to this approach as the “critical incident model of implementation” (G205), whereby institutional buy-in results from exhaustion of any conceivable alternatives.

5.2.2 Summary of Practitioner Interviews

The Practitioner Interviews emphasized the potential of restorative responses to address broader cultural issues that contribute to sexualized violence on campus. Practitioners noted important considerations for program designers, notably the articulation of accountability and offering flexible processes; many of these ideas are supported by the literature review. Participants also expressed concerns that non-practitioners or experts may have limited understandings of restorative practices, which is a major barrier to their use. Reflecting on the historically fraught relationship between restorative practices and the work of the anti-violence sector, participants emphasized the importance of demonstrating compatibility with the goals and values of the anti-violence sector. In terms of moving forward, participants were clear that outreach and training,

partnership and collaboration, and ultimately testing approaches are essential to build understanding of and support for restorative responses to campus sexualized violence.

5.2.3 Administrator Interviews

Administrator Interviews addressed the following research questions:

- To what extent are post-secondary institutions in WR open to and equipped to respond restoratively to campus sexualized violence?
- What are the barriers to offering restorative responses to campus sexualized violence in the region? How might these barriers be addressed?
- What further research, outreach, education, and training are needed to support post-secondary institutions to use restorative practices to respond to campus sexualized violence in the region?

In the interest of providing clear, substantiated recommendations to the client, only those findings that contribute to the final recommendations are included in this section of the report. The most pertinent findings of the Administrator Interviews are categorized into three themes: 1) reflections on the limits of formal processes, 2) understanding restorative practices and 3) indications of interest and/or openness to restorative practices.

Limits of Formal Options

Semi-structured interviews revealed that participants have strong understandings of the limitations of their institution's policies and procedures that are in place to respond to sexualized violence. Participants also communicated that the existence of standalone policies and procedures is important, and most participants articulated that the creation of these policies has served to increase institutional awareness of sexualized violence. Those from UW and WLU, whose policy and procedure designates specific roles to assist individuals in navigating the sexualized violence policy, emphasized that this was a key strength.

Notably, participants from WLU articulated that the inclusion of informal options was a major strength of their institutions approach (G102/G103). As one participant said, "I actually find it [the informal reporting option] to be currently the most effective process we have in response to sexualized violence at Laurier. In that it is the most accessible, and the least impactful on the survivor," (G102).

Those from the two other institutions indicated that a lack of informal options was a major shortcoming of their policies. Formal options were recognized by many to have limitations, including a high threshold for investigation and to be inaccessible for marginalized students. Formal options are also only available to those whose experiences fall under the scope of the existing policy, which is limited by jurisdiction. As one participant noted, their policy only applies if the incident takes place on campus or at an institutionally sanctioned event, they view

this is a major shortcoming because, “sexual assaults rarely happen between 8:30 and 4:30,” (G104).

All participants from UW and WLU indicated that their policy and procedures were actively undergoing review at the time the interviews were conducted. Participants reflected that the complexity of policies limits people’s ability to make an informed choice about which pathway to pursue. One participant reflected on the challenge of creating policy that is clear yet is responsive to people’s needs,

In our efforts to try and create clear and concise processes we limit our ability to customize our responses to ensure that everyone’s needs and interests are met. As soon as we say ‘we must do...’ it is naïve to think that everything fits in that [clear and concise process] because they just don’t...especially in the context of sexual violence where there is a lot of ambiguity. (G017)

This statement speaks to the importance of having flexible response options when it comes to addressing sexualized violence since each situation is distinct.

Understanding Restorative Practices: Barriers to Implementation

Participants were asked questions to discern their understandings of restorative practices and if/how they had been used in the context of sexualized violence policy and procedures. No participant indicated that they were completely unfamiliar with the topic however levels of understanding varied. Participants spoke about mediation, concern for restoring relationships, a “community approach to sharing impact,” (G105), and informal resolutions focused on bringing healing to a survivor. The barriers to the implementation of restorative practices explored in more detail below include: their inclusion in policy & procedure, the absence of clear models for replication, and institutionalized understandings of sexualized violence and its impacts.

Inclusion in Policy and Procedure

When asked specifically about the inclusion of restorative processes in policy and procedure, only those from WLU indicated that this form of response was purposefully included. One participant even emphasized that the policy seeks to use a restorative response when possible, but noted a substantial gap in their capacity to work with PWOS (G103). Another participant who works with in the realm of student conduct is currently exploring the inclusion of restorative practices for multiple forms of behaviour, but such practices have yet to be embedded in policy or procedure (G105). Another participant noted that while restorative practices are not specifically mentioned in their institution’s policy and procedures, there was considerable support in the policy development process for “something that would enable that [restorative] process if people so desired,” (G104). Consistent with the document review, no participants indicated that their institution explicitly prohibited restorative responses.

Use of Restorative Practice

At present there is no clear model of restorative response in place at any of the three institutions. WLU's Voluntary Accountability Processes framework is by far the most sophisticated that offers informal responses. While not explicitly restorative, the purpose of a VAP is to meet needs and respond to concerns about moving forward. When asked if restorative responses had taken place participants referred to informal processes, some which were working towards an encounter, that were internally facilitated by those who manage other dispute resolution processes, such as mediators. Most noted that conferences had not actually happened. The two participants from the institution with a well-developed VAP process both noted the importance of connecting with community organizations to deliver restorative responses (G102, G103). One expressed interest in doing more accountability work and that connecting with those who already do accountability work in the community would be very valuable (G102).

Understanding Sexualized Violence and Responses

Participants reflected that limited understandings of the nuance of restorative practices and appropriate responses to sexualized violence are a major barrier to implementing alternative responses. The perception that sexualized violence should be handled by police was a barrier that participants identified in others, but one participant reflected, "I hate to think that people got away with something and that we didn't hold them fully accountable for their actions because at the end of the day, they've sexually assaulted someone and that's a criminal offence," (G104).

Another expressed that institutions are expected to take a "zero-tolerance" approach to sexualized violence (G107). Another participant articulated that the term "restorative practice" itself could be a barrier in two ways:

The word 'restorative practice', I think in itself, puts up a barrier already. Either because there is an expectation [that there is] a level of training expertise that you come to the table with, which is fair. Or there's the other thing that it is completely new, foreign to people, the concept seems extremely progressive or complex or abstract to some degree. (G105)

Participants also talked about how institutions that used restorative processes would be perceived by outsiders. Several participants referred to the Dalhousie case; one clearly expressed their concern, "Did you follow the dental school case, did you read the criticism? There you go. That's it. The restorative [process] there was equated to leniency...it was viewed by those who probably don't understand restorative justice and interpreted negatively," (G107). Participants reflected concern that if a restorative process was not successful, the institution could be perceived as "allowing people to get away with their behaviour," (G101). Another reflected that using limited resources on processes that might be seen as "perpetrator-centric" is "a hard sell" (G103). This quote demonstrates the importance of clearly articulating that working to promote

accountability is in fact an excellent way to support survivors and contribute to safer communities for everyone.

Participants also raised questions about what a restorative process looks like or if there are existing models that could be adapted to their context. One participant noted that when administrators have not seen restorative practices in action it is very difficult to believe in their potential (G105). This participant emphasized that it is one thing if people accept a restorative approach in theory, but that decision makers need to understand how something could work in practice. Training was a major concern raised by several participants. As one emphasized, “It’s [RJ] a sexy topic right now...but you got to make sure that the people who are doing it know what they are doing,” (G103). This finding speaks to the importance of proper training to ensure that restorative practices are safe and effective which requires trained facilitators who understand both restorative practices and the dynamics of sexualized violence.

One participant reflected on the difficulty of clearly communicating expectations around accountability in the context of a situation of sexualized violence:

It would be impossible, as much as I would like to have something like the academic integrity thing where its like ‘if you do this, then this is what happens’ and there are clear accountability measures. Unfortunately we are never going to get to that place with sexual violence. (G104)

Two participants identified the importance of educating those within their institutions about restorative practices so that they can understand and support restorative practices and make informed choices about participating in them (G104, G107). One participant also emphasized that the broader community, beyond the institution, understand the work that is being done to address sexualized violence and why that approach is taken (G104). One participant indicated that although the policy and procedures seek to increase institutional awareness of sexualized and gender-based violence there is still a long way to go (G102). They expressed frustration at the focus of the work being done to address sexualized violence on campus:

We keep not getting the point when it comes to this work. I mean yes I absolutely want to make sure that survivors can defer an exam and I want to make sure they can come and see me within 24 hours notice and get support...that is not shifting a culture on campus. (G102)

Participants articulated that at the institutional level understanding the dynamics sexualized violence are still emerging. As one participant put it:

It has been a huge learning curve, and even now as people are learning every day about what they should or shouldn’t be doing or learning about issues around sexual violence. I think people are saying ‘no, no more right now, let us get caught up. (G103)

Another participant pointed to institutional readiness as a barrier to working restoratively, they asked: “How do you do good work with people who have caused harm when we aren’t even doing a good job of responding to survivors yet?” (G102).

Interest in Restorative Practices

Despite limited understandings of the “how” of restorative practices and the articulation of barriers, participants could imagine the positive potential of restorative responses to campus sexualized violence. One participant noted their awareness of the “shifting position” on the suitability of restorative responses to sexualized violence and was curious about using this approach on campus (G101). Participants articulated the positive potential of restorative practices from the perspective of victim-survivors, PWOS, and the community.

For Victim-Survivors

One participant noted that when leaving the community is not an option, restorative practices can provide healing for the victim-survivor (G102). Another articulated that restorative practices provide options that are rooted in empowerment, choice and agency for victim-survivors (G103). Another emphasized that it is important to “meet people where they are at,” and restorative responses might allow victim-survivors to maintain control and realize their desired outcome to a terrible situation (G104). Similarly another participant emphasized that a restorative response asks a victim-survivor “What’s closure? What is important to you?” (G107). Another emphasized that people are very unlikely to report to the police or to security (G105). One participant reflected:

I’m assuming it is as effective or more perhaps in terms of helping people to heal, and I’m think if people wanted that as an option it would be a higher-end service...a more sophisticated service to bring resolve or closure as opposed to just leaving it at ‘there’s been a report made and this is going to be a legal process. (G106)

For PWOS

One participant noted, that if they are aware of someone who has offended, there are very few sources of counseling support for that person (G106). Another spoke to the emerging understanding of the connection between experiencing harm and perpetrating harm (G103). Another noted that a restorative process could be an opportunity to support someone who has offended to make positive change (G107). One participant thought that restorative practices could be a way for PWOS to understand the impacts of their actions on another person as opposed to understanding the impacts of their behaviour through a policy (G104).

For the Community

While participants were able to articulate some of the potential benefits of restorative practices for victim-survivors and PWOS, participants were less clear on the potential benefits of restorative practices for the community. However, as one articulated:

When I think of restorative, I also think of our social responsibility to the community. That these students are going out to get jobs in our local communities and if we could be doing more restorative wise to make sure they are at a standard to be able to contribute to our community the best way we can... we do play a role in facilitating a process that allows the college and the community to feel like there is a standard represented (G106)

The quote above does demonstrate that some administrators may feel they are, to an extent, accountable for offering responses to sexualized violence that the broader community has faith in. For some institutions this way of thinking is clearly aligned with their institutional vision, this is explored in the next section.

Alignment with Institutional Vision

Participants also expressed positive perceptions of restorative practices and several reflected that restorative practices are aligned with their institution's vision of its purpose and priorities. One indicated that they view restorative measures as a move from punitive to educational measures which represents a departure from the more punitive ways universities have responded to sexualized violence in the past (G104). One participant questioned:

As a university, do we want to be seen as only wishing to pursue punitive action or do we see value in allowing an opportunity to someone to learn about the impacts that their behaviour has had on others and to receive support in hopefully not to engage in these behaviours in the future? (G101)

Another asserted that restorative practices suited the institutional context because, "What I think is really fitting to the [institution's] perspective is we look at community impact all the time." (G105). Some connected these ideas to the new focus on mental health that has emerged as a priority at their institutions (G101), or the fact that focusing on mental health has laid the groundwork for working with community organizations to provide services to students (G105).

Several participants indicated that to address the perceptions of restorative practices that serve as barriers, outlined earlier, demonstrating that restorative practices can be a survivor-focused and trauma-informed approach is key. One participant reflected that there is less risk of scrutiny when institutions can demonstrate that they are taking the lead from the survivor (G101). Another emphasized that responding to sexualized violence is not about managing the institution's brand or image, but "it's about doing the right thing for someone who has had a traumatic experience," (G104). Similarly another emphasized, "We are not trying to please the

public. We are trying to work with the individuals and the needs and interests of the individuals,” (G107). Clearly, policy administrators and support personnel must balance a multitude of factors, and likely divergent perspectives on the “best” way to address situations that involve sexualized violence.

On the whole, participants demonstrated interest in restorative practices. One participant demonstrated considerable interest in restorative practices by asking a number of questions to the researcher concerning what kind of trainings could be offered to their institution (G106). One participant felt that restorative processes did not happen as often as they could, and that external support was needed to make this happen: “why reinvent the wheel if there are existing models that can be implemented on campus?” (G101).

5.2.4 Summary of Administrator Interviews

In summary, the Administrator Interviews revealed that while some form of informal resolution process is not unheard of in response to sexualized violence at all institutions only WLU has outlined a clear framework for Voluntary Accountability Processes. The semi-structured Administrator Interviews revealed that those working directly to administer the policy or support policy users are interested in the potential of restorative practices, but none have the training or understanding to design a model or framework. Participants identified barriers to using restorative responses, namely tensions between institutional mandates, the (mis)perception of what restorative processes are, and conflicting ideas concerning how sexualized violence ought to be handled.

6.0 Discussion

6.1 Introduction

The themes that are explored in this section directly contribute to the recommendations that are articulated in the following section. This discussion section focuses on a deeper exploration of two key themes: theoretically, how restorative responses to sexualized violence are perceived and the extent to which key players understand restorative practices; and practically, how restorative responses might be designed to offer safe, accepted and accessible practices. The discussion is outlined in this order because in order to offer safe and effective restorative practices in response to campus sexualized violence it is integral to first build a foundation of support and understanding. Designing and implementing programs will only be possible once this foundation has been established.

The findings, outlined in the previous section, indicate that this moment in time may be a critical point for CJI to engage with Waterloo Region's post-secondary institutions to offer restorative responses to campus sexualized violence. As outlined in the Findings section, post-secondary institutions in Waterloo Region are grappling with how to respond to sexualized violence – evidenced by the revision and re-working of policy and procedure and the perspectives of key informants.

Ann Cahill's assertion that universities are uniquely positioned to innovate and demonstrate what is possible in terms of responding to sexualized violence is worth restating:

Universities are privileged sites within democratic societies, sites where new ideas are tested, and where new knowledge and insight is generated. In short, what universities do matters, and in developing practices and policies regarding sexual violence, universities have the opportunity to develop innovative, progressive, and potentially effective approaches to a systemic cultural problem. (Cahill, 2017, p. 277)

Her assertion undergirds the rationale for this research project, which found that key individuals within post-secondary institutions are indeed interested in and open to exploring the incorporation or expansion of restorative practices into their sexualized violence policies and procedures. The following discussion will focus on some of the key findings of the research that support the project client in contributing to the implementation of restorative responses to sexualized violence on post-secondary campuses in Waterloo Region.

6.2 Perception & Understanding of Restorative Practices

The extent to which policy makers and implementers have an in depth understanding of restorative practices was raised as a concern in Practitioner Interviews and substantiated by the Administrator Interviews. This is a critical starting point for this discussion. While Administrator Interview participants (Group 2) demonstrated a clear interest in engaging in other ways of responding to campus sexualized violence, namely restorative responses, their understandings of

what this actually meant in practice was limited. One participant referred to the “shifting position” on restorative practices and sexualized violence, indicating their awareness that this application of restorative practices has been contentious but that the discourse is changing. This is a pivotal point, as the literature review demonstrates there is a growing body of scholarship and practice concerned with *how* to offer restorative practices in cases of sexualized violence or harm rather than *if* (Daly, 2017, p. 109; Mercer, Keenan, & Zinsstag, 2015; Miller & Iovanni, 2013; Pali & Madsen, 2011; Zinsstag & Keenan, 2017).

6.2.1 Restorative Justice and the Anti-Violence Sector

This “shifting position”, might also speak to the uncertainty that those, especially those in roles of supporting or advocating for victim-survivors, may feel when considering restorative responses to sexualized violence. There is not a strong or long tradition of using restorative practices in response to sexualized violence. The fractured history of engagement between the anti-violence and restorative justice sectors are well documented in the literature, and expert interviewees emphasized the importance of addressing this fractured history in order to offer victim-survivors of sexualized violence a wider “menu of options” (Daly, 2014, p. 381). Restorative processes will continue to want for credibility if they are not supported by the organizations and individuals that have worked for generations to offer much needed support to those who have experienced sexualized violence. Partnership, or at the very least engagement, with anti-violence sector partners will also strengthen restorative models of practice by incorporating the insights and expertise of those working from victim/survivor-centred and trauma-informed perspectives.

6.2.2 Perceptions of Key Players

Further, even when restorative responses are available they will only be used if institutional leadership, administrators, policy liaisons, and sexualized violence support personnel stand behind them. There are key gatekeepers that must support restorative processes if they are going to be offered or used (Joyce-Wojtas & Keenan, 2016, p. 53). Further, due to the history of policy and procedure failing to support the needs of those who experience sexual harm, institutions need to build the trust of their communities if the policies and procedures they have developed are going to be used. If/when restorative responses are made available to policy users it will be important for institutions to articulate what a restorative process is, how they are accessed, what they offer those involved, and the limits of such a process so that those impacted by sexualized violence can make informed choices about using them.

A restorative frame of response presents a fundamentally different approach to addressing sexualized violence than punitive, adversarial or investigative responses, categorized by Daly as “conventional” justice mechanisms (2014, p. 378). At the other end of the spectrum there are “innovative” justice mechanisms (*ibid.*), which do not follow the formal, fact-finding, legally oriented conventional mechanisms that are likely more familiar to most. Restorative responses are one form of innovative response, and as such are likely not well understood. Administrator

Interviews underscored that even those working within the “Dispute Resolution” realm at post-secondary universities only have a vague understanding of restorative practices in general and a very limited understanding of their applicability in response to sexualized violence. As such, restorative practices in response to sexualized violence must contend with the perceptions that dog restorative practices in any context: that they are “soft”, vulnerable to manipulation, likely to cause further harm, only acceptable in response to “minor” offences etc. While most participants did not perseverate on these ideas it is unrealistic to think that higher-level administrators will not require satisfying answers to these questions or criticisms before they support restorative responses to sexualized violence on campus. In light of this limited understanding of restorative practices, information and education will be an integral means of building support for restorative practices.

At present, post secondary institutions in Waterloo Region are not equipped to articulate the nuances of a restorative response to sexualized violence. This finding underscores the importance of collaboration with restorative practitioners and the integral role for education and information sharing on restorative practices for key players within these institutions. The document review and Administrator Interviews also underscored that one institution, Wilfrid Laurier University, has done more to engage with and incorporate informal (i.e. non-investigative, nor quasi-judicial) processes into their policy and procedure than the others. At Laurier there is an established foundation of understanding the importance of non-criminal/investigative processes. While no key informants expressed outright opposition to restorative practices, the Voluntary Accountability Processes outlined in Laurier’s procedure documentation offer a clear indication of the suitability of incorporating restorative responses. While WLU’s Voluntary Accountability Process bears many of the trademarks of a restorative response, it would need to be assessed using Zehr’s signposts to determine if it is in fact a restorative practice. In order for restorative practices to be considered or accepted at other institutions, engaging leadership and a comprehensive approach to establishing an understanding of the importance of offering alternative forms of response to sexualized violence will be an integral antecedent.

6.2.3 The Role of Restorative Practices in Prevention and Reintegration

While Administrator Interview participants were able to articulate or anticipate some benefits of restorative practices for victim-survivors and PWOS, they were relatively silent on the matter of engaging the broader community. The Dalhousie case, referred to by several interview participants, revealed that despite their efforts to engage in an innovative restorative response to a larger cultural tolerance and acceptance of misogynistic behaviour, failing to engage those beyond the direct sphere of impact (the School of Dentistry) undermined broader public acceptance and support for the restorative response. Proponents of restorative responses to sexualized violence would do well to engage in awareness raising concerning these approaches, and the needs of individuals and communities impacted by sexualized violence in order to build

a wide sphere of support throughout and beyond the post-secondary institutions in Waterloo Region.

The focus of this research was indeed on restorative responses to sexualized violence, but the work of David Karp and colleagues in the Campus PRISM project underscore the utility of restorative practices in addressing the pre-cursors to campus sexualized violence, as well as the reintegration of those who have offended sexually (Karp et al., 2016). As Kaplan asserts, restorative practices are explicitly concerned with the systemic and contextual factors that contribute to incidents sexualized violence (2017, p. 724), as such it is integral that institutions take responsibility for the ways in which their institutional cultures contribute to sexualized violence and that it is not incumbent on any individual victim-survivor to initiate a restorative process in order for institutions to address contributing cultural factors.

There is growing application of restorative practices to respond to sexualized violence, especially in the United States. Paying close attention to the ongoing development of context-specific responses or more integrated frameworks will be essential learning for any emergent processes in Waterloo Region. The following section outlines components of program design that the research has underscored as critical considerations.

6.3 Program Design: Developing Safe & Effective Models

There are many innovative means of responding to campus sexualized violence that may serve to expand the current “menu of options” for those impacted by campus sexualized violence. It is integral that simply because a process is different than a criminal or quasi-criminal process it is not assumed to be restorative. An organization like CJI has a vested interest in ensuring that practices that claim to be restorative are indeed aligned with the tenants and values that have guided their work for the last 40 years. This section of the discussion focuses on the practical considerations, underscored by this research, that must be attended to in building restorative responses to campus sexualized violence. There are several elements of program design that were highlighted in the literature review and underscored in interviews that are worth noting namely: access, flexibility and training.

6.3.1 Access

As mentioned earlier, “policy keepers” play a substantial role in whether or not restorative responses are operationalized. This speaks to the tension between clarity and flexibility as policy users need to first of all understand that a restorative responses is available and how they might access it and second, have at least a sense of what the process might entail so that they are able to make an informed choice about participation. Van Camp & Wemmers’ (2016) articulation of Proactive vs. Protective models of restorative practice is an integral consideration when incorporating restorative responses into institutional policy and procedure (p. 419). A Proactive model would likely meet the needs of a larger number of victim-survivors as it is focused on

providing information so that those involved can make informed choices about whether or not they are interested in pursuing a restorative response (van Camp & Wemmers, 2016, p. 419-420).

In the context of a large institution, like a university or college, it is possible that individuals in many roles may receive a disclosure of an experience of sexualized violence. As such, it is integral that there is widespread understanding of possible courses of action so that students are able to make informed choices about their preferred pathway and easily access the process that suits their self-identified needs. However, some roles, especially those that involve front-line work, are more likely to receive disclosures. As such, front line professional support for and understanding of restorative practices is essential for individuals impacted by sexualized violence to access a restorative response (Van Camp & Wemmers, 2016). Further, as Keenan et al. (2016) articulate, institutional climates and attitudes can have a large impact on the extent to which restorative practices are offered or accepted (p. 107).

6.3.2 Flexibility

Restorative practices need to be flexible; indeed this is one of their major strengths – especially for victim-survivors as they “carve out their own path to wholeness,” (Hayden & van Wormer, 2013, p. 124). As outlined in the literature review, there are a number of models that exemplify restorative practices, which can be conceived of as falling along a continuum. Zehr describes the continuum as ranging from partially to fully restorative practices (2002, p. 55), however I would advocate describing them as falling along a spectrum ranging from indirect to direct contact between parties. In this way the emphasis is on meeting the needs of the individuals involved, and does not imply that processes that involve direct contact are “more restorative” or better than those that do not.

As one Administrator Interview participant emphasized, the inherent flexibility of restorative practices may grate against an institutional yearning for clear prescriptive responses to a situation that in reality eludes such clarity. Until institutions grasp that prescriptive responses do not attend to the needs of the vast majority of individuals who experience sexualized violence, the flexibility of restorative responses will continue to be a barrier to their inclusion. However, this flexibility can be difficult to articulate clearly in a policy document so that policy makers and users can make informed choices about including or using restorative practices. In this way, it is integral to clearly articulate the values and purposes of restorative responses to sexualized violence so that these can be used to build innovative and responsive models and practices.

The extent to which restorative practices are connected to or used in conjunction with other forms of response is also flexible, and a central consideration in program design. Restorative practices can be used as alternatives to or supplemental to other forms of response, including formal investigations or criminal proceedings. Discerning how restorative practices interact with other forms of response is another important consideration for program designers. Memorandums of Understanding are commonly used in restorative practices to articulate important considerations such as confidentiality and interaction with other processes.

6.3.3 Training

Training is an integral element of ensuring good practice. Despite demonstrated interest in restorative practices, Administrator Interview participants were not trained in restorative practices. Several expressed curiosity around training options in restorative practices. When using restorative practices to respond to sexualized violence there are specific skill sets that are needed to ensure safe practice. As Joyce Wojtas & Keenan articulate, facilitators in this context must be able to identify and address power imbalances, understand and implement procedural safeguards, understand the effects of trauma and comprehend the dynamics of sexualized violence and abuse (2016, p. 60). Those who work in the anti-violence sector often have this expertise, and as such could be integral partners in training and facilitation (Godden-Rasul, 2017, p. 21). In addition, Marsh & Wager emphasize the importance of including those with expertise in recognizing and challenge manipulative behaviour (2015, p. 341), which is commonly exhibited by PWOS (Julich & Landon, 2017, p. 207).

Training also speaks to capacity. If institutions are going to offer restorative practices, they need to have the capacity to respond to requests for such processes (Miller & Iovanni, 2013, p. 250). Otherwise, institutions risk offering processes that may subject those involved to further harm or prevent impacted individuals from accessing processes that they have discerned as being responsive to their needs. If institutions are going to offer restorative responses, they must have the capacity to follow through.

6.3.4 Evaluation

One thing that has troubled restorative justice programming generally is the lack of empirical findings that support the processes and programs that operationalize its principles. New programs, especially those without secure funding, would do well to build robust data collection processes, with the aim of supporting thorough program evaluation efforts, into the design. If restorative processes are working, it is important that there is some degree of evidence to support such claims. On the other hand, if the processes are not working as intended this data can be useful in adjusting and augmenting programming to ensure its ongoing effectiveness. Focusing on evaluation and data collection from the outset, through formative program evaluation efforts, will contribute to programs that do not operate in the “empirical vacuum” that has characterized similar programming in the past (as described by McGlynn et al., 2012, p. 214). Not only would this focus support program development, it also contributes to a wider evidence base that those in other jurisdictions might draw on in developing or justifying their own restorative responses to sexualized violence on campuses and beyond.

6.4 Suggestions for Future Research

Throughout the research process a number of relevant associated research topics emerged. As such, I have included them here as suggestions for future research endeavors. Suggestions include:

1. Conduct research that explores the perspectives of potential restorative practice users, including those who have experienced sexualized violence and students at post-secondary institutions.
2. Conduct research with those that work in the anti-violence sector to better understand whether and why or why not they support restorative responses to sexualized violence.
3. Develop and implement a restorative practice framework in partnership with a post-secondary institution and conduct an evaluation of its impacts.
4. Continue to monitor the development and implementation of restorative responses to campus sexualized violence in other jurisdictions to ascertain if there are wise-practice that can be adopted/adapted for use in this context.
5. Critically analyze restorative practices that are used to respond to sexualized violence from an intersectional feminist perspective.

6.5 Summary

In summary, this research revealed that when it comes to responding restoratively to campus sexualized violence there is enormous potential. Whether this potential is realized depends on some critical factors. Namely, engagement and partnership with those in the anti-violence sector and building strong partnerships with institutions who are willing to engage in the long and difficult work of building and testing a restorative framework. As demonstrated in Section 6.4, there is still a lot of work to be done when it comes to understanding the impacts and potential of restorative practices. The following section outlines six recommendations based on the findings of this research project that can be used to support the client in moving forward towards the achievement of their strategic goals.

7.0 Recommendations

7.1 Introduction

This section outlines the recommendations to CJI, the client organization, based on the research findings detailed and discussed in this report. They are listed numerically and it is recommended that the recommendations be followed sequentially.

7.2 Recommendations

1. Engage anti-violence sector partners: collect their criticisms and concerns to build processes that they support.
 - a. Involve their expertise in training facilitators, and create opportunities for participation in restorative processes and training.
2. Build a foundation of interest and acceptance of restorative practices in this context through education and outreach including: information sessions, information sharing, webinars, meetings, and training.
3. Offer training opportunities for motivated parties, including those working in post-secondary institutions and the anti-violence sector.
 - a. Partner with David Karp and the Skidmore Restorative Justice Project to offer training on understanding restorative models, restorative conference facilitation, circle processes, working with PWOS.
4. Work collaboratively with institutions to develop context specific restorative program options using available research and evidence including the critical components of program design highlighted in this report (Access, Flexibility, Training, and Evaluation).
5. Collect relevant data (summative and formative) to build an evidence base that will be used to evaluate campus restorative programs.
6. Pursue opportunities to engage in further research on the topics listed in the “Recommendations for Future Research” section of this report.

8.0 Conclusion

This research project sought to explore to what extent the post-secondary institutions in Waterloo Region are open to incorporating restorative responses into their efforts to address campus sexualized violence. Recognizing that this particular application of restorative practice is complex, and has in fact been contentious, I sought to compile an up to date review of academic literature that engaged with these critical conversations. This multi-pronged approach has resulted in a report that not only outlines a path forward for the client organization, but provides vital information and context for those individuals and groups that are grappling with how institutions might respond to sexualized violence in ways that respond to the real needs that emerge when systemic oppression and violence are embodied in lived experience.

Waterloo Region is home to a restorative justice organization that has been recognized around the world for its innovative and groundbreaking work. The region is also home to strong potential partners in the anti-violence sector and three post-secondary institutions that will continue to grapple with the impacts of sexualized violence. These factors demonstrate that Waterloo Region is uniquely positioned to engage in the development of restorative responses to campus sexualized violence that not only widen the menu of options for survivors, but support people who have offended sexually to demonstrate meaningful accountability and perhaps most importantly, investigate and disrupt the systemic misogyny that has made university campuses especially dangerous for women, People of Colour, Indigenous people, members of the LGBTQ+ community and people who live with mental and physical disabilities.

Despite the achievements of this research project, it only represents the beginning of a much longer journey of (un)learning, (re)building, and (re)evaluating how institutions respond to those impacted by sexualized violence. The pervasiveness of this form of violence in society means that no one organization, system, or process can or will meet the needs of all. With this in mind, I wish to conclude this report with an invitation to curiosity when confronting ideas that challenge, inspire, provoke dismay, or encourage.

References

- Altschuld, J.W. & Kumar, D.D. (2010). *needs assessment: An Overview*. Thousand Oaks, CA: SAGE.
- Altschuld, J. W., & Watkins, R. (2015). A Primer on needs assessment: More Than 40 Years of Research and Practice. *New Directions for Evaluation*, 29(148), 5–18.
<https://doi.org/10.1002/ev>
- Ayres, L. (2008). Thematic Analysis. In L.M. Given (Ed.), *The SAGE Encyclopedia of Qualitative Research Methods*.
- Bardach, E. & Patashnik, E.M. (2016). *A Practical Guide for Policy Analysis: the eightfold path to more effective problem solving* (5th ed.). Los Angeles, CA: SAGE.
- Barry, D. (2013, September 8). ‘Pro-Rape’ Chant at Canadian Universities Sparks Alarm. *Jezebel*. Retrieved from <https://jezebel.com/pro-rape-chant-at-canadian-universities-sparks-alarm-1273670320>
- Bohmert, M. N., Duwe, G., & Hipple, N. K. (2018). Evaluating Restorative Justice Circles of Support and Accountability: Can Social Support Overcome Structural Barriers? *International Journal of Offender Therapy and Comparative Criminology*.
<https://doi.org/10.1177/0306624X16652627>
- Bourassa, C., Bending, M., Oleson, E.J., Ozog, C.A., Billan, J.L., Owl, N., & Ross-Hopley, K. Campus violence, Indigenous women, and the policy void. In E. Quinlan, A. Quinlan, C. Fogel, & G. Taylor (Eds.) *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*. Waterloo: Wilfrid Laurier Press.
- Braithwaite, J. (1989). *Crime, Shame, and Reintegration*. Cambridge: Cambridge University Press.
- Brubaker, S. J., Keegan, B., Guadalupe-Diaz, X. L., & Beasley, B. (2017). Measuring and reporting campus sexual assault: Privilege and exclusion in what we know and what we do. *Sociology Compass*, 11(12). <https://doi.org/10.1111/soc4.12543>
- Buss, D., Majury, D., Moore, D., Rigakos, G.S., & Singh, R. (2016). *The Response to Sexual Violence at Ontario University Campuses*. Toronto: ON Ministry of Community Safety and Correctional Services. Retrieved from: <https://www.scribd.com/document/320699612/The-Response-to-Sexual-Violence-at-Ontario-University-Campuses#>
- Cahill, A. (2017). Why theory matters: Using philosophical resources to develop university practices and policies regarding sexual violence. In E. Quinlan, A. Quinlan, C. Fogel, & G. Taylor (Eds.) *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*. Waterloo: Wilfrid Laurier Press.

- Canadian Federation of Students. (2018). Sexualized and Gender-Based Violence. Retrieved from <https://cfs-fcee.ca/campaigns/sexualized-violence/>.
- Canadian Victim Bill of Rights Act. (2015, c. 13). Retrieved from the Justice Laws website: <http://laws-lois.justice.gc.ca/eng/acts/C-23.7/page-1.html#h-4>
- CBC News. (2014, December 15). Dalhousie University probes misogynistic student ‘Gentlemen’s Club’. *CBC News*. Retrieved from <https://www.cbc.ca/news/canada/nova-scotia/dalhousie-university-probes-misogynistic-student-gentlemen-s-club-1.2873918>.
- Chang, W. K. (2017). When My Community Met the Other: Competing Concepts of “Community” in Restorative Justice. *Canadian Journal of Law and Society*, 32(3), 371–390. <https://doi.org/10.1017/cls.2017.19>
- Change.org. (n.d.). Expel the Students who were members and/or participated in the Facebook group called 'Class of DDS 2015 Gentlemen'. Retrieved from <https://www.change.org/p/dalhousie-university-president-dr-richard-florizone-expel-the-students-who-were-members-and-or-participated-in-the-facebook-group-called-class-of-dds-2015-gentlemen>
- Clarke, M., Brown, S., & Völlm, B. (2017). Circles of Support and Accountability for Sex Offenders: A Systematic Review of Outcomes. *Sexual Abuse: Journal of Research and Treatment*, 29(5), 446–478. <https://doi.org/10.1177/1079063215603691>
- Coker, D. (2016). Crime Logic, Campus Sexual Assault, and Restorative Justice. *Texas Tech Law Review*, 49(1), 147–210. <https://doi.org/10.3868/s050-004-015-0003-8>
- Community Justice Initiatives. (n.d.). The Elmira Story: CJI’s Beginning. Retrieved from: <https://cjiwr.com/the-elmira-case-story/>
- Conestoga College. (2015). Sexual assault and sexual violence procedure. Retrieved from <http://www.conestogac.on.ca/policies/presidentoffice.jsp>
- Conestoga College. (n.d.). College Profile & Stats. Retrieved from <https://www.conestogac.on.ca/about/profilestats.jsp>
- Conroy, S., & Cotter, A. (2017). Self-reported sexual assault in Canada, 2014. *Statistics Canada*, (85), 1–34. Retrieved from <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14842-eng.pdf>
- Cowie, C. & Davidson, B. (2017). Laying Tracks for a Restorative Region: CJI Annual Report 2016/17. Retrieved from https://cjiwr.com/wp-content/uploads/2015/01/CJIAnnualReport17_WEB-1.pdf

- Daly, K. (2017). Sexual violence and victims' justice interests. In E. Zinsstag & M. Keenan (Eds.), *Restorative Responses to Sexual Violence: Legal, social, and therapeutic dimensions* (pp. 108–137). New York: Routledge.
- Daly, K. (2015). Sexual Violence and Justice. In A. Powell, N. Henry, & A. Flynn (Eds.), *Rape Justice* (pp. 36–52). New York: Palgrave Macmillin. Retrieved from http://link.springer.com.ezp.lib.unimelb.edu.au/chapter/10.1057/9781137476159_3%5Chttp://link.springer.com.ezp.lib.unimelb.edu.au/content/pdf/10.1057%2F9781137476159_3.pdf
- Daly, K. (2014). Reconceptualizing sexual victimization and justice. In I. Vangraechem, A. Pemberton, & F.M. Ndahinda (Eds.). *Justice for Victims* (pp. 378-395). New York: Routledge.
- Daly, K. (2000). Restorative Justice in Diverse and Unequal Societies. *Law in Context*, 17(1), 167–190.
- Daly, K., & Stubbs, J. (2006). Feminist engagement with restorative justice. *Theoretical Criminology*, 10(1), 9–28. <https://doi.org/10.1177/1362480606059980>
- DeKeseredy, W. S., & Kelly, K. (1993). The Incidence and Prevalence of Woman Abuse in Canadian University and College Dating Relationships. *Canadian Journal of Sociology*, 18(2), 137–159. <https://doi.org/10.2307/3341255>
- Department of Justice. (2017). Crime and criminal cases. Government of Canada. Retrieved from <http://www.justice.gc.ca/eng/csj-sjc/just/08.html>
- Doolittle, R., Pereira, M., Blenkinsop, L., Agius, J. (2017, February 3). Will the Police Believe You? *The Globe and Mail*. Retrieved from <https://www.theglobeandmail.com/news/investigations/compare-unfounded-sex-assault-rates-across-canada/article33855643>
- Doolittle, R. (2017, February 3). Why Police 1 in 5 Sexual Assault Claims as Baseless. *The Globe and Mail*. Retrieved from: <https://www.theglobeandmail.com/news/investigations/unfounded-sexual-assault-canada-main/article33891309/>
- Flick, Uwe. (2015). *Introducing Research Methodology* (2nd ed.). Los Angeles: SAGE Publications.
- Flynn, A. (2015). Sexual Violence and Innovative Interrupting the “ Recognisable ” Narrative. In A. Powell, N. Henry, & A. Flynn (Eds.), *Rape Justice* (pp. 92–111). New York: Palgrave Macmillin.

- Godden-Rasul, N. (2017). Repairing the harms of rape of women through restorative justice. In E. Zinsstag & M. Keenan (Eds.), *Restorative Responses to Sexual Violence: Legal, social, and therapeutic dimensions* (pp. 15–27). New York: Routledge.
- Godderis, R., & Root, J. L. (2017). Addressing sexual violence on post-secondary campuses is a collective responsibility. *Transformative Dialogues: Teaching & Learning Journal*, 9(3), 1–9.
- Government of Canada, Budget 2018, Chapter 4. Retrieved from:
<https://www.budget.gc.ca/2018/docs/plan/chap-04-en.html#Combatting-Gender-Based-Violence-and-Harassment>
- Hayden, A., & van Wormer, K. (2013). Restorative Justice and Gendered Violence. Restorative Justice Today: Practical Applications. SAGE Publications, Inc. In K. van Wormer & L. Walker (Eds.), *Restorative Justice Today: Practical Applications* (pp. 121–131). Thousand Oaks, CA: SAGE Publications, Inc.
<https://doi.org/http://dx.doi.org/10.4135/9781452244228>
- Holland, K. J., & Cortina, L. M. (2017). “It Happens to Girls All the Time”: Examining Sexual Assault Survivors’ Reasons for Not Using Campus Supports. *American Journal of Community Psychology*, 59(1–2), 50–64.
- Johnson, H. (2017). Why Doesn’t She Just Report It? Apprehensions and Contradictions for Women Who Report Sexual Violence to the Police. *Canadian Journal of Women & the Law*, 29(1), 36–59.
- Johnstone, G. & Van Ness, D.W. (2007). The meaning of restorative justice. In G. Johnstone & D.W. Van Ness (Eds.) *Handbook of Restorative Justice* (pp. 5-23). Portland: Willan Publishing.
- Joyce-Wojtas, N., & Keenan, M. (2016). Is restorative justice for sexual crime compatible with various criminal justice systems? *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 19(1), 43–68. <https://doi.org/10.1080/10282580.2015.1101689>
- Julich, S. & Landon, F. (2017). Achieving justice outcomes: participants of Project Restore’s restorative processes. In E. Zinsstag & M. Keenan (Eds.), *Restorative Responses to Sexual Violence: Legal, social, and therapeutic dimensions* (pp. 192 - 211). New York: Routledge.
- Kaplan, M. (2017). Restorative Justice and Campus Sexual Misconduct. *Temple Law Review*, 89(4), 701–746. <https://doi.org/10.3868/s050-004-015-0003-8>
- Karp, D. R., & Sacks, C. (2014). Student conduct, restorative justice , and student development : findings from the STARR project : a student accountability and restorative research project. *Contemporary Justice Review*, 17(2), 154–172.

- Karp, D. R., Shackford-Bradley, J., Wilson, R. J., & Williamsen, K. M. (2016). *Campus PRISM: A report on Promoting Restorative Initiatives for Sexual Misconduct on College Campuses*. <https://doi.org/10.13140/RG.2.1.1463.2489>
- Keenan, M. (2017). Criminal justice, restorative justice, sexual violence and the rule of law. In E. Zinsstag & M. Keenan (Eds.), *Restorative Responses to Sexual Violence: Legal, social, and therapeutic dimensions* (pp. 44–68). New York: Routledge.
- Keenan, M., Zinsstag, E., & O’Nolan, C. (2016). Sexual violence and restorative practices in Belgium, Ireland and Norway: a thematic analysis of country variations. *Restorative Justice*, 4(1), 86–114. <https://doi.org/10.1080/20504721.2016.1148466>
- Kim, M. (2015). Dancing the Carceral Creep: The Anti-Domestic Violence Movement and the Paradoxical Pursuit of Criminalization, 1973 – 1986. Retrieved from the Institute for the Study of Societal Issues Working Papers: <https://escholarship.org/uc/item/804227k6>.
- Kingkade, T. (2013, September 6). St. Mary’s University Students’ Pro-Rape Change Condemned After 5 years of Use. *The Huffington Post*. Retrieved from https://www.huffingtonpost.ca/entry/st-marys-university-chant-rape_n_3879903.
- Koss, M. P. (2014). The RESTORE Program of Restorative Justice for Sex Crimes: Vision, Process, and Outcomes. *Journal of Interpersonal Violence*, 29(9), 1623–1660. <https://doi.org/10.1177/0886260513511537>
- Koss, M. P. (2010). Restorative justice for acquaintance rape and misdemeanour sex crimes. In J. Ptacek (Ed.), *Feminisms, restorative justice, and violence against women*. Thousand Oaks, CA: Sage.
- Koss, M. P., Wilgus, J. K., & Williamsen, K. M. (2014). Campus Sexual Misconduct: Restorative Justice Approaches to Enhance Compliance With Title IX Guidance. *Trauma, Violence, & Abuse*, 15(3), 242–257. <https://doi.org/10.1177/1524838014521500>
- Lee, C., & Wong, J. S. (2017). A safe place to learn? Examining sexual assault policies at Canadian public universities. *Studies in Higher Education*, 0(0), 1–14. <https://doi.org/10.1080/03075079.2017.1371687>
- Llewellyn, J., Macisaac, J., & Mackay, M. (2015). Report from the Restorative Justice Process At the Dalhousie University Faculty of Dentistry. Retrieved from <https://cdn.dal.ca/content/dam/dalhousie/pdf/cultureofrespect/RJ2015-Report.pdf>
- Llewellyn, J., Demsey, A., & Smith, J. (2015). *An Unfamiliar Justice Story: Restorative Justice and Education Reflections on Dalhousie’s Facebook Incident 2015*. Retrieved from https://www.policyalternatives.ca/sites/default/files/uploads/publications/NationalOffice/2015/12/OS121_Restorative_Justice.pdf

- Longhurst, R. (2010). Semi Structured Interviews and Focus Groups. In Clifford, N. French, S. and Valentine, G. (Eds) *Key Methods in Geography Second Edition*. London: Sage Publications Ltd.
- Lopes-Baker, A., McDonald, M., Schissler, J., & Pirone, V. (2017). Canada and the United States: Campus Sexual Assault Law & Policy Comparative Analysis. *Canada-United States Law Journal*, 41(5), 156–167.
- Lum, Z. A. (2018, February 27). Canadian Universities to Face Funding Cuts if they Fail Address Campus Sexual Assaults. *The Huffington Post*. Retrieved from https://www.huffingtonpost.ca/2018/02/27/canada-budget-2018-universities-funding-cuts-sex-assault-campus_a_23372615/
- Lune, H. & Berg, B.L. (2017). *Qualitative Research Methods for the Social Sciences* (9th ed.). New York: Pearson.
- Mercer, V., Madsen, K. S., Keenan, M., & Zinsstag, E. (2015). Doing restorative justice in cases of sexual violence: A practice guide. Retrieved from http://www.euforumrj.org/wp-content/uploads/2015/09/Doing-restorative-justice-in-cases-of-sexual-violence_practice-guide_Sept2015.pdf
- Marsh, F., & Wager, N. M. (2015). Restorative justice in cases of sexual violence. *Probation Journal*, 62(4), 336–356.
- McDavid, J., Huse, I., Hawthorn, L.R.L. (2013). *Program Evaluation and Performance Measurement: An Introduction to Practice*. Washington DC: Sage.
- McGlynn, C., Downes, J., & Westmarland, N. (2017). Seeking justice for survivors of sexual violence: recognition, voice and consequences. In E. Zinsstag & M. Keenan (Eds.), *Restorative Responses to Sexual Violence: Legal, social, and therapeutic dimensions* (pp. 179–191). New York: Routledge.
- McGlynn, C., Westmarland, N., & Godden, N. (2012). “I Just Wanted Him to Hear Me”: Sexual Violence and the Possibilities of Restorative Justice. *Journal of Law and Society*, 39(2), 213–240. <https://doi.org/10.1111/j.1467-6478.2012.00579>.
- McMahon, S. M., Karp, D. R., & Mulhern, H. (2018). Addressing individual and community needs in the aftermath of campus sexual misconduct: restorative justice as a way forward in the re-entry process. *Journal of Sexual Aggression*, 24(3), 1–11.
- Miller, S. L., & Iovanni, L. (2013). Using restorative justice for gendered violence : success with a postconviction model. *Feminist Criminology*, 8(4), 247–268. <https://doi.org/10.1177/1557085113490781>

- Morrison, B. E., & Vaandering, D. (2012). Restorative Justice : Pedagogy , Praxis , and Discipline Restorative Justice : Pedagogy , Praxis , and Discipline. *Journal of School Violence, 11*(2), 138–155. <https://doi.org/10.1080/15388220.2011.653322>
- Napoleon, V. (2000). Who Gets to Say What Happened? Reconciliation Issues for the Gitksan. In Bell, C. & Kahane, D. (Eds.) *Intercultural Dispute Resolution in Aboriginal Contexts* (pp. 176-195). Vancouver: UBC Press.
- Naylor, B. (2010). Effective justice for victims of sexual assault: taking up the debate on alternative pathways. *University of New South Wales Law Journal, 33*(3), 662–684.
- O. Reg 131/16 Sexual Violence at Colleges and Universities under Ministry of Training, Colleges and University Act, R.S.O. 1990, c. M.319. Retrieved from Ontario Laws website: <https://www.ontario.ca/laws/regulation/160131>.
- Oudshoorn, J., Jackett, M., & Amstutz, L.S.(date) *The Little Book of Restorative for Sexual Abuse*. New York: Goodbooks.
- Our Turn. (2017). A National Student-Led Action Plan to End Campus Sexual Violence. Retrieved from https://ssmu.ca/wp-content/uploads/2017/10/our_turn_action_plan_final_english_web.pdf?x26516.
- Pali, B. (2017). Towards integrative frameworks for addressing sexual violence: Feminist, abolitionist, social harm and restorative perspectives. In E. Zinsstag & M. Keenan (Eds.), *Restorative Responses to Sexual Violence: Legal, social, and therapeutic dimensions* (pp. 28–43). New York: Routledge.
- Pali, B., & Madsen, K. S. (2011). Dangerous Liaisons?: A Feminist and Restorative Approach to Sexual Assault. <https://doi.org/10.2298/TEM1101049P>
- Prior, L.F. (2008). Document Analysis. In L.M. Given (Ed.), *The SAGE Encyclopedia of Qualitative Research Methods*.
- Public Safety Canada. (2015). “Restorative Justice” Retrieved from: <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/rstrtv-jstc-eng.aspx>.
- Quinlan, E. (2017a). Introduction: Sexual Violence in the Ivory Tower. In E. Quinlan, A. Quinlan, C. Fogel, & G. Taylor (Eds.) *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*. Waterloo: Wilfrid Laurier Press.
- Quinlan, E. (2017b). Institutional Betrayal and Sexual Violence in the Corporate University. In E. Quinlan, A. Quinlan, C. Fogel, & G. Taylor (Eds.) *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*. Waterloo: Wilfrid Laurier Press.
- Race, R. (2008). literature review. In L.M. Given (Ed.), *The SAGE Encyclopedia of Qualitative Research Methods*.

- Rahmati, R. (2016, September 11). 'No means yes' written on student house near campus. *The Western Gazette*. Retrieved from https://www.westerngazette.ca/news/no-means-yes-written-on-student-house-near-campus/article_a7092012-783f-11e6-b707-33e3282ccee9.html
- Randall, M. (2013). Restorative Justice and Gendered Violence? From vaguely hostile skeptic to Cautions Convert: Why Feminists Should Critically Engage with Restorative Approaches to Law. *Dalhousie Law Journal*, 36(2), 461–499.
- Randall, M. (2010). Sexual Assault Law, Credibility, and “Ideal Victims”: Consent, Resistance, and Victim Blaming. *Canadian Journal of Women and the Law*, 22(2), 397–433. <https://doi.org/10.3138/cjwl.22.2.397>
- Randall, M., & Haskell, L. (2013). Trauma-informed approaches to law: Why restorative justice must understand trauma and psychological coping. *Dalhousie Law Journal*, 36(2), 501–533. Retrieved from http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=95396817&site=ehost-live%5Cnhttp://papers.ssrn.com/sol3/Papers.cfm?abstract_id=2424597
- Reimund, M.E. (2005). The law and restorative justice: friend or foe? A systematic look at the legal issues in restorative justice. *Drake Law Review*, 53. P. 667-692
- Region of Waterloo. (2018). Doing Business. Retrieved from <https://www.regionofwaterloo.ca/en/doing-business/doing-business.aspx>
- Rentschler, C. A. (2017). Bystander intervention, feminist hashtag activism, and the anti-carceral politics of care. *Feminist Media Studies*, 17(4), 565–584. <https://doi.org/10.1080/14680777.2017.1326556>
- Rotenberg, C. (2017). Juristat From arrest to conviction : Court outcomes of police-reported sexual assaults in Canada , 2009 to 2014, (85).
- Rye, B. J., Hovey, A., & Wayne, L. (2018). Evaluation of a restorative justice-based, community-based program for people who have offended sexually: participant impact. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 21(3), 276–298.
- Sabina, C., & Ho, L. Y. (2014). Campus and College Victim Responses to Sexual Assault and Dating Violence: Disclosure, Service Utilization, and Service Provision. *Trauma, Violence, and Abuse*, 15(3), 201–226. <https://doi.org/10.1177/1524838014521322>
- Sawa, T. & Ward, L. (2015, February 6). Sex assault reporting on Canadian campuses worryingly low, experts say. CBC. Retrieved from: <http://www.cbc.ca/news/canada/sex-assault-reporting-on-canadian-campuses-worryingly-low-say-experts-1.2948321>
- Sheehy, E. A. (2017). Making Universities Safe for Women: Sexual Assault on Campus, 1–75. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3047186

- Sheehy, E. & Gilbert, D. (2017). Responding to sexual assault on campus: What can Canadian universities learn from U.S. law and policy? In E. Quinlan, A. Quinlan, C. Fogel, & G. Taylor (Eds.) *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*. Waterloo: Wilfrid Laurier Press.
- Sherlock, T. (2013, September 19). UBC Investigation into rape chant reveals allegations of other disturbing incidents. *The Vancouver Sun*. Retrieved from <https://www.timescolonist.com/news/b-c/ubc-investigation-into-rape-chant-reveals-allegations-of-other-disturbing-incidents-1.630410>
- Stermac, L., Horowitz, S., & Bance, S. (2017). Sexual coercion on campus: The impact of victimization and disclosure on the educational experiences of Canadian women. In E. Quinlan, A. Quinlan, C. Fogel, & G. Taylor (Eds.) *Sexual Violence at Canadian Universities: Activism, Institutional Responses, and Strategies for Change*. Waterloo: Wilfrid Laurier Press.
- Sweet, E. L. (2016). Carceral feminism. *Dialogues in Human Geography*, 6(2), 202–205. <https://doi.org/10.1177/2043820616655041>
- Tompsonowski, B. B., Buck, M., Barga, C., & Binder, V. (2011). Reflections on the Past, Present, and Future of Restorative Justice in Canada. *Alberta Law Review*, 48(4), 815–828.
- University of Waterloo. (2018a). Policy 42 - Prevention and Response to Sexual Violence. Retrieved from <https://uwaterloo.ca/secretariat/policy-42-prevention-and-response-sexual-violence>
- University of Waterloo, (2018b). Sexual Violence Response Protocol. Retrieved from <https://uwaterloo.ca/secretariat/sexual-violence-response-protocol-and-procedures>
- University of Waterloo. (n.d.). About Waterloo. Retrieved from <https://uwaterloo.ca/about/who-we-are/waterloo-facts>
- van Camp, T., & Wemmers, J. (2016). Victims' Reflections on the Protective and Proactive Approaches to the Offer of Restorative Justice: The Importance of Information. *Canadian Journal of Criminology and Criminal Justice*, 58(3), 415–442. <https://doi.org/10.3138/cjccj.2015.E03>
- Van Ness, D. (2014). Accountability. In J. J. Llewellyn & D. Philpott (Eds.), *Restorative Justice, Reconciliation, and Peacebuilding* (pp. 118–137). New York: Oxford University Press.
- Victoria Sexual Assault Centre. (2014). Sexualized Violence. Retrieved from <https://vsac.ca/sexualized-violence/>
- Walker, L. (2013). Restorative Justice for Victims without Offender. In L. van Wormer, Katherine; Walker (Ed.), *Restorative Justice Today: Practical Applications* (pp. 33–42). Thousand Oaks, CA: SAGE Publications, Inc.

- Waltman-Spreha, K. (2013). Engaging students on the topic of restorative justice and serious offenses. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 16(1), 91–114.
- Wilfrid Laurier University. (2018). About Laurier. Retrieved from <https://wlu.ca/about/index.html>
- Wilfrid Laurier University. (2017). Gendered and Sexual Violence Policy and Procedures. Retrieved from <https://www.wlu.ca/about/governance/assets/resources/12.4-gendered-and-sexual-violence-policy-and-procedures.html>
- Zehr, H. (2008). Doing Justice, Healing Trauma: *South Asian Journal of Peacebuilding*, 1(1), 1–16.
- Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Goodbooks.
- Zinsstag, E., & Keenan, M. (2017). Introduction. In E. Zinsstag & M. Keenan (Eds.), *Restorative Responses to Sexual Violence: Legal, social, and therapeutic dimensions* (pp. 1–12). New York: Routledge.

Appendices

Appendix 1

Group 1 (Administrator) Interview Guide

- Can you describe your role within the university/college?
 - Were you involved in the development of the sexual violence policy?
 - If yes: can you describe the policy development process?
 - If no: what is your understanding of the policy development process?
 - Can you describe your role with regard to the implementation of elements of the policy in your position?
- Are you familiar with restorative justice?
 - If yes:
 - Can you explain what restorative justice is in your own words?
 - If no:
 - Researcher offers a brief explanation
- Does the policy include provision for restorative justice responses to cases of campus sexual violence?
 - If yes:
 - How was the decision to include provision for restorative justice made?
 - Can you describe what a restorative response would/could look like? (Theoretically)
 - Were there resources or experts that were used to inform an understanding of what restorative justice is and/or how it could be incorporated into this policy?
 - How would a member of the campus community access a restorative response to their experience of sexual violence? (Operationally)
 - How is this advertised?
 - Are situations screened for suitability for a restorative response? How?
 - Are there community supports or resources that would be required to support such a process?
 - Has restorative justice ever been used to respond to campus sexual violence at Wilfrid Laurier/Conestoga College/University of Waterloo?
 - From your perspective what were the benefits/challenges of using this type of response?
 - If no:

- Was this something that was discussed in the policy development process?
- Were these responses intentionally excluded from the policy?
 - If yes: can you explain why?
 - If no: from your perspective, would the institution support the use of a restorative response?
- From your perspective, what are the institutional/operational/theoretical barriers to using restorative justice to respond to campus sexual violence?
- What is your understanding of the potential benefits of restorative justice?
- Can you think of anyone at [University of Waterloo/Laurier/Conestoga College] who might be willing to be interviewed who would have important insight on this matter?
- Is there anything else you would like to add?

Appendix 2

Group 2 (Practitioner) Interview Guide

- Can you describe your experience working with restorative justice and/or sexual violence?
- What considerations need to be of central concern when responding to sexual violence with a restorative response?
 - How can these considerations be attended to in order to ensure safe and effective experiences for everyone involved?
- How can RJ respond to identified gaps and shortcomings of existing responses to sexual violence?
 - Specifically in the context of campus sexual violence?
- In your opinion, what are the benefits of using restorative justice to respond to sexual violence?
 - For survivors?
 - For those who have committed harm?
 - For the broader community?
- Are you familiar with any concerns or criticisms of using restorative justice to respond to sexual violence?
 - If yes, can you describe them?
 - If relevant, how do you respond to these concerns or criticisms? In theory or in practice?
- How can institutional awareness and understanding of and ultimately support for restorative justice be fostered effectively?
- From your perspective, what are the institutional/operational/theoretical barriers to using restorative justice to respond to campus sexual violence?
- Can you think of anyone at who might be willing to be interviewed who would have important insight on this matter?
- Is there anything else you would like to add?

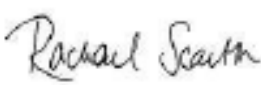
Appendix 3

University of Victoria, Human Research Ethics Board Certificate of Approval



Office of Research Services | Human Research Ethics Board
Administrative Services Building, Rm B202, PO Box 1700 STN CSC, Victoria BC, V8W 2Y2 Canada
T 250-472-4545 | F 250-721-8960 | uvic.ca/research | ethics@uvic.ca

Certificate of Approval

PRINCIPAL INVESTIGATOR: Leah Martin	ETHICS PROTOCOL NUMBER: 18-031 <i>Minimal Risk Review - Delegated</i>
UVic STATUS: Master's Student	ORIGINAL APPROVAL DATE: 07-Feb-18
UVic DEPARTMENT: PADM	APPROVED ON: 07-Feb-18
SUPERVISOR: Dr. Tara Ney	APPROVAL EXPIRY DATE: 06-Feb-19
PROJECT TITLE: Restorative Justice and Campus Sexualized Violence in Waterloo Region	
RESEARCH TEAM MEMBER: Project Client: Julie Friesen, Community Justice Initiatives	
DECLARED PROJECT FUNDING: None	
CONDITIONS OF APPROVAL	
This Certificate of Approval is valid for the above term provided there is no change in the protocol. Modifications To make any changes to the approved research procedures in your study, please submit a "Request for Modification" form. You must receive ethics approval before proceeding with your modified protocol. Renewals Your ethics approval must be current for the period during which you are recruiting participants or collecting data. To renew your protocol, please submit a "Request for Renewal" form before the expiry date on your certificate. You will be sent an emailed reminder prompting you to renew your protocol about six weeks before your expiry date. Project Closure When you have completed all data collection activities and will have no further contact with participants, please notify the Human Research Ethics Board by submitting a "Notice of Project Completion" form.	
Certification	
This certifies that the UVic Human Research Ethics Board has examined this research protocol and concluded that, in all respects, the proposed research meets the appropriate standards of ethics as outlined by the University of Victoria Research Regulations Involving Human Participants.  Dr. Rachael Scarth Associate Vice-President Research Operations	

Certificate Issued On: 07-Feb-18



Appendix 4

Informed Consent Form



**University
of Victoria**

Participant Consent Form

Restorative Justice and Campus Sexual Violence in Waterloo Region

You are invited to participate in a study entitled Restorative Justice and Campus Sexual Violence in Waterloo Region that I, Leah Martin, a graduate student in the department of Human & Social Development in the School of Public Administration at the University of Victoria am conducting. You may contact me if you have any further questions by email (leahmartin@uvic.ca) or phone (226-218-5545).

As a graduate student, I am required to conduct research as part of the requirements for a degree in Dispute Resolution. It is being conducted under the supervision of Dr. Tara Ney. You may contact my supervisor at tney@uvic.ca or 250-721-8199.

This study is also being conducted for a client, Julie Friesen, Director of Programs Conflict Resolution and Mediation Services, Community Justice Initiatives. If you have further questions you may contact the project client at JulieF@cjiwr.com 519-744-6549 ext. 107.

Purpose and Objectives

The purpose of this research project is firstly to contribute to the body of research that seeks to address the existing gaps and shortcomings in responses to campus sexualized violence using restorative justice processes, and secondly to support CJI in their vision of ensuring that people who have experienced harm in the Waterloo Region community have a choice to access safe and effective restorative responses.

Importance of this Research

Research of this type is important because it has the potential to improve the ways in which post-secondary institutions in Waterloo Region respond to the needs of those who have experienced sexual violence while affiliated with the campus community.

Participants Selection

You are being asked to participate in this study because of your role/research/expertise at [University of Waterloo/Conestoga College/Wilfrid Laurier University/organization/other university or college].

What is involved

If you consent to voluntarily participate in this research, your participation will include a one-hour semi-structured interview to be conducted at a location that is convenient for you. The interview will be audio recorded, and later transcribed to aid in the analysis process. Hand written notes will also be taken.

Inconvenience

Participation in this study may cause some inconvenience to you, including the time required to participate in an interview (approximately one hour).

Risks

There are some potential risks to you by participating in this research and they include the emotional risk associated with discussing sexual violence. This is especially a risk if you or someone you know has been impacted by sexual violence. To prevent or to deal with these risks the following steps will be taken: you will be provided with the interview questions in advance of the interview, the researcher will not ask questions about your personal experiences, and the researcher will leave each participant with a list of resources and support services that are available.

Benefits

The potential benefits of your participation in this research include benefits to participants, society, and the state of knowledge. Participants may benefit from being given the opportunity to share their perspectives and insights. Further participants may benefit from the feeling that they are contributing to the larger discourse surrounding institutionalized responses to campus sexualized violence.

Participating in this research could benefit the state of knowledge, as this research constitutes a timely exploration of a current issue that is the subject of academic inquiry and considerable public interest. Due to the relatively recent implementation of campus sexual violence policies in Ontario, participating in this research project contributes to the state of knowledge by deepening awareness of this particular approach to responding to sexual violence.

There is considerable research documenting the shortcomings of existing responses to sexualized violence (in the context of institutions of higher learning and otherwise) throughout society. This research seeks to explore the role that restorative justice could play in addressing the shortcomings of existing responses by providing individuals who have experienced harm due to sexual violence access to safe and effective responses.

Voluntary Participation

Your participation in this research must be completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the

study your data will only be used if you give permission for the researcher to do so. If not, your data including audio recording, transcription and any hand written notes will be destroyed.

Anonymity

In terms of protecting your anonymity all participants will be anonymous in the dissemination of results.

Confidentiality

Your confidentiality and the confidentiality of the data will be protected by designating each participant a pseudonym, and ensuring that institutional affiliation and any other personally identifiable information, such as job title, are only known by the primary researcher. All data will be password protected.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways, as a presentation of recommendations to the project client, in an oral defense presentation, and the final report will be posted on the UVIC Space repository.

Disposal of Data

Data from this study will be disposed of upon successful defense of the project. Electronic data will be erased and any paper copies will be shredded.

Contacts

Individuals that may be contacted regarding this study include the researcher (Leah Martin), supervisor (Dr. Tara Ney) or project client (Julie Friesen), contact information is listed at the beginning of this consent form.

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca).

Your signature below indicates that you understand the above conditions of participation in this study, that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project.

Name of Participant

Signature

Date

A copy of this consent will be left with you, and a copy will be taken by the researcher.