

## **Isolation to empowerment: A review of the campus rape adjudication process**

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### **ABSTRACT**

Violence against women is a serious problem on colleges and university campuses in the United States today. This review finds that the current system of adjudication of campus sexual assaults is hostile and irresponsible to the needs of the victims and fails to protect or include the community in redressing the harm. This article highlights the state of sexual assaults on colleges and university campuses today and reviews the campus adjudication system under the standards of Title IX. In light of these findings, this article introduces restorative justice as an alternative form of justice to reform the adjudicatory process in campus sexual assault cases while complying with the mandates of Title IX. Restorative justice refers to a non-traditional approach to crime and justice intended to repair the harm to victims, hold offenders accountable, and restore safety to victims, relationships and communities (Umbreit & Armour, 2010). To the extent that the present quasi-judicial system of adjudication of campus sexual assaults routinely fails victims and the community, the author argues that restorative justice can be an approach used to respond to sexual assault on campus.

Keywords: campus sexual assaults, restorative justice, Title IX, campus grievance process, violence against women

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## INTRODUCTION

In the fall of 2012 at Columbia University, an Ivy League college in New York City, Emma a sophomore and Paul her friend since freshmen year had sex. Across college campuses in America co-eds having sex is not an uncommon occurrence. However, in this case something went terribly wrong. Emma is alleging that Paul, with whom she had consensual sex twice the previous school year, forced himself upon her and sexually assaulted<sup>1</sup> her. Unfortunately, the incidents of sexual assault is becoming a more common occurrence on college<sup>2</sup> campuses across America today.

Two years after the alleged assaults, Emma initiated a grievance with the Columbia University disciplinary Board. As she relayed the graphic details of the harrowing experience of her sexual assault, she encountered disbelief and skepticism. Ms. Sulkowicz<sup>3</sup> was asked to explain how anal sex without lubrication is possible. The panel displayed insensitivity and disturbing ignorance for individuals who had supposedly been trained for this role. The university investigators had taken inaccurate and incomplete notes and the offender had been granted months of postponements while she was warned, repeatedly, that she could not discuss the case with anyone. At the hearing, she heard the offender testify that she had imagined that he coerced her. A week later, she got an email informing her that the panel had held the man “not responsible.” “I didn’t even cry at first,” she said softly, recalling that moment. “I don’t know. Has anything ever happened to you that was just so bad that you felt like you became a shell of a human being?” The university’s adjudication process, she said, left her feeling even more traumatized and unsafe (Perez-Pena & Taylor, 2014, p. A1).

Rape is a serious and prevalent problem at colleges and universities across the United States. One in five college women are victims of acquaintance rape during their academic career and less than 5% come forward to report they have been assaulted (Fisher, Cullen, & Turner, 2000). This is the reality on university and college campuses today. Although most schools are well intentioned and claim to support the victim, the typical grievance process is often quite hostile and irresponsible to the victim’s needs as the immediate focus of the school is to protect their public reputation to ensure continued community and financial support. (Cantalupo, 2011) At many schools, the grievance process and results often lack a fair and equitable resolution as many victims feel retaliated against or are made to feel that they are responsible for their own victimization. For many student victims, the campus grievance process is the only means available for redress and justice which makes it imperative for college and universities to design and implement an effective process.

This article will first review the present state of sexual assaults on campus and then review the Title IX standards and the campus adjudication system of such cases. Next, this article will analyze how the current system of adjudication fails to meet the victims’ needs and fails to protect or include the community in redressing the harm. After highlighting the inadequacies in the present campus adjudication system, the article introduces restorative justice as a victim oriented approach to reforming the present adjudicatory process in sexual assault cases. Finally, this article concludes with a proposed model of restorative justice as a response to sexual assault cases on campus. Although the author recognizes that the restorative justice approach may not be appropriate in every case, the author argues that restorative justice offers solutions that includes the community and helps both victims and offenders while balancing the need for punitive and remedial measures.

## **I. THE STATE OF SEXUAL ASSAULT ON CAMPUS, TITLE IX STANDARDS AND THE GRIEVANCE PROCESS**

Rape is a human rights violation creating long-term, physical and mental health problems for the victim. According to research findings, college women are at a higher risk for rape than women of a comparable age group in the general population highlighting the high rate of sexual violence on college campuses. (Fisher, Cullen, & Turner, 2000). Furthermore, the naiveté and lack of maturity of freshman or sophomore women in college puts them at even greater risk of sexual assault than older students. (Sampson, 2002).

Studies have discovered multiple risk factors that put women in college in danger of sexual assault. First, young women come into contact with young men in a variety of places on college campuses in different situations without adult supervision thus creating opportunity for these assaults to happen. Moreover, these situations often involve alcohol or other substances that can lead to incapacitation. Finally, there are a disproportionate number of rapes reported when the perpetrators are athletes and a disproportionate number of gang rapes reported when the perpetrators are fraternity members (Fisher et. al. 2000).

At universities and colleges, acquaintance rape accounts for 90% of victimizations (Sampson, 2002). Acquaintance rape, in which the victim knows the attacker, differs from stranger rape, in which the victim does not know the attacker (Fisher et. al. 2000; Sampson, 2002). Society, as well as colleges and universities, treats acquaintance rape less seriously than stranger rape, in part because of the misconception that acquaintance rape is somehow not “real rape” since the parties are known to each other (Erlich, 1998).

In response to the increasing number of female sexual assaults on campuses, Congress passed on March 7, 2013 the Violence Against Women Reauthorization Act that included the Campus Sexual Violence Act (“SaVE Act”) to address the rising tide of violence against women. These provisions broadened the reporting and response requirements of colleges and universities under Title IX which was originally signed into law in 1972.

Title IX prohibits discrimination on the basis of sex in education programs or activities in schools that receive federal funding. When students are sexually assaulted or harassed, they are deprived of equal and free access to an education. As a matter of law, sexual harassment of students which includes acts of sexual violence is a form of sex discrimination prohibited by Title IX. In 2011, the U.S. Department of Education Office of Civil Rights (“OCR”) issued a “Dear Colleague” letter to college and university administrators about the implementation of Title IX of the Education Amendments of 1972 in regards to campus sexual assault cases. The Dear Colleague letter suggests procedural requirements for responding to a report of sexual assault, as well as proactive, educational measures schools are to undertake.

Under the Dear Colleague Letter, schools are required to develop and distribute policies regarding sexual harassment, designate a Title IX coordinator to oversee the school’s duties, train staff and students in sexual harassment and violence issues, and establish an investigation procedure and an adjudication process. The letter however failed to articulate specific procedural safeguards, rules for the examination of evidence, or guidelines for the conduct of adjudication or hearing processes for cases of campus sexual violence. (OCR, 2011) Consequently, colleges and universities have developed and implemented their own procedures, which vary greatly from campus to campus. Some schools have implemented procedures though initially well intended, may ultimately be judged as arbitrary and capricious and open the gate for lawsuits from alleged victims who feel that their claim was mishandled.

Without much guidance from the OCR, most colleges and universities have created judicial boards comprised of students, faculty and/or staff (Reardon, 2005). Often these individuals have limited training in sexual violence and act as investigators as opposed to fact finders. There is a board chair who plays a similar role to a judge in a jury trial. The judicial board renders findings of guilt on the basis of evidence presented at a hearing (Reardon, 2005). All outsiders are banned from the hearing including lawyers, friends and family. Some schools will allow an advisor to be present but they must participate in a non-advocacy role.

While some see judicial boards as the most effective means of resolving sexual misconduct claims, judicial boards<sup>4</sup> are a quasi-judicial process and by their nature are adversarial. The victim is often relegated to a position of witness as opposed to complainant. By definition, a quasi-judicial hearing is not designed to make a victim whole again however it should not be expected to be hostile and retaliatory against the victim. Research on victims' experiences with the adversarial quasi-judicial system has shown that it is not the best practice for sexual misconduct resolution (Cantalupo, 2009). Victims report feelings of re-traumatization, disempowerment and isolation. Under surmounting pressure from the U.S. Department of Education's Office of Civil Rights and the rising voices of survivors of sexual assault on campus, college and universities are forced to confront and address the inadequacies of the present quasi-judicial process and look for ways to enhance justice outcomes for victims of sexual assault.

## **II. INADEQUACIES OF THE CAMPUS GRIEVANCE PROCESS**

Rape is often defined as a disempowering act of violence (Du Toit, 2009). Rape survivors will often describe rape as denying them their status of personhood (Henderson, 1988). "The needs of the rape victims are at times diametrically opposed to the judicial process. Victims need social acknowledgment and support while the system requires them to endure a public challenge to their credibility." Victims need an opportunity to tell their stories in their own way...the hearing requires them to respond to a set of questions that does not reflect a coherent and meaningful narrative (Herman, 2005, p. 574). Rape survivors often need "to have input into how to resolve the violation, receive answers to questions, observe offender remorse and experience a justice process that counteracts isolation in the aftermath of the crime" (Koss, 2006, PP 208-209; Lacey, 2008).

### **A. The Campus Grievance Process Fails to Serve Victims' Needs**

Research finds that the adversarial process of adjudication for campus sexual assault is grounded in patriarchal ideology and cultural norms that blame women for their victimization (Herman, 2005; Koss, 2006). Rape survivors are often forced to testify about graphic details of the rape while their credibility and the experience of their trauma is being scrutinized and questioned (Ullman, 2010). The adversarial model often leaves the victim feeling as if they are the one on trial (Koss, 2006). The potential for re-traumatization of the victim, starts with the police interrogation requiring victims to discuss graphic and personal details of their trauma experience often with little sensitivity to the emotional state of the victim (Koss, 2006). The re-traumatization continues with the grievance process where the victim is made to relive the rape while the cross-examination of the victim is geared towards the University's agenda of protecting their reputation or safeguarding their star athlete (Cantalupo, 2011), as was the case at Hobart and Williams Smith College.

The case of Anna Clark a freshman at Hobart and William Smith College in upstate New York illustrates the failings of the campus grievance hearing process. Similar to Emma's story in the introduction of this article, the grievance process reveals a blatant dismissal and disregard for the female campus rape victim. The New York Times headline read "Reporting Rape and Wishing She Hadn't, How One College Handled a Sexual Assault Complaint" (Bogdanich, 2014). The headline speaks to the feelings of campus rape victims across the United States.

According to the New York Times, Anna was raped by three football players on the night of a fraternity party. There was a witness to the rape, medical records revealed a blunt force trauma consistent with the rape and there was a record of text messages from a desperate Anna to a friend trying to get help. As a member of the football team the witness declined to testify. At the hearing, Anna had no advocate to speak up on her behalf. She was interrupted several times by panelist as she tried to answer and at times they misrepresented evidence and asked her about a police report that she had not seen. Further review of the hearing records reveal that the administrator who convened the hearing panel chose not to disclose the medical records from Anna's rape kit to the two other panelist. One panel member did not appear to know what a rape exam entails and why it was unpleasant. Instead, according to the New York Times, the panel asked Anna what Anna had drunk and who she may have kissed and how she had danced. One administrator asked Anna "whether the football players penis had been inside of her or had he been having sex with you." (Bogdanich, 2014, p.A1)

Similarly, in Emma's case one administrator asked Emma who had been anally raped "how is it possible to have anal sex without lubrication" (Perez-Pena, 2014, p.A1). A serious look at the records of these hearings reveals a pattern of blaming the victim, administrative incompetence and reflects an ignorance of sexual assault that can be deeply traumatizing for rape victims through this process. In a U.S Senate study of 400 schools, it was found that one third failed to properly train officials adjudicating sexual assault claims (U.S. Senate Subcommittee on Financial & Contracting Oversight, 2014). Unfortunately, the conduct of the administrators at these hearings reveal the norm as opposed to the exception.

In both cases, the University failed to expel the boys involved. When Anna was informed that she could appeal the decision she was directed to look at page thirteen. Page thirteen said nothing about appeals. Instead it contained a section titled "false allegations". This revealed that the university continued to deny Anna her rape experience.

Perhaps, one of the worst examples of disbelief and hostility towards a campus rape victim is the story of Angie Epifano a student at Amherst College. Angie was institutionalized in a psychiatric hospital after talking to counselors at the school about her experience of sexual assault. She was later forced to go on leave, denied the opportunity to study abroad and eventually ended up withdrawing from the school (Epifano, 2012). While Angie's experience was particularly harrowing, the systematic failure of the grievance process to demonstrate sensitivity to the needs of the rape victims again is the norm as opposed to the exception in the adjudication process of campus sexual assault cases.

From investigation to adjudication, decision and appeal, campus rape victims are shamed and blamed for their own victimization. Research reveals that when the grievance process fails to acknowledge the harm that was committed to the victim it leaves them isolated and disempowered (Koss, 2006). Furthermore, victims experience a secondary victimization and traumatization when they are blamed or not believed (Ulman, 2010). Their credibility is examined more closely than that of other crime victims (Koss, 2000).

If administrators listen closely to the protest voices of victims of sexual assault across the country, it reflects a dissatisfaction with a grievance process that denies them a voice and fails to acknowledge and recognize the harm caused. It is calling for much needed reform (Koss, 2006).

### **B. The Campus Grievance Process Fails To Protect the Community**

The grievance process often fails to acknowledge that a crime was committed and the perpetrator faces no meaningful punishment. The perpetrators are left to believe that there was nothing wrong in their behavior leading them to feel empowered and emboldened to continue the same pattern of behavior posing a threat to members of the community. According to a recent investigation into the outcomes of disciplinary proceedings at 26 higher education institutions, the study found that many schools, upon report of a sexual assault, failed to initiate an investigation or dismissed the complaint before reaching the grievance process (Lombardi, 2010). Of the cases that did proceed those found responsible for sexual assault often faced little or no punishment, even when the assailant was adjudicated “responsible”. This rarely led to expulsion even in cases where the assailant was a repeat offender (Lombardi, 2010).

When underlying actions and beliefs of the perpetrator goes unchallenged they see no reason for behavior modification nor do they see a need for remorse (Bibas & Bierschbach, 2004). Furthermore, with no consequence to their actions offenders face no deterrence in repeat offending, thus continuing to pose a threat to the community.

### **C. The Campus Grievance Process Fails to Involve the Community To Address the Harm**

One of the significant problems in the grievance process in cases of sexual assault on many university campuses around the country is the secrecy around the complaint and the disciplinary process. Many schools have gag orders and confidentiality requirements barring victims and perpetrators from discussing the matter outside the grievance hearing. While administrators claim student privacy rights as a reason not to release the information, (Lombardi, 2010) this is false (OCR, 2011). To the contrary, federal law allows the release of such information when students are found responsible for violent acts against other students (OCR, 2011).

This shroud of secrecy fails to recognize and address the way in which the action harmed the community and fails to allow community participation. In failing to allow community participation, the school fails to validate the harm caused to the entire community (Herman, 2005); Koss and Harvey (1991), argues that rape is an issue that the entire community must address because the offenders behavior is often developed from community socialization and value system that encourages the offenders action. Accordingly, the community must be allowed to collectively address the harm and determine the appropriate remedies (Braithwaite, 1989). Koss and Harvey references the power of the community to impact the victim and states that as the community acts on behalf of the victim, the victim will build her personal and social power and her sense of self (Koss, & Harvey, 1991; Cantalupo, 2011). Studies show that one of the most desired outcomes reported by survivors of sexual assault is community acknowledgement (Herman, 2005).

Under the mandate of the new law, schools are not only required to respond promptly, investigate allegations and provide grievance procedure but they must also affirmatively take steps to educate and transform the campus culture to prevent rape. Since many rape survivors

are prevented by confidentiality policies from speaking about their experience outside of the school disciplinary proceeding, the grievance process disallows community participation in the process to acknowledge and redress the harm. Consequently, it denies the campus an opportunity for a communal dialogue about sexual assaults and the culture of rape and thus undermines the school's ability to use these incidences as "teaching moments" to serve rape prevention goals under the new federal guidelines. (Violence Against Women's Act, 2013) Research supports that individuals who are educated about sexual assaults are more likely to be empathetic towards rape victims, less likely to rape and are more likely to intervene to stop a sexual assault (Schewe, 2002). Lastly, without a community oriented response to the sexual assault, the grievance process is less likely to have a deterrent effect in preventing future rapes.

### III. RESTORATIVE JUSTICE

The empirical data tells us that women are sexually assaulted at a high rate on college campuses and are failing to report the incidences. When women do report they express feelings of traumatization and disempowerment with the grievance process and feelings of dissatisfaction with the outcomes. The disciplinary process at most schools follow the adversarial format modeled after the criminal justice system which tends to protect the accused students at the expense of the victim (Cantalupo, 2011). The failings of the current system makes it incumbent upon society and institutions of higher education to reform the process to support rape victims and include the community in redressing the harm. This article argues that restorative justice offers a response that meets the justice needs of the victim and complies with the goals and requirements of Title IX. Restorative justice offers the social acknowledgement, the validation and redress of harm that victims of sexual assault seek (Koss, 2006).

Restorative justice is defined in many ways, but generally refers to a non-traditional approach to crime and justice intended to repair harm to victims, hold offenders accountable, and restore safety to victims, relationships and communities (Umbreit & Armour, 2010). Schools may be reluctant to use restorative justice programs to resolve allegations of sexual assaults confusing it with mediation, which is strictly prohibited by the OCR. To the contrary, mediation and restorative justice are fundamentally different. Mediation is designed to resolve a dispute whereas restorative justice is designed to address the harm caused by an offense, hold the offender accountable, repair the harm and heal and empower the victim (Braithwaite, 2002). Although restorative justice is used on college campuses today to address issues of plagiarism, vandalism and bullying, restorative justice has never been used on a college campus to address sexual assault or rape. Nonetheless, restorative justice offers an opportunity to reform the grievance process in such a way as to address the harm, empower the victim and include the community while balancing the needs for punitive and remedial measures.

There is an experiential and a holistic quality to restorative justice that makes this approach well suited to address acquaintance rape on college campuses (Karp, 2004). It allows for healing after the harm and the building of community. Restorative justice takes an invitational approach involving victim, offender and community to participate in the justice process (Braithwaite, 1995). Under this approach the offender is accountable to both the individual harmed and to the community. Victims feel a measure of vindication and validation when the offender admits responsibility and the community acknowledges the harm (Koss, 2008). Victims want offenders to "visibly and publicly" acknowledge the consequences of their actions as well as wishing to give the offenders "the emotional baggage they have been carrying"

(Miller, 2011, pp. 178-179). Braithwaite argues that all “ social processes of expressing disapproval that have the intention or effect of involving remorse in an offender are a more effective deterrent to crime than formal punishment.” (Braithwaite, 1995, p.191) Moreover, restorative justice provides an opportunity to educate members at large on gender violence and rape prevention because it includes the community (Karp, 2004).

In standing contrast to the current grievance process, restorative justice allows the victim’s voice to be heard (Koss & Achilles, 2008). It transforms the role of the victim from a passive bystander to an active participant. Whereas the grievance process seeks to stifle the victim with gag orders and non-disclosure agreements, the restorative justice process allows the victim to have a voice in the process, a voice in redressing the harm and more importantly allows the victim a voice to tell her story. As Kay Pranis (2002, p.30) states “ Listening respectfully to a victim’s story is a way of giving them power... a positive kind of power.” Miller suggests “that the face to face dialogue gives victim’s back their power: the asymmetry of power that was present during the crime and the case processing was reconfigured.” (Miller, 2011 p.178)

There are many practices that reflect the restorative justice focus but victim studies show that the empowerment model is the best model for responding to sexual assaults (Koss, 2006). This practice holds that “justice and fair treatment” are equally the right of both the victim and offender (Barton, 2003 p. 46). The restorative justice approach invites all stakeholders to participate, to feel validated, to acknowledge the harm and make amends. The empowerment practice takes the form of a facilitated conference and brings offender and victim and ideally family and friends to address the violence and ensure that the environment remains safe and productive (Barton, 2003). By consensus, a contract is drawn up by the group to restore to the victim what has been lost (e.g. dignity, property etc.). In contrast to the adversarial quasi-judicial process, the conferencing meeting involves the offender taking responsibility and the victim voicing the impact of the crime (Braithwaite, 2002). The offender acknowledges and responds to what he has heard and the meeting concludes with discussions formalizing the offender’s plan of amends to repair the harm to the victim.

In many cases of acquaintance rape, sanctions imposed on the offender does not bring resolution for the victim of the crime committed (Koss, 2006). Victim studies reveal that it is often the expressions of accountability and remorse from the offender that takes the victim to a place of healing and restoration (Braithwaite, 2002; Koss, 2006). The offender’s apology for the offense committed offers symbolic reparation for the harm caused. To the extent that restorative justice models offers such healing there is much to benefit from this approach. There is some evidence that suggest that conferences also reduce repeat offending (Braithwaite, 2002). Offenders also express satisfaction with the fairness of the conference process and all those involved come away with high levels of satisfaction (Braithwaite, 2002).

Although restorative justice is presently not used on college campuses to address crimes of sexual assault, it is being used in Arizona in an innovative program called RESTORE (Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience). Restore was developed in Arizona under the leadership of Mary Koss who brought together the needs of sexual assault victims and the principles of restorative justice. Restore was the first project to explicitly use feminist and restorative justice principles to address victims’ justice needs of telling one’s story, validation and participation. The mission is to facilitate a survivor-centered, community driven resolution of selected individual sex crimes that creates and carries out a plan for accountability, healing and public safety (Koss, 2006).

#### **IV. THE PROPOSAL**

Given the need for reform of the present grievance process in campus sexual assault cases, colleges and universities should look to adopt the RESTORE empowerment model to add restorative justice elements to the current adjudication process. Its main objective would be to meet victims' justice needs and foster a credible deterrence of sexual violence on campuses. The program would focus on support for victims, offender accountability and responsibility, community participation and community education. All of which are consistent with the spirit of Title IX. The program would be premised on the victim's voluntary participation and the offender's accepting responsibility for the harm. The program would be restricted to first time offenders. The stakeholders would receive the assistance and counseling of trained facilitators. Victims and family members would have access to counseling and the criminal justice system for additional remedies, such as restraining orders if needed. In practice, restorative justice may operate either within or outside the traditional justice system. (Zehr, 2002).

Unlike the present grievance process on college campuses, the restorative justice approach would allow all participants to share their perspectives and through a collaborative process, the parties would discuss and determine how to repair the harm. Victims and offenders would have four to six persons that are closest to them accompany them in the conference. The participation of the broader community holds the parties accountable ensuring a safe and productive environment. Together the parties explore the harm in question and the acts that precipitated it, collaborating to create an agreement on what should be done to repair the harm (Pranis, 2002). In contrast to the quasi-judicial adjudication approach, the victim plays an active role in crafting the remedy to meet their needs of resolution and healing (Daly, 2002). The proscribed remedy can vary from individual apologies to civil restitution.

Restorative justice does not purport to be a panacea to sexual assault violence (Daly, 2002) however the restorative justice approach to campus rape cases offers a novel approach to victims' needs where the traditional adversarial system has failed. "The restorative justice program for campus rape could work in tandem with existing remedies as an alternative to traditional grievance procedures or parallel to traditional methods of adjudication" (Brenner, 2013). Some feminists argue that restorative justice offers a more meaningful response for the victim than the traditional criminal justice system (Braithwaite, 2002; Koss, 2006). This is especially true with acquaintance rape on campus where more often than not victims may not be interested in formal prosecution.

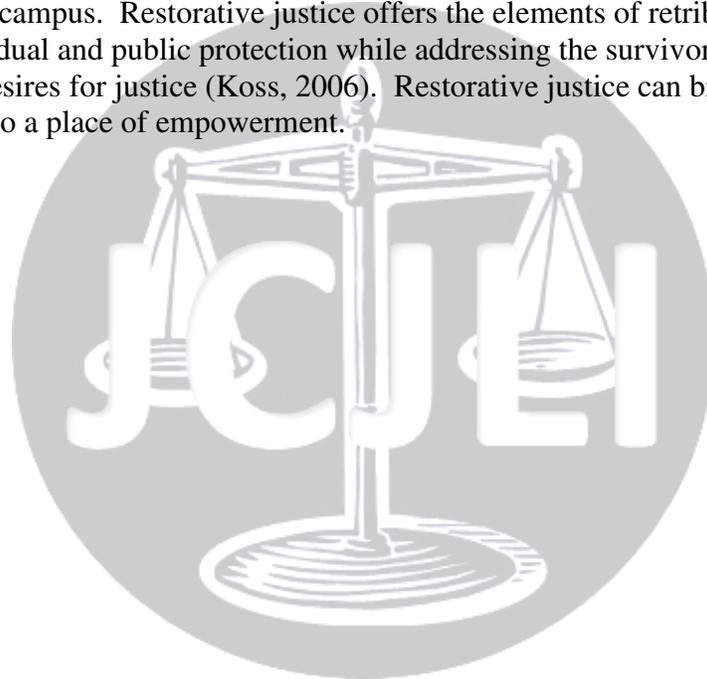
#### **CONCLUSION**

Pursuant to Title IX, when sexual violence occurs on campus and universities students are denied fair and equal access to an education. For the institution, it represents a failure in its obligations to its students and a breakdown in its institutional mission. (Cantalupo, 2011) The current grievance quasi-judicial system used to respond to acquaintance rape at college and universities today fails to meet victims' needs for justice (Lacey, 2008; Cantalupo, 2009) as was illustrated in the narratives of the Emma Sulkowicz, Anna Clark, Angie Epifano and the countless other victims of campus sexual assault. The marginalization and lack of justice for

campus rape victims is a reoccurring theme at college and universities across the United States today.

As argued above, the current quasi-judicial grievance system used by most schools to respond to sexual violence on campus fails to be survivor oriented, fails to hold offenders accountable (Cantalupo, 2009; Lombardi, 2010) and fails to have a community-oriented response. Sexual assault on campus is further complicated by the fact that these assaults occur between individuals who are known to each other as friends or acquaintances and by the fact that these assaults occur in familiar and comfortable surroundings (Fisher et. al., 2001). As such, the traditional adversarial quasi-judicial model has proven to be ineffective in addressing this type of violence (Braithwaite, 2002).

In order to effectively respond to this epidemic of sexual violence against women on college campuses, society needs to re-conceptualize its response to rape and sexual assault on campus. To the extent that the present system routinely fails victim of sexual assault (Koss, 2006), the author argues that the restorative justice process is one approach available to respond to sexual assault on campus. Restorative justice offers the elements of retribution, rehabilitation, reintegration, individual and public protection while addressing the survivor's needs to be heard and meeting their desires for justice (Koss, 2006). Restorative justice can bring the victim from a place of isolation to a place of empowerment.



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Footnotes

<sup>1</sup> Although the term “sexual assault” includes a wide range of behavior, this article focuses on the severest form of assault and as completed or attempted rape. The term sexual assault is used throughout this article to reference such conduct.

<sup>2</sup> The article uses the terms colleges, universities and schools interchangeably to reference post-secondary institutions.

<sup>3</sup> Though victims of sexual violence are afforded anonymity the three victims Emma Sulkowicz and Anna Clark, Angie Epifano referenced in this article have revealed their identity and gone public with their stories in the hope of bringing attention to campus sexual assaults.

<sup>4</sup> Colleges and Universities use a wide variety of names to refer to the disciplinary boards i.e. hearing panel, hearing board or judicial board, but the core function of such boards are the same.

