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Transformative justice and restorative justice approaches to campus sexual assault: a scoping review

Sheila M. McMahon, M. Candace Christensen and Jelena Todić*

Abstract

Campus sexual assault (CSA) remains a persistent public health problem on U.S. college campuses. Changes in U.S. federal law have highlighted the need for responses to campus sexual assault (CSA) that meet the needs of persons harmed, increase meaningful accountability for persons responsible, and engage the whole campus in prevention efforts. These changes have simultaneously tightened standards of evidence in institutionalized campus adjudication methods and expanded resolution options to include processes such as restorative justice and transformative justice. The objective of this scoping review is to synthesize the available academic and grey literature about restorative justice and transformative justice responses to CSA up to September 2020. A total of 96 sources were reviewed, and 76 met the final inclusion criteria. For both restorative justice and transformative justice, there is a body of theory and praxis but minimal empirically established findings. Based on the available theoretical frameworks and praxis narratives, both restorative justice and transformative justice centre survivors' needs, offer healing for individuals, and emphasize accountability for persons responsible for violence; however, restorative justice and transformative justice fundamentally differ in how they conceptualise the root cause of sexual violence and, therefore, what harms they aim to repair. While restorative justice in higher education settings focuses on interpersonal harms resulting from sexual violence, transformative justice emphasises repairing interpersonal harms resulting from sexual violence and transforming the structural conditions that enable sexual violence. Implications for future research and practice are discussed.

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Author Note: We have no known conflict of interest to disclose.

Funding: No funding was utilised to support this scoping review.

Keywords: restorative justice, transformative justice, campus sexual assault, scoping review.

1 Introduction

An estimated 20 percent of U.S. college students have experienced sexual contact involving physical force or an inability to consent over 4 years on campus (Cantor et al., 2019). However, campus sexual assault (CSA) has only recently come to national attention as a pernicious social problem (Hirsch & Khan, 2020; Krause et al., 2019). Over the past decade, a confluence of factors has led to an unprecedented U.S. public outcry on the issue of campus-based sexual assault (Bauer-Wolf, 2018), including campus activism, related social movements and policy prioritisation at the national level. In addition to sustained student activism (Hartocollis, 2019) and the increased visibility of the #MeToo movement (Bauer-Wolf, 2018; Gronert, 2019), significant legislative changes have focused on CSA (Banyard & Potter, 2018; Jessup-Anger, Lopez & Koss, 2018). For example, the U.S. Department of Education Office of Civil Rights (OCR) 2011 Dear Colleague Letter (rescinded in 2017 by the Trump administration) urged institutions to investigate and adjudicate CSA using a preponderance of the evidence standard. Also, the 2013 Campus SaVE Act amended the 1990 Clery Act, requiring universities to report campus crimes (including CSA) and provide CSA education and response services (Jessup-Anger, Lopez & Koss, 2018).

1.1 Title IX

In the United States, institutional responses to reported incidents of CSA are governed by Title IX. Passed in 1972, Title IX prohibits discrimination on the basis of sex in educational settings that receive federal funds and requires schools to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence (U.S. Department of Education, 2020a). Most US universities qualify because students apply for federally managed financial aid to pay for college tuition. Students' understandable lack of willingness to report sexual assault (Hirsch & Khan, 2020; Kaplan, 2016) coupled with the provision mandating faculty and staff to report disclosures of CSA to campus Title IX authorities has resulted in greater attention to the accountability mechanisms that campuses utilise to respond to sexual assault (Eisenberg, Palacios, Lust & Porta, 2019; Holland, 2019). While the process is meant to demonstrate zero tolerance for sexual violence, student survivors often feel violated or more harmed by these formal investigative processes as by the incident itself as a result of invasive questioning, extensive cross-examination and the zero-sum nature of hearings (Javorka & Campbell, 2020; Lorenz, Hayes & Jacobsen, 2022).

Survivors have asserted their need to be believed, acknowledgement of the harm they experienced, having their voices heard (Cyphert, 2018; Orcutt, Petrowski, Karp & Draper, 2020), a sense of taking back one's power or empowerment, and reassurance that the person responsible will not repeat the

harmful behaviour. Meanwhile, individuals responsible for harm in the form of CSA have increasingly relied on legal representation to defend themselves against suspension, expulsion or other potential adverse outcomes of the formal Title IX process (Buzuvis, 2017). With the updated Title IX regulations that came into effect on 14 August 2020, formal resolution processes for CSA under Title IX have become more adversarial, requiring hearings that include cross-examination, similar to a court of law (Anderson, 2020; U.S. Department of Education, 2020b). While the U.S. Department of Education (DOE) introduced more adversarial processes to the formal Title IX response, it also allowed the use of restorative justice as an 'informal resolution' process after the Title IX office receives an official complaint (U.S. Department of Education, 2020b; 8).

1.2 Restorative justice

Restorative justice refers to 'a justice that seeks to transform broken lives, relationships, and communities, rather than shatter them further...' (Davis, 2019: 14) by repairing harm to the extent possible (Zehr, 2015). Unlike traditional, university-level CSA resolution processes, which mirror a criminal legal system that prioritises punishment, restorative justice responds to sexual violence harms by emphasising needs and obligations resulting from the harm. Restorative justice is a philosophy and approach used within and beyond the criminal legal system to repair harm. While restorative justice is an umbrella term for diverse practices, the process typically includes (1) identifying the needs that the survivor has as a result of the harm (2) bringing together all of the people affected by the violence in some way, the responsible party taking accountability and making amends, and (3) reintegrating the survivors and persons responsible for harm back into their communities (Umbreit & Armour, 2011).

Rooted in a worldview that centres on collaboration and interconnection instead of competition and subordination, restorative justice is a philosophy and set of practices that reflect global Indigenous and communitarian values throughout the world (Davis, 2019). Restorative justice's western formation began in the 1970s, led primarily by white and upper-class scholars and practitioners, who sought to improve the criminal legal system by using restorative practices to centre victims and meaningfully repairing harms (Rasmussen & Shah, 2022). Since then, restorative justice in the United States has evolved, with many scholars and practitioners committed to racial justice and structural analysis (Davis, 2019; Rasmussen & Shah, 2022). Disillusionment with traditional campus adjudication processes that centre punitive justice has furthered the dialogue on restorative justice as an option in higher education contexts, particularly among survivors of CSA (Cyphert, 2018; Gentile, 2018; Karp, 2019; Kirven, 2014; Koss & Lopez, 2018; McMahon, Karp & Mulhern, 2019; Sexual Violence Task Team, 2016; Strauss, 2014). Restorative justice for CSA offers a non-adversarial process that aims to avoid re-traumatisation of survivors, especially among already marginalised groups (Brodsky, 2016; Coker, 2016a; University of Alberta Working Group on Restorative Initiatives for Sexual Violence [UAWG-RISV], 2018; Vail, 2019).

While restorative justice aims to address harms outside of a punitive paradigm, implementation of restorative justice in U.S. campus settings focuses primarily on

individual harms and not systemic harms associated with patriarchy, racism and other intersecting forms of oppression at the root of interpersonal violence. This focus may be attributable to the way in which Title IX regulations shape expectations of campus responses to CSA as an individual-level problem (Lorenz et al., 2022) or to the colonial and racist history of the higher education institutions in the United States that continues to shape its present (Squire, Williams & Tuitt; 2018; Stein, 2020). Much like the state in the U.S. criminal legal system, the institution traditionally steps in to administer punishment or absolution to responsible parties.

Despite these realities in U.S. systems of higher education, some scholars argue that restorative justice has the potential to address structural and systemic harms rooted in patriarchy and racism (Llewellyn, 2021; Stauffer & Shah, 2021). Alternatively, according to Wood, Suzuki, and Hayes (2022: 20), 'there is arguably unease within the restorative justice movement and literature regarding how restorative justice practices may function if at all, to redress larger social inequalities or injustices'. The divide seems to appear between restorative justice in theory and restorative justice in practice, where restorative justice values might enable transformation at the structural level, but the implementation of restorative justice in U.S. educational settings does not focus on structural change (see Table 1 for examples), perhaps because that threatens or undermines the status quo.

1.3 Transformative justice: an abolitionist approach to addressing CSA

Another approach to addressing and preventing CSA is transformative justice. While some transformative justice practices are the same or similar to restorative justice (Creative Interventions, 2022; Rasmussen & Shah, 2022), its origins and emphasis are distinct. Transformative justice is rooted in a political analysis of the systems of power and control that make sexualised violence allowable. In the United States, in the 1990s and early 2000s, groups such as INCITE!, a network of radical feminists of colour, have led the development of transformative justice as a part of the broader social movement to address sexual violence because it is impossible to separate state-sponsored violence from intimate violence in communities of colour (BCRW, 2020; Rasmussen & Shah, 2022). Consequently, transformative justice processes always function *outside* of formal systems, unlike restorative justice, which is practised in both community and systems settings (Kim, 2019), including the quasi-carceral system of campus adjudication. In the transformative justice paradigm, justice is irreconcilable with the harmful systems, including the criminal legal system.

Transformative justice is a philosophy and set of practices that offer community-centred, creative responses to the criminalisation of gender-based violence that meets the needs of the survivors who are often subjected to state-sponsored surveillance and social control (e.g. persons of colour, transgender/non-binary, survivors with disabilities, poor survivors). The prison industrial complex abolitionist paradigm views the carceral system (and by extension, the quasi-carceral campus CSA adjudication process governed by Title IX) as inherently punitive (Méndez, 2020). Transformative justice work begins with assessing the conditions that allow harm to occur (Méndez, 2020), rather than as a programme

or policy of the institution. Institutions, such as college campuses can use transformative justice values and processes, but transformative justice communities and practices intentionally remain untethered from institutional processes so that the needs of involved parties and the communities are centred instead of the demands of an institution. In addition, this outsider status allows transformative justice practitioners and process participants to remain autonomous, critically analysing conditions and determining outcomes rooted in communities rather than institutions.

1.4 Restorative justice and transformative justice: continuum and carceral rupture Llewellyn (2021: 379) describes restorative justice as a relational theory of justice, including maintaining relationships inside of potentially oppressive structures. As Llewellyn points out, restorative justice has been positioned as an alternative within the criminal legal system; restorative justice has similarly been folded into U.S. higher education settings as an alternative to traditional Title IX adjudication processes. A relational view of restorative justice includes the importance of just relations at all levels of the social ecology: individual, institutional and structural. The emphasis is normative: how human beings ought to act with the understanding that this does not always mean returning to past relationships or maintaining the status quo. According to this paradigm, restorative justice moves beyond the legal system but also functions as a principled relational approach within institutions, including child welfare, schools and universities. Llewellyn writes,

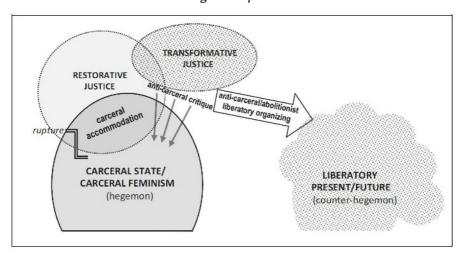
As a relational approach, restorative justice insists on attention to injustice at the systemic and structural level and a focus on what is required at this level to support and sustain just relations. (2021: 386)

Yet if systems have been designed de facto to ensure inequality, is it possible to create just relations in fundamentally unjust systems and structures? This is a question for discussion and empirical inquiry. Evidence from restorative justice implementation in K-12 school systems to address the disproportionate impact of school punishment on Black, Indigenous and other students of colour indicates that power-neutral efforts that do not explicitly focus on structural analysis have been ineffective in reducing racial disparities (Anyon, Wiley, Samimi & Trujillo, 2021; Gregory, Huang, Anyon, Greer & Downing 2018; Todić, Cubbin, Armour, Rountree & González, 2020). While the overall climate in schools may improve, the disproportionate impact of punishment on Black, Indigenous and other students of colour remains, with changes mostly benefiting white students. Moreover, the power-neutral implementation process may ignore the needs of students living at the intersections of multiple marginalised social identities such as Black girls, continuing to reproduce structural harms (e.g., Annamma et al., 2019).

By contrast, transformative justice functions beyond the confines of the carceral system because of the oppressive power structures embedded in systems. Kim (2020) provides a critical framework for differentiating restorative justice and transformative justice. Namely, some restorative justice practices include 'carceral accommodation', which means that they must abandon the structural analysis and

the Indigenous roots of the practice that focus on wellness to be allowed inside of state systems, to gain legitimacy, to acquire resources and even gain social control. This carceral accommodation is also present in anti-violence against women movements, which have often centred the voices of middle-class white, cisgender, heterosexual females over and against those of women of colour, persons with diverse gender identities, sexual orientations and social classes (Kim, 2020). Thus, in discussions of restorative and/or transformative responses to CSA, this long-standing history of collusion with the carceral system for the purported protection of women must be faced. Moreover, this problem of racialised and gendered tropes undergirding carceral feminism and the carceral criminal legal system are not solely the problem of the United States; rather, these standards are shared internationally, by the Word Health Organization (WHO), the United Nations (UN) and the World Bank, institutions that have supported the practice of net-widening (when purported early interventions to prevent contact with the criminal legal system that actually results in increased contact with this system, especially for youth of colour, leading to greater likelihood of ongoing system involvement) (Moore & Ben-David, 2021) (Figure 1).

Figure 1 A rupture in carceral hegemony - Restorative justice and carceral accommodation versus transformative justice and anti-carceral/abolitionist counter-hegemonic possibilities.



Note: Reprinted from Kim, M.E. (2020). Anti-carceral feminism: the contradictions of progress and the possibilities of counter-hegemonic struggle. *Affilia*, 35(3), 318. (Used with permission of the author.)

Kim's (2020) illustration, while reductive, provides a concise visual critique of the criminal legal system and of carceral feminism, which are both faced with a hegemonic rupture. In other words, critiques of the violence of carceralism, including by abolitionists, have finally pierced the armour of these dominant worldviews, which in turn require restorative justice practitioners and thought

leaders to grapple with our willingness to accommodate the violence of carceralism, whether in the criminal legal system or on campuses, in order to pursue the implementation of restorative justice in institutional settings. Are restorative justice approaches potentially subject to the same crisis of relevance as carceral feminism if our efforts to promote just relations within structures end up being used to prop up the crime logic (Coker, 2019) that undergirds criminal legal prosecution and campus adjudication of sexual harm cases, leaving law enforcement paradigms largely uninterrogated? These fundamental differences between restorative justice, at least as it is practised within systems such as higher education, and transformative justice raise essential questions about how to meaningfully address CSA in a way that provides the necessary support to survivors, ensures accountability and prevents future harm.

1.5 Rationale

Little is known about the use of restorative justice and transformative justice for CSA, in large because of Title IX regulations that limit campus responses to incidents of CSA, as well as the exclusion of community-based transformative justice work on college campuses. Because restorative justice and transformative justice have some values and practices in common, but have distinct origins and political commitments, we believe it is important to consider them simultaneously to address and prevent sexual violence. While the authors located one recent scoping review on restorative justice for survivors of sexual violence (Burns & Sinko, 2021) and an older conference paper on restorative justice for sexual assault cases (Wager, 2013), neither explicitly focused on college campuses, nor do they include grey literature sources. However, Burns and Sinko (2021) affirmed the need to address safety concerns in campus restorative justice processes. Their scoping review also underscored the lack of empirical research about restorative justice for CSA, noting that the RESTORE programme, a community-based restorative justice intervention for sexual assault in a community setting, is one of the only empirical studies of its kind (Burns & Sinko, 2021). Additionally, neither included transformative justice in their analyses. Thus, the purpose of this scoping review is to examine the academic and grey literature on restorative justice and transformative justice for CSA, which has been the focus of the campus-based restorative justice/transformative justice efforts, reported outcomes of such restorative interventions, as well as facilitators and barriers to the use of restorative justice and transformative justice to address the harms that result from CSA.

1.6 Objectives

This scoping review sought to answer the following questions: (1) What theoretical, proposed or measured outcomes, if any, have been reported regarding the use of restorative justice/transformative justice to address sexual violence on campus? (2) What are the barriers and facilitators to implementing restorative justice/transformative justice for CSA at the micro, meso and macro levels? (3) What recommendations are available for implementing restorative justice/transformative justice for campus-based sexual assault?

2 Methods

This scoping review on restorative justice and transformative justice for CSA is part of a more extensive scoping review on restorative justice and transformative justice's responses to sexual violence that used the Joanna Briggs Institute (JBI) scoping review method (Todić et al., 2021; Tricco et al., 2018).

2.1 Protocol and registration

The larger scoping review from which this data is drawn has a review protocol registered with Open Science Framework Registries and published in Social Science Protocols (Todić, Christensen & McMahon, 2021).

2.2 Eligibility criteria

Eligibility for inclusion in this scoping review included English language publications (academic and grey literature) up to 1 September 2020. This scoping review defined sexual violence as sexual acts, including sexual assault and rape, committed against someone who does not or cannot consent (Armstrong, Gleckman-Krut & Johnson, 2018). It is important to note that sexual harassment is beyond the scope of this review because although sexual harassment is a form of sexual violence, it is a distinct form of sexual harm with its own complexities (Armstrong et al., 2018) and, therefore, worthy of a separate review.

2.3 Information sources

The researchers tested keywords for the search. Once they were finalised, we entered these search terms into the following academic databases: Criminal Justice Abstracts, ERIC, PsycINFO, PubMed, SocINDEX, Social Services Abstracts and Social Work Abstracts. Items that included these search terms in the title or abstract were extracted for review. The researchers simplified the search terms to capture the grey literature to increase the likelihood of locating relevant data. We conducted searches in the Cochrane and Campbell databases, the New York Academy of Medicine Grey Literature Report, and Open Grey (OpenSIGLE). The keyword search strings for the grey literature searches were restorative justice AND sexual violence; transformative justice AND sexual violence. To further this search of the grey literature, searches using the keywords were conducted in Bing, Google and Yahoo, the three most popular internet search engines worldwide (Statcounter, 2021). Finally, we contacted restorative justice and transformative justice experts in the field of sexual violence to identify any missing data; several of those experts work specifically in the arena of restorative justice and transformative justice for CSA. We coded the extracted items for setting (community, school, etc.), and those coded for 'college campus' were collected for this campus-focused scoping review.

2.4 Search

This scoping review is part of a more extensive review of both peer-reviewed and grey literature on restorative justice and transformative justice responses to CSA conducted according to the JBI methodology for scoping reviews (Peters, Godfrey-Smith & McInerney, 2017). Three researchers conducted independent

searches of multiple databases, and we used a shared EndNote database to store the sources that met the search criteria.

2.5 Selection of sources of evidence

Once we identified relevant sources in the academic databases and stored them in EndNote, we organised and reviewed the data in Excel using predefined categories: first author; year of publication; article title; website link or journal name; type of literature (empirical or grey); type of empirical study; restorative justice or transformative justice; type of violence; geographic location; implementation setting; proposed or measured outcomes; benefits; and the critiques of approaches relevant to the review question. We were then able to use the implementation setting as a filter to extract campus-specific academic and grey literature for this review.

2.6 Data charting process

The data charting process for this study followed guidelines from the PRISMA-ScR, which allowed us to determine categories that would support data extraction of information relevant to the research questions (Tricco et al., 2018). We created, implemented and revised the extraction form to address the broad range of categories: settings, locations and levels of intervention represented by the data sources. To chart the data in this scoping review, we coded all sources (academic and grey literature) for setting (community setting, legal system, college campus, etc.). We extracted items coded 'college campus' to a separate database and further coded based on focus of restorative justice or transformative justice intervention for campuses; proposed outcomes; measured outcomes; barriers to implementation of restorative justice or transformative justice on campus; and recommendations for campuses. These categories were selected to reflect the concerns of researchers and practitioners who are seeking ways to more meaningfully address and prevent CSA. One researcher independently charted the data from each source included in this scoping review, and then two team members each charted half of the same data sources independently. Then the whole team discussed and resolved discrepancies.

2.7 Data items

For this scoping review, we extracted peer-reviewed articles, books, book chapters, reports, policy briefs and website pages that addressed CSA and restorative justice and transformative justice. We included items based on whether their titles and abstracts addressed these topics in the extraction process. In addition, we contacted experts who shared both academic and grey literature with us relevant to restorative justice and transformative justice for CSA for inclusion in the study.

2.8 Synthesis of results

Next, we reviewed all of the restorative justice and transformative justice academic and grey literature sources that met the screening criteria previously discussed. One researcher coded all sources using categories defined by the scoping review questions outlined in the Rationale section. The other two researchers then

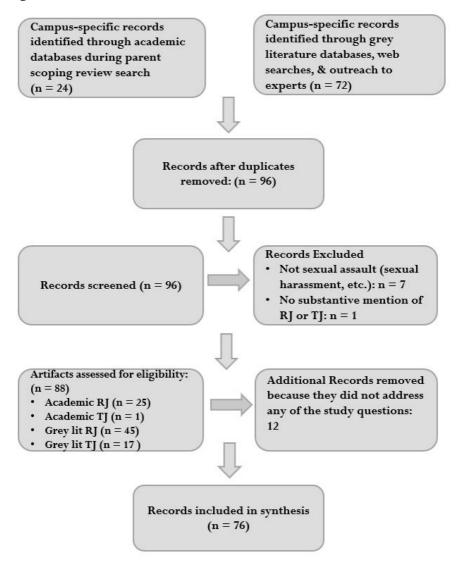
independently coded half of the data based on the identified themes in the preceding list. The first researcher then reviewed the coding to synthesise them into parent codes and to address any discrepancies among the researchers' respective codes. In addition, the scoping review questions provided the coding frame, the thematic analysis method aided in the process of identifying themes across the established questions or codes. Two researchers extracted the data separately to answer predetermined research questions. The first author conducted a thematic analysis, then engaged the other two authors in an ongoing discussion about data patterns and the degree to which they mapped the entirety of the data set (Braun & Clarke, 2006).

3 Results

3.1 Selection of sources of evidence

Campus-specific sources from the main scoping review resulted in 96 items after duplicates were removed. Of the total of 96 items reviewed, seven were focused on topics other than CSA (such as sexual harassment), and one did not include substantive mention of restorative justice or transformative justice. This left 88 artefacts to review in depth. As a result of this review, 12 additional sources were removed because they did not address the scoping review questions. As a result, 19 academic restorative justice and transformative justice sources remained. Out of the grey literature artefacts, 42 were about restorative justice, and 15 were focused on transformative justice. The final total sources of evidence included 76 academic and grey literature sources that address transformative justice or restorative justice approaches to CSA. Figure 2 illustrates the sorting process of the sources of evidence.

Figure 2 Sources of evidence



3.2 Characteristics of sources of evidence

For each academic and grey literature source about restorative justice and/or transformative justice for CSA, we charted data using the following categories: restorative justice/ transformative justice, academic or grey literature, and responses to the study questions regarding outcomes, barriers, facilitators and recommendations. We included sources if they had content relevant to at least one of the study questions.

3.3 Synthesis of results

The results of the review are summarised further on in narrative format, in accordance with the two modes of practice – restorative justice and transformative justice – and by the key themes that emerged in response to the study questions regarding the use of restorative justice or transformative justice for CSA. We present the overall scoping review findings in another manuscript, currently in preparation. The questions addressed in the following synthesis are as follows:

(1) What theoretical/proposed outcomes or measured outcomes, if any, have been reported regarding the use of restorative justice/transformative justice to address sexual violence on campus? (2) What are the barriers and facilitators to implementing restorative justice/transformative justice for CSA at the micro, meso and macro levels (beyond the obvious one in the United States: previous Title IX regulations)? (3) What recommendations are available for implementing restorative justice/transformative justice for campus-based sexual assault?

We have organised the results according to the following categories: (a) theoretical/proposed outcomes, (b) measured outcomes, (c) barriers to implementation of restorative justice or transformative justice on campus, and (d) recommendations for campuses. We present findings for restorative justice and transformative justice within each category because that illustrates how each approach is similar and distinct. The results reviewed in the following sections are also in the reference list.

3.3.1 Theoretical/proposed outcomes

Restorative and transformative justice have some overlapping assumptions and proposed outcomes but have notable distinctions. We provide an overview of restorative justice and then analyse how transformative justice is distinctive. As researchers and practitioners utilising restorative justice for CSA, we have proposed a variety of outcomes – both impact and process outcomes – as benefits to the harmed party, responsible party and campus community. Authors frame outcomes as changes expected as a result of participation in a restorative justice process. Authors assert that restorative justice for CSA is intended to support survivors' healing, at least in part by inviting persons who have experienced harm to play a central role in the accountability agreement at the end of a restorative conference, such as receiving an apology or even sharing a joint public narrative with the person responsible for harm that helps others to learn from the restorative process (It's On Us, 2019; Kaplan, 2016; Kirven, 2014; Koss & Lopez, 2018; Schackford-Bradley, 2018; Smith, 2017; Strauss, 2014; Williamsen, 2017).

Restorative justice studies in this review also emphasised meaningful *individual accountability* for the responsible party as a proposed outcome of participation in a restorative justice process for CSA (Boutilier & Wells, 2018; It's On Us, 2019; Kaplan, 2016; Khadaroo, 2017; Sexual Misconduct Review Group, 2016; Strauss, 2014).

3.3.2 Community accountability

Restorative justice invites collective decisions about harms and consequences for the behaviour of concern, including accountability to those impacted by the harm (It's On Us, 2019; Koss & Lopez, 2018; Restorative Justice and Sexual Violence at Davidson College, n.d.; Sexual Misconduct Review Group, 2016). This entails recognising the harm as taking place within an ecosystem and offering pathways to repair through shared decision-making within the impacted community to rebuild trust and allow for reintegration of the party responsible back into the community (Boutilier & Wells, 2018; Hernandez-Jason, 2017; UIUC-CFSM, 2019). Restorative justice has the potential to increase a sense of community by preventing the recurrence of harm and creating a sense of accountability (Bethel College News, 2018; Cyphert, 2018). This commitment to addressing the ripple harms or impacted community members includes an increased sense of campus safety because of the transparency and the community involvement in the restorative justice process (Strauss, 2014; UIUC-CFSM, 2019). By providing opportunities for the transformation and reintegration of the person responsible for violence back into campus life, coupled with the opportunity to challenge toxic norms that support CSA (Coker, 2016a; Schackford-Bradley, 2018), restorative justice could contribute to creating a healthier campus climate and culture (Sexual Violence Task Team, 2016; UIUC-CFSM, 2019). In that sense, restorative justice can also serve as a community-level intervention to prevent sexual assault, an essential component in addressing CSA (Boutilier & Wells, 2018; Brenner, 2013; Coker, 2016a; Karp, 2019; Khadaroo, 2017; Lopez, Koss, Karp & Wilgus, 2020). More than one author stressed that restorative justice processes can engage schools holistically to look for underlying, root causes of harm, which is more successful in preventing sexual assault than only targeting individual incidents of harm (Boutilier & Wells, 2018; Kaplan, 2016).

Like restorative justice, the literature on transformative justice has included proposed outcomes such as centring the voices of individuals impacted by sexual violence; healing for the harmed party; accountability for the person responsible for harm (Ryerson, 2018); and community healing (Michigan State University College of Arts & Letters, 2018).

Transformative justice seeks to transform the conditions that allow for sexual violence to occur in the first place because healing and justice for individuals may not be able to happen in contexts that maintain structural inequalities (Cardoza, 2018; Justice Teams Network, 2020). Among the sources we found, most transformative justice sources were from the grey literature, consistent with transformative justice's orientation within communities of practice. In the transformative justice literature, there was an emphasis on *long-term changes* that the campus community would expect regarding sexual harm norms, as well as a clarification about the clear connection between individual accountability and community responsibility for preventing and addressing sexual harms ('#MeToo Founder Tarana Burke to Speak at MSU'; Pelsinger, 2019). Within the transformative justice literature, authors also focused on the importance of imagining a world without sexual violence and then asking the question of what it would take to build that world ('Building a Different Way Forward Together: Transformative Justice', 2019). Because transformative justice addresses the conditions or context, and not just incidents of harm (CalCASA, 2020), it assumes that it is possible to transform

communities so that the structures that enable the violence are eradicated (BCRW, 2015).

3.3.3 Measured outcomes

It is important to state at the outset that most of the studies identified in this scoping review included only proposed or theoretical outcomes. In fact, of the 76 sources in this sample, only one measured outcomes empirically. Pointer and Giles-Mitson (2020) conducted a pilot study in New Zealand with a group of nine college students who participated in a programme, the 'Sustained Restorative Dialogue', a 5-session restorative dialogue focused on exploring concerns about campus sexual harms. The students in the programme experienced an increased sense of community as they co-created the space through the layering of circle rounds, taking turns listening and speaking (Pointer & Giles-Mitson, 2020). Individuals in the group who had not experienced sexual harm reported more significant engagement with the topic than they did before participation, and survivors reported feeling safe enough to disclose incidents of CSA (Pointer & Giles-Mitson, 2020).

We did not locate any sources that measured outcomes for a transformative justice intervention.

3.3.4 Barriers and facilitators to implementing restorative justice and transformative justice for CSA

3.3.4.1 Barriers to implementation

Conceptualised through the lens of the person-in-environment theory (Gitterman, Germain & Knight, 2018), which highlights the reciprocal relationship between individuals and their environment, this scoping review identified barriers at all levels of the campus social ecology (e.g. micro, meso and macro), representing a complex interplay among individual (micro), group or community (meso) and macro (structures and policies) factors.

Micro-level. At the micro level, authors note that individual survivors may be concerned about safety (Hager, 2017; Koss & Lopez, 2014; Martin, 2018; Paterson, 2018); feel coerced to participate (Cyphert, 2018; Hager, 2017); and experience re-traumatisation as a result of the restorative justice process (Karp, 2019; Koss & Lopez, 2014, 2018; Paterson, 2018; Strauss, 2014). For persons responsible for harm, authors discussed concerns related to their ability to reflect on the harm they caused owing to a sense of 'aggrieved entitlement' (e.g. the belief that something one deserves, such as power, control or status, has been withheld; Gentile, 2018). As a result, responsible parties may lack empathy for the harmed party (Brodsky, 2016; Cyphert, 2018) or may outright deny responsibility for the harm (Hager, 2017; Koss & Lopez, 2018). At the same time, there is concern that because there is greater transparency in restorative justice processes, the accused person may become the target of unwarranted attacks (Paterson, 2018) or be subject to criminal prosecution because of disclosures made during a restorative justice process (Cyphert, 2018; Hager, 2017). These critical concerns illustrate the importance of thoughtful restorative justice implementation that centres the needs of the persons

harmed and the persons responsible for harm while also engaging the broader impacted community.

Meso-level. The meso-level includes groups and communities, including campus groups, administrators, those leading restorative processes for CSA, and the climate of individual campuses. Often, the responsibility for successful restorative justice outcomes has focused on the restorative justice facilitator or circle keeper, who is responsible for the process preparation, dialogue session facilitation and follow-up (Umbreit & Armour, 2011). Poorly trained or incompetent restorative justice facilitators could contribute to failed restorative processes (Cyphert, 2018; Hager, 2017; Karp, 2019; UAWG-RISV, 2018). At the same time, campus administrators may not understand the dynamics of sex offenders and victim behaviour and lack training in sexual violence and trauma (Cyphert, 2018). As a result, they may lack the skills to act restoratively (Alkon, 2015; Dolce, 2017; Smith, 2017; Williamsen, 2017). One example of this problem that authors noted is that institutions may confuse restorative justice with mediation (Campus PRISM Project, 2016; Khadaroo, 2017; Kirven, 2014; Paterson, 2018; Smith, 2017; Wilgus & Lowery, 2018), the latter of which could cause additional harm to survivors by treating the incident as though it were a disagreement rather than a violation of a person's bodily autonomy.

Transformative justice does not rely on the legal system or its shadow forms in higher education, such as Title IX (Gen, 2021). Instead, transformative justice rejects the state as the source of accountability (Dolan, 2020), because the state's goal of punishment and control is antithetical to transformative justice's liberatory commitments. Transformative justice centres community networks, relationships and support systems as alternatives to the state (Dolan, 2020). These community accountability frameworks support the prevention and repair of harms within communities themselves (Dolan, 2020). Transformative justice practitioners are often embedded in communities marginalised by institutions, including higher education.

Macro-level. At the macro-level, there are barriers to restorative justice for CSA that reflect systemic issues ranging from institutional betrayal (e.g. when an institution causes harm to those who rely on it for safety; Smith & Freyd, 2014) to racism and a lack of an intersectional analysis to guide the restorative justice implementation process. There are concerns that allowing options other than formal campus investigations and hearings will signal to campuses that they can take sexual violence less seriously (Cyphert, 2018; Khadaroo, 2017; Koss, Wilgus, & Williamsen, 2014). This concern is related to the deeper and understandable fears among all parties about *institutional betrayal* (Gentile, 2018; Hager, 2017; Karp & Williamsen, 2020) or institutions trivialising violence against women (Koss & Lopez, 2014) and failing to remedy the invisible power dynamics that can compromise a restorative justice process (Gentile, 2018; Strauss, 2014; UIUC-CFSM, 2019).

Relatedly, campuses may be trapped in a sort of 'crime logic' (Coker, 2016a, 2016b), whereby perceptions of harmed parties and persons responsible for harm are viewed through a racist, heteronormative gender binary. Implicit biases about who can be a victim and who should be a perpetrator shape responses to incidents

of CSA. As a result, racist perceptions persist, framing 'legitimate' victims as white, heterosexual, cisgender females and persons responsible for harm as black heterosexual, cisgender males (Coker, 2016a, 2018). This framing relies on stereotypical tropes that obfuscate the diversity of individuals who experience harm and persons who cause harm. They represent a broad spectrum of races, gender identities and sexual orientations (Coker, 2016a, 2016b 2018). Thus, within racist, heteronormative institutions restorative justice implementation may fail to meet the needs of diverse survivors and persons responsible for harm (Hager, 2017). Furthering this crime logic, there has been confusion about prohibited activities under the OCR's Title IX regulations, which has made colleges and universities reluctant to implement restorative justice responses to CSA (Karp, 2018; Koss & Chisholm, 2020; Orcutt et al., 2020; Wilgus & Lowery, 2018; Williamsen, 2017). The result is that institutional responses to CSA may lack the creativity and critical analysis required to dismantle the conditions that allow for CSA to occur.

Transformative justice practitioners' commitment to community-based interventions and social justice commitments to challenging structures of harm, such as defunding the police, has often meant that the work has been politicised, making funders reluctant to support transformative justice work (Justice Teams Network, 2020). As a result, transformative justice's work has not been given proper support; more resources and time are needed to see the impact of transformative justice's work on sexual violence (Justice Teams Network, 2020).

3.3.4.2 Facilitators of implementation

Just as there are factors that make the implementation of restorative justice for CSA challenging, factors at the micro, meso and macro levels help make these processes function. For example, survivors have begun requesting resolution processes that meet their needs, and this survivor-led advocacy helps facilitate the implementation of restorative justice on campuses.

Micro-level. At the micro level, an important question for the successful implementation of restorative justice is whether the participants experience the process as beneficial. To date, one empirical study of 148 female college student survivors of CSA (Mitchell, 2020) found that the majority preferred a face-to-face restorative justice conference option to traditional campus adjudication processes. However, this was not a study of students who had participated in actual restorative justice for CSA processes. Yet, as noted previously, survivors' interest in exploring restorative justice as an option can facilitate the implementation of restorative justice for CSA.

Meso-level. At the meso-level, the active participation of the harmed party, responsible party, restorative justice facilitator and the campus community supports a non-adversarial, *voluntary* restorative process (Boise State University, 2019; Brenner, 2013; Kaplan, 2016; Kirven, 2014; Paterson, 2018). *Restorative justice circle keepers or facilitators* assess whether the restorative process poses a risk to the survivor (Coker, 2018); hence, highly skilled, well-trained restorative justice facilitators who understand sexual violence, trauma and safety are critical for the process's success (Barone, 2016; Brenner, 2013; Coker, 2018; Hager, 2017; It's On

Us, 2019; Kaplan, 2016; Kirven, 2014; Koss & Lopez, 2014, 2018; Martin, 2018; Paterson, 2018). The voluntary nature of these processes coupled with the ongoing risk assessment can reassure campus administrators concerned about possible coercion or safety risks involved in adopting restorative justice for CSA. Williamsen's (2017) survey of 30 U.S.-based higher education administrators with Title IX duties revealed that 29 were open to alternatives, including restorative justice.

To support the effectiveness of alternatives such as restorative justice, restorative justice should be implemented as a *whole campus approach* to addressing harm (Karp, 2017; Karp, 2018, 2019; Lopez et al., 2020), one that institutionalises community engagement to interrupt harmful social norms, including racialised harms, sex and gender-based violence (GBV; Gentile, 2018; Restorative Justice and Sexual Violence at Davidson College, n.d.; Schackford-Bradley, 2018). Restorative approaches to CSA engage with the broader university community and administration by taking an expanded view of responsibility for harm that includes the whole campus community (Cyphert, 2018; Kaplan, 2016). In turn, restorative justice is an approach to engaging the community in preventing harm; addressing active harm; and rebuilding relationships in the aftermath of harm (Gentile, 2018; Kaplan, 2016; Kirven, 2014).

Students have a growing desire to centre the needs of harmed parties without reliance on the legal system or campus adjudication processes (Dolan, 2020). Within transformative justice communities, students are trained to address harms within their peer groups instead of relying on institutional structures to intervene (Dolan, 2020). This allows students to receive the necessary training to address harms within their communities, customise restorative responses that meet needs, and redistribute resources that support self-determination, especially among communities disproportionately impacted by historic and current sexual violence (Dolan, 2020; Pelsinger, 2019). Simultaneous foci on the *needs of the harmed party* and *their community*, rather than concerns about legal compliance or liability, are a critical component of transformative justice (Méndez, 2020). Transformative justice also requires an ongoing analysis of institutional power dynamics, such as Title IX mirroring the criminal legal system that marginalises at the intersections of gender non-conforming, queer and trans students of colour (Méndez, 2020).

Macro-level. Since the changes to U.S. federal law governing CSA in 2020, restorative justice is now explicitly allowable as an informal resolution to incidents of CSA (U.S. Department of Education, 2020a). As a result of activism by groups such as the #MeToo movement and significant changes in federal law governing Title IX (U.S. Department of Education, 2020b), there has been an exponential growth of restorative justice in university student conduct policies, which can lend support for expanding restorative justice to include restorative resolutions for CSA (Cardoza, 2018; Karp, 2019).

Transformative justice is a decentralised, non-coercive framework for addressing sexualised harm that is implemented in a bottom-up manner, versus top-down (Pelsinger, 2019). This facilitates implementation because transformative justice does not require a formal authority or change to policy; willing members of the campus community can practise it. Because of its roots in historically marginalised communities whose experiences of harm have often been compounded

by oppressive sociopolitical structures, transformative justice emphasises centring the voices of communities impacted by sexual harms (Ryerson, 2018). Rather than rely on institutions that may cause further harm, transformative justice practitioners have designed healing and accountability processes, with limited resources, to promote human flourishing, especially among communities marginalised by settler-colonial institutions, including institutions of higher education (Méndez, 2020). Transformative justice's responses to violence are also preventative (BCRW, 2015; Froio, 2020). The transformative justice literature emphasised the prevention of sexual harm by addressing the campus culture of silence that allows these harms to be perpetrated on an ongoing basis (Froio, 2020; Maddie, 2014; Méndez, 2020; Pelsinger, 2019). The emphasis on prevention provides pathways to transformative justice implementation without the pressure of responding to a specific recent incident of harm. Instead, there is time to build community connections to facilitate accountability processes within that community.

3.4 Recommendations for implementing restorative justice and/or transformative justice for CSA

Recommendations for the implementation of restorative justice ranged from the need for individual-level trauma-informed care to the meso-level importance of a whole campus approach. Table 1 includes a summary of recommendations.

Table 1 Recommendations: restorative justice and transformative justice for CSA

Level of Intervention	Focus of Intervention	Recommendation	Source(s)
Micro	Harmed Parties	 Build trauma-informed restorative justice process (e.g. voice and choice; communication and transparency; addressing safety needs; concerns such as mental health; focus on safety) 	Barone, 2016; Brenner, 2013; Brock University, n.d.; Brodsky, 2016; Gentile, 2018; Lopez et al., 2020
Micro	Responsible Parties	 Focus on recognising harms and meeting obligations for repair Balance accountability and support Work with local prosecutor's office to reduce likelihood of punitive responses to acceptance of responsibility 	Coker, 2018; Kaplan, 2016; Orcutt et al., 2020; Paterson, 2018

Table 1 (Continued)

Level of Intervention	Focus of Intervention	Recommendation	Source(s)
Micro/Meso	Harmed Parties & Responsible Parties	 Provide extensive preparation of the parties Carefully consider and articulate confidentiality requirements 	Khadaroo, 2017; Koss & Lopez, 2018; Lopez et al., 2020; Paterson, 2018
Meso	Campus Community, Personnel, & Policies	 Assess for institutional readiness for restorative justice by engaging many stakeholders Institute clear procedures for reporting, intervention and accountability Invite community participation in defining restorative justice intervention protocols Include options for restorative sentencing circles; CoSAs for returning students, etc. Provide multiple resolution options, as restorative justice not always appropriate Allow parties to return to formal resolution if restorative justice process fails Remember that restorative justice is a strictly voluntary process Integrate restorative justice into intersectional, whole campus response to CSA Integrate restorative justice into CSA prevention efforts Make transformative justice accessible through easily understandable campaigns 	2016b, 2018; Dolan, 2020; Gentile, 2018; Harper, Maskaly, Kirkner & Lorenz, 2017; It's On Us, 2019; Karp, 2017; Karp, 2018, 2019; Keys, 2019; Kirven, 2014; Koss & Lopez, 2014, 2018; Koss et al., 2014; Lopez et al., 2020; McMahon et al., 2019; UAWG-RISV, 2018;

Table 1 (Continued)

Level of Intervention	Focus of Intervention	Recommendation Source(s)	
		 Engage with transformative justic practices to learn the philosophy 	
Macro	Research & Evaluation	partnerships betwee	nity 2018; McMahon et al., 2019 e s

The California Coalition Against Sexual Assault (2020) suggests introducing transformative justice using easily understandable information. Others have suggested that the best way to learn about transformative justice is to engage with the philosophy in practice (Dolan, 2020). There are also calls for community-research partnerships for reparative and transformative justice responses (Boutilier & Wells, 2018). As grey literature sources (e.g. brief articles, blog posts), authors do not specify details of these key points.

4 Discussion

This scoping review identified and synthesised academic and grey literature regarding transformative justice and restorative justice as philosophies and practices to prevent and address CSA. We were especially interested in outcomes and barriers and facilitators to their implementation on college campuses.

4.1 Strengths and limitations

Strengths. Common to both the restorative justice and transformative justice results from this study is that a genuinely restorative response to CSA is not merely a college or university programme but an invitation to challenge racialised, colonised assumptions about the dynamics of CSA. Both restorative justice and transformative justice literature highlight the need to focus on working with the community to (re-)build campuses in ways that centre care and meaningful accountability, creativity in agreements and clarity of purpose and honour the needs of all harmed parties, including those who experience daily, routine and ongoing structural and historical harms (Méndez, 2020).

Limitations. It is important to note that transformative justice practitioners have created extensive recommendations for using transformative justice, but because they do not specify the use of transformative justice for CSA, owing to exclusion criteria these sources were not included in this scoping review (see Creative Interventions, 2021; Kaba & Hassan, 2019 for examples).

Gaps in the literature. There are significant gaps in the literature that future studies should address: lack of specified outcomes, how to measure them, implementation steps and empirical data on both experiences of survivors and those responsible for harms and general interest in these interventions.

4.2 Implications for research and practice

Given the identified gaps, several areas are ripe for creative practice and research: (a) intersectional approach, (b) working with the community, (c) advocating for resources and (d) tending to power in practice and research. These implications are also summarised in Table 2.

Tabel 2 Restorative justice and transformative justice for CSA: implications of the review for practice, policy and research

Theme	Issue	Implication(s)
PRACTICE		
Intersectional approach	Lack of intersectional analysis of CSA as it relates to racism and other forms of socially constructed narratives that perpetuate bias and harm, with only a limited number of sources utilising this framework (Brenner, 2013; Coker, 2016a, 2018; Keys, 2019).	A robust intersectional approach, including an explicit focus on racism, is required in order to ensure that restorative justice implementation processes do not reinscribe power over dynamics.
Work with the community	Creative, community-based responses to preventing and addressing sexual violence have been developed by people of colour, especially women, trans and queer BIPOC communities, exemplified by the work of groups such as INCITE!, Creative Interventions, and GenerationFIVE (Turner, 2020).	restorative justice and transformative justice practitioners. Transformative justice projects
Advocate for resources	Need to move resources (funding, personnel, training, etc.) to the people and places they are needed most in order to truly design restorative campus responses to CSA that centre healing, equity and care.	Restorative justice practitioners should seek out partnerships with transformative justice advocates in order to address the conditions that allow for CSA to occur.

Tabel 2	(Continued)	
Theme	Issue	Implication(s)
POLICY		
Voluntary process	The importance of ensuring that restorative justice is voluntary for all parties has been repeated throughout the literature (Barone, 2016; Brenner, 2013; Boise State University, 2019; Boutilier & Wells, 2018; Kaplan, 2016; Karp, 2018; Kirven, 2014; Koss et al., 2014; Paterson, 2018; University of Illinois at Urbana-Champaign Committee on Faculty Sexual Misconduct [UIUC-CFSM], 2019).	In order to ensure the efficacy and ethical nature of restorative justice for CSA, institutions should craft policies that underscore the importance of voluntariness in all restorative justice processes.
RESEARCH		
Meaningful partnerships	Need to increase the empirical knowledge base about the benefits of restorative justice (Kaplan, 2016) and transformative justice for CSA	Convene community-research partnerships for restorative justice and transformative justice responses to CSA (Boutilier & Wells, 2018)
	Restorative justice and transformative justice processes for CSA can be investigated for efficacy (Orcutt et al., 2020).	Utilising a critical framework, collaborate on research in ways that allow for connection and care for persons amidst the social inequities that shape all CSA-related processes, including those that are intended to be restorative.
Tending to power dynamics in	Power differences, especially those based on positionality, impact not only practice but also research on	Research and practice partnerships must tend to power, as informed by practice, with a focus on building

4.2.1 Intersectional approach

restorative justice and

transformative justice for CSA.

research

Critically, in the restorative justice literature, there is a lack of intersectional analysis of CSA as it relates to racism and other forms of socially constructed narratives that perpetuate bias and harm, with only a limited number of sources utilising this framework (Brenner, 2013; Coker, 2016a, 2018; Keys, 2019). Future studies should evaluate restorative justice processes with people who embody positionalities under-represented in higher education to determine culturally relevant approaches. This would also reveal institutional barriers and facilitators to addressing CSA as intersectional and holistic. A robust intersectional approach is required to expand restorative justice work that addresses CSA.

power-with structures.

4.2.2 Working with the community

Creative, community-based responses to preventing and addressing sexual violence have been developed by people of colour, especially women, trans and queer BIPOC communities, exemplified by the work of groups such as INCITE!, Creative Interventions and Generation FIVE (Turner, 2020). To effectively end CSA, the

wisdom and experiences of these community leaders are needed among campus restorative justice and transformative justice practitioners. Transformative justice projects hosted at Brown University and Michigan State University are two notable examples of the bridging work needed between campuses and communities to repair and prevent CSA (Community Dialogue Project, n.d.; Méndez, n.d.). Restorative justice practitioners should seek partnerships with transformative justice advocates to address the conditions that allow CSA to occur. Likewise, researchers concerned about the most effective ways to implement restorative responses to prevent and address CSA may join calls for convening community-research partnerships for transformative justice responses (Boutilier & Wells, 2018) and increase the empirical knowledge base about the benefits of restorative justice for CSA (Kaplan, 2016). CSA's restorative justice and transformative justice processes can be investigated for efficacy (Orcutt et al., 2020) within a critical framework that allows for recognition, connection and care for persons amidst the social inequities that shape all campus processes, including those that are intended to be restorative.

4.2.3 Advocating for resources

These creative partnerships present opportunities to move resources (funding, personnel, training, etc.) to the people and places where they are needed most to truly design restorative campus responses to CSA that centre healing, equity and care. Researchers and practitioners are obligated to educate campus administrators on practices for preventing and responding to CSA that are intersectional and holistic (McMahon et al., 2022).

4.2.4 Voluntary process

The literature reviewed was most consistent on the voluntariness of restorative and transformative justice for CSA. This is particularly salient for campuses unfamiliar with the victim as a key stakeholder in the process. To ensure voluntary participation, it is critical that harmed parties understand all of their options, receive support to identify their needs, and select a process that will meet those needs.

4.2.5 Meaningful partnerships

In some restorative justice for CSA programmes represented in this scoping review, the importance of restorative justice partnerships among campuses and local communities is acknowledged as an integral aspect of creating conditions for meeting the needs of the harmed party, person responsible and impacted parties in the aftermath of CSA. This network of care could also be supported with research to amplify what works (Boutilier & Wells, 2018).

4.2.6 Tending to power in practice and research

Finally, these research and practice partnerships themselves must manage to power, as informed by practice, focusing on building *power-with* structures. A power-with focus aligns with transformative justice values and practices, includes an intersectional and holistic approach and addresses root causes.

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