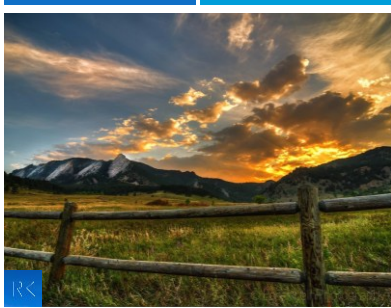


RESTORATIVE JUSTICE FOR SEXUAL HARM: WHEN IS IT THE RIGHT PATHWAY?

Massachusetts Dept. of Higher Education
April 29, 2025

RK Resolution

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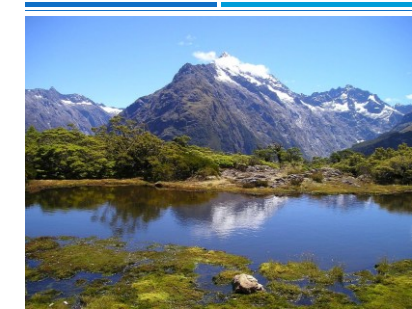
Rachel King, Ph.D.
(she, her)

Restorative Justice
Practitioner

- Title IX
- Bias Incident Response
- Behavioral Intervention
- Student Conduct

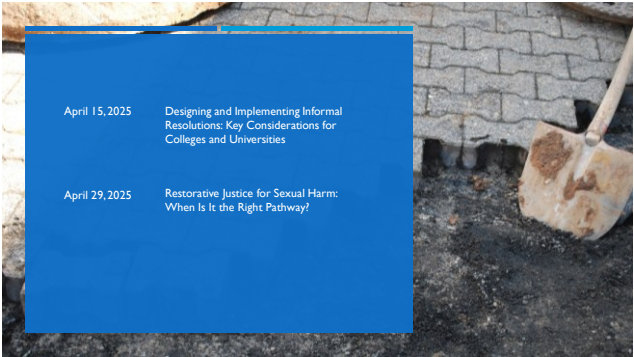
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April 15, 2025 Designing and Implementing Informal
Resolutions: Key Considerations for
Colleges and Universities

April 29, 2025 Restorative Justice for Sexual Harm:
When Is It the Right Pathway?

4

AGENDA

Restorative Justice

Recap: Key Considerations

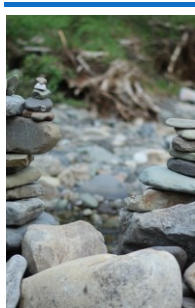
Assessing for Fit

Common Obstacles

Q & A

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Appreciate

Varying ways restorative
processes can be utilized in
response to college sexual
misconduct



Reflect

Elements informing the
appropriateness of a
restorative justice process in
specific instances of sexual
misconduct on campus

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ROLE OF RESTORATIVE JUSTICE

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- # RETRIBUTIVE JUSTICE SYSTEM

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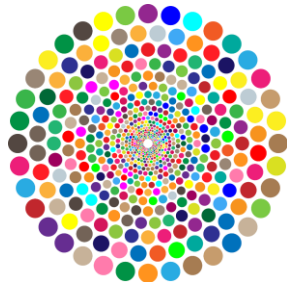
- What is the harm?
- What needs to be done to repair the harm?
- Who is responsible for this repair?

Adapted from H. Zehr (2002)

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- Origins of Circles
- Variations in process and purpose
- Set of principles and values

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Julvan & Durham (Communities for Restorative Justice)

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CAMPUS APPROACHES

Direct Communication, Facilitated Dialogue

Circle processes, Conferencing

Shuttle Diplomacy, Collaborative Resolution

Restorative Agreement Creation

Psychoeducation with Restorative Approach, Workshops

Reintegration and CoSAs

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SYSTEM
CONSIDERATIONS
&
DECISION POINTS

Types of Resolution

Facilitator Selection

Discretion

Federal and State Laws

Policy and Procedures

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SYSTEM
CONSIDERATIONS
&
DECISION POINTS

Notice

Participant Agreements

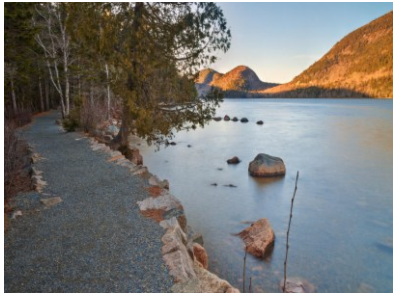
Participants

Transparency and Confidentiality

Resolution Agreements

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ASSESSING FOR FIT:

When is restorative
justice for sexual harm
the right pathway?

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ASSESSING FOR FIT

Degree of Consensus

Complainant Needs

Voluntary

Safety

Risk of Revictimization

Procedural Flexibility

Optics

Avoiding Bias

Disciplinary Records

Informal Resolution Records

Process and Facilitation

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DEGREE OF
CONSENSUS

Do the parties need some level of
agreement about what occurred?

Weight of discrepancies assigned by
participants

Impact on potential outcomes

Respondent perception of report

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What would the complainant like to achieve as a result of a resolution process?

COMPLAINANT NEEDS

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NEEDS

- Sense of safety
- Validation
- Agency
- For impact to be heard
- Deeper understanding of what transpired
- Accountability
- Trust
- Respect
- Behavior to not recur

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VOLUNTARY

Is there interest from both parties to address a matter through a restorative process?

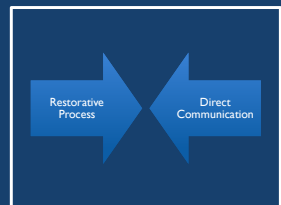
- Informed consent
- Free of pressure or coercion
- Role of advocates, confidential resource providers

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SAFETY

- Physical and emotional safety
- Complainant healing
- Power dynamics
- Preparation
- Assessment
- Collaboration



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Assessing for:

- Acceptance of responsibility
- Openness to acknowledging impact
- Minimization
- Victim-blaming
- Ability to adhere to expectations during process
- Openness to deepening understanding
- Desire to repair harm

RISK OF REVICTIMIZATION BY RESPONDENT

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PROCEDURAL FLEXIBILITY

Are there restrictions based in law or policy that prohibit using restorative justice in particular circumstances?

- Party roles (employee, student)
- Location of the incident
- Nature of the charge
- Type of informal/adaptable resolution process (e.g. mediation)

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Are there community perceptions regarding RJ or “informal” resolution that are influencing its specific use and require attention?

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AVOIDING BIAS

- Offering resolution options impartially
- Broad discretion can risk bias in eligibility
- Affiliations, identities, disciplinary history



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DISCIPLINARY RECORDS

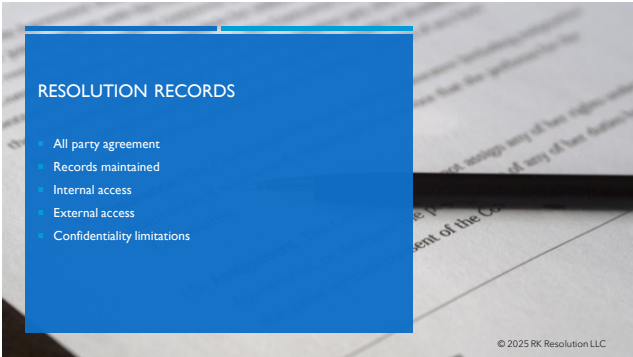
Does the complainant value the respondent having a disciplinary record?

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RESOLUTION RECORDS

- All party agreement
- Records maintained
- Internal access
- External access
- Confidentiality limitations



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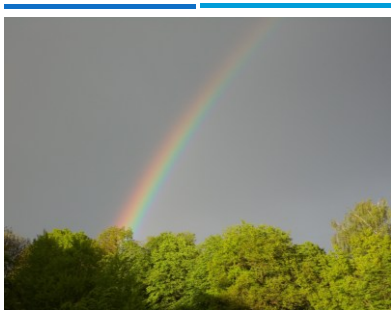
TYPE OF PROCESS



FACILITATION CAPACITY

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OBSTACLES & SUCCESSES

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FAQS

What happens if...

- One party "changes their mind?"
- There are concurrent legal charges?
- Privacy and community/social impact is a factor?
- There is disagreement of support person selection, participation?
- Different opinions exist re. restrictions on contact?

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QUESTIONS

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Featured Resources



Designing and Implementing Informal Resolutions: Key Considerations for Colleges and Universities



Assessing for Informal Resolution Opportunities in Domestic and Dating Violence, Sexual Assault, and Stalking Cases

victimrights.org/training

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