



# Policy Brief Series

RETHINKING POLICY ON GENDER, SEXUALITY, AND WOMEN'S ISSUES

## ADDRESSING SEXUAL VIOLENCE, RESHAPING INSTITUTIONS, ACHIEVING JUSTICE: *Shelter, Intersectionality, and Sexual Harassment Policy*

FOR CSW'S 2017-2018 POLICY BRIEF COMPETITION, we invited submissions that imagine alternative ways of addressing sexual violence and achieving justice, in contrast to policies that simply react to individual incidents after the fact, usually through carceral or punitive measures that further jeopardize already criminalized populations. We asked: how can we think of sexual violence as not a stable or monolithic category, but differentiated by citizenship, race, sexuality, gender, and class? What might an intersectional, abolitionist practice of policy making around sexual violence look like?

The three winning submissions by Cristina Hunter O'Leary, Domale Dube Keys, and Elise Wallis address these questions by powerfully highlighting the intersectional nature of sexual violence and offering recommendations for systemic institutional change. Hunter O'Leary engages the endemic nature of **sexual violence in immigration detention facilities**, particularly those that are privately run, where the vast majority of abuses reported are not even investigated. Keys critiques the punitive nature of **Title IX policies**, which, she observes, do not take into account past histories of sexual violence for both perpetrators and survivors, and also tend to criminalize and target racialized and gender non-conforming student populations. Wallis examines the conditions that limit the ability of **California's agricultural workers** to challenge sexual abuse in the workplace, particularly visa requirements that tie workers to one employer.

All of these briefs make clear that policies must take into consideration issues of race, class, and sexuality as well as gender if they are to adequately address sexual violence. Further, each brief identifies the state as an active participant, rather than a neutral entity, in enabling sexual violence by making possible the lack of accountability seen in each context. For example, Wallis's recommendation to change H-2A guest worker visa requirements to allow workers with abuse complaints to find another employer highlights the ways in which current immigration laws facilitate sexual violence by limiting workers' agency. Hunter O'Leary recommends mobilizing local governmental powers such as zoning regulations as a means to sanction facilities and creating a coalition of state officials and community organizers to mobilize against them. These strategies are applicable not only for addressing sexual violence within these facilities, but for challenging immigration detention altogether as a form of state violence. If we understand carcerality as not only the literal physical immobilization of people, but as an orientation toward punishment as a mode of social control, we can understand Keys's suggestion that colleges and universities implement restorative justice models to address campus sexual assault as an anti-carceral strategy against sexual violence. These briefs thus provide examples of policy that engages with, but is not entirely captured by, the state.



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# ADDRESSING THE EPIDEMIC OF SEXUAL ASSAULT IN CALIFORNIA'S IMMIGRATION DETENTION CENTERS

BY CRISTINA HUNTER O'LEARY



Otay Mesa Immigrant Detention Facility, a privately run facility near San Diego, CA that has one of the worst records of sexual violence among immigrant detention facilities in the United States. Photograph by Valeria Perasso, BBC World Service, <https://flic.kr/p/kYgCQR>.

*Thousands of immigrants are currently and mobilize local officials and advocating to form a coalition that will help being held in detention facilities nationwide. While the Trump administration successfully implement local, state, and continues to implement increasingly restrictive and severe immigration orders, monitoring and enforcement of private immigrants held in detention as they await immigration proceedings are at risk for sexual abuse in facilities where the majority of sexual assault allegations go uninvestigated.<sup>1</sup> While sexual abuse in immigrant detention centers is a nationwide problem, privately run detention centers have the worst record by far and the state of California hosts two of the most egregious offenders.<sup>2</sup> Recently passed California legislation is intended to enact stricter oversight over private detention centers at the state level, but neglects to address the nuances of private detention facilities in California or employ any sort of penalty provisions. The California Department of Justice needs to take a proactive stance*

**T**HERE IS AN UNCHECKED epidemic of sexual assault occurring in immigration detention facilities nationwide. In 2017, the national advocacy group Community Initiatives for Visiting Immigrants in Confinement (CIVIC) filed a federal civil rights complaint alleging extensive sexual assault and abuse in immigration detention facilities.<sup>3</sup> Data from the Department of Homeland Security's Office of the Inspector General indicate that between May 2014 and July 2016, there were 1,016 reports of sexual abuse filed by people in detention nationwide, and just 2.4% of these incidences were investigated.<sup>4</sup>

CIVIC found that the facilities with the worst records of sexual assault were all privately-run.<sup>5</sup> CIVIC analyzed calls made to the Immigration and Customs Enforcement (ICE) sexual and physical abuse hotline and found that two of the facilities with the worst records are in California – the Adelanto Detention Facility and the San Diego Contract Detention Facility, also known as the Otay Mesa Detention Center.<sup>6</sup> Private detention facilities in California hold roughly 3,700 people per day, including asylum seekers, green card holders, and people awaiting immigration hearings.<sup>7</sup> Women, the LGBTQ population, and gender non-conforming people are disproportionately at risk for sexual assault and abuse while in detention. In keeping with California's progressive values, the state has a duty to protect the most vulnerable, and establish more robust oversight and enforcement mechanisms for private detention facilities.

The Prison Rape Elimination Act (PREA) is the main mechanism in place to address sexual assault in detention facilities, and was expanded to include immigration detention facilities in 2012.<sup>8</sup> The PREA is intended to monitor and document sexual assault in federal, state, and local institutions.<sup>9</sup> However, sexual assault claims submitted to the federal oversight systems outlined by the PREA are largely ignored. While this is an ongoing national crisis, in California the situation is especially severe. Between 2000 and 2016, there were 4,500 complaints lodged with the Office of the Inspector General, originating from private detention facilities in California, yet only 45 were investigated – just 1%.<sup>10</sup> These incidents illustrate that the current ICE sexual assault hotline is little more than a superficial reporting mechanism, as calls made to the system do not result in any legitimate investigation.

Existing federal oversight mechanisms do not provide sufficient monitoring of privately run immigration detention centers. CIVIC found that private facilities have less government oversight than government-run centers, and most immigration detention contracts have no penalty provisions for failing to meet government standards.<sup>11</sup> Additionally, there are serious discrepancies regarding which facilities are subject to PREA standards, and the PREA standards themselves were drafted to allow for a range of compliance.<sup>12</sup>

The lack of federal oversight and the preponderance of the problem in California require the state government to take an active role in ending the epidemic of sexual assault. Though the state's powers are limited in regulating immigration, as such powers ultimately lie with the federal government, the state of California has a duty to protect

all persons residing within its borders. As a progressive leader, California must ensure the safety of all immigrants residing in the state's detention centers.

### CRITIQUE

California recently passed legislation to enact additional oversight over detention centers. The Dignity Not Detention Act (SB 29), which limits the expansion of private detention centers in California, was signed into law in 2017.<sup>13</sup> Under SB 29, no city, county, or law enforcement agency may enter into a contract with a private detention facility unless there was an existing contract in place by January 2018. SB 29 also makes private detention facilities subject to the California Public Records Act.<sup>14</sup> In addition, California's 2017 budget bill (AB 103) gives California's Attorney General power to monitor all California immigration detention facilities.<sup>15</sup> Among other provisions, AB 103 allots \$1 million per year over the next 10 years for an annual audit of each facility.<sup>16</sup>

While these measures indicate progress, they prioritize future investigation of the centers and do not establish any penalty provisions for detention centers with established or continuing records of sexual assault. State officials may be limited in their control over federal immigration facilities, but these facilities operate at the discretion of local officials and have operating contracts at the city and county level, giving local officials the potential for leverage. For example, the city of Tacoma, Washington recently utilized their local permitting and rezoning powers to limit the expansion of a local immigrant detention center.<sup>17</sup> The city successfully upheld their action in court.<sup>18</sup> The Mesa Verde Detention Facility and Adelanto Correctional Facility main-

tain contracts with the cities of Bakersfield and Adelanto respectively, and are therefore subject to local authorities.<sup>19</sup> However, the Otay Mesa Detention Center is a privately run and owned facility and is therefore not beholden to city or county officials in the same way as facilities with local contracts.<sup>20</sup> It is also the only detention facility in California currently able to expand under the restrictions imposed by SB 29, and yet has one of the worst sexual assault records in the country.<sup>21</sup>

These kinds of regulatory complications highlight the need for the state to prioritize not just local and state-level strategies, but a long-term strategy that advocates at the federal level for amending current contracting policies with private detention centers. Immigrants currently residing in federal detention need immediate access to reliable reporting mechanisms, and state, county, and local officials need to work together to ensure there are consequences for facilities that allow immigrants to be abused and assaulted while in custody.

### RECOMMENDATIONS

The practice of mass incarceration and detention is violent in nature, and the imposed hierarchy of prison systems fosters widespread abuse.<sup>22</sup> As such, **all efforts should be made at the federal level to end the detention of immigrants and forced separation of families as a national policy.** However, the current, aggressive federal immigration guidelines necessitate California taking the lead in addressing the unchecked sexual abuse occurring in private detention centers throughout the state. Potential consequences of the current system are made starker by the recent separations of immigrant families and the detention of thousands of

children. State Attorney General Xavier Becerra has been outspoken about the need for California to set a precedent for other states and his duty to protect all Californians.<sup>23</sup>

Under Becerra's leadership, the California Department of Justice is uniquely positioned to execute a more stringent statewide monitoring and enforcement system for private detention facilities but this will require a strategic, coordinated approach. To adequately protect immigrants residing in California's private detention centers, the state needs to employ a multilevel response that prioritizes both short-term protection for detainees, and a long-term strategy that advocates for limiting federal contracts with facilities that allow immigrants in their custody to be sexually assaulted.

To successfully curb incidences of sexual assault in California detention facilities, city and county officials must take into account reports of sexual assault and abuse of detained immigrants when negotiating detention facility contracts, and should implement a policy to terminate contracts with any facility that has unaddressed occurrences of sexual assault. The California Department of Justice should establish a sexual assault hotline for immigrants in detention as an alternative to the ICE sexual assault hotline. In addition to serving as a check on the federal system, a record of these calls and reports would be available to the California Department of Justice as part of the audit of detention facilities, and would be made available to local officials to inform contract reviews and negotiations.

To successfully implement these objectives, the California Department of Justice should convene a coalition that includes county and city officials

in regions that contract with detention facilities, and immigrant advocacy organizations and initiatives, such as California ACLU chapters, Freedom for Immigrants, Ready California, and community members from key constituencies.<sup>24</sup> The coalition would be crucial to enhancing enforcement and monitoring through the use of local contracts as an enforcement mechanism on private detention facilities, the successful implementation of a state-run monitoring system, and the mobilization of public pressure to support federal strategies.

County and city officials can leverage their existing contracts and re-zoning rights as enforcement mechanisms to ensure that facilities with uninvestigated sexual assault complaints are held accountable. Immigrant advocate organizations and community volunteers, such as Freedom for Immigrants and their members, have access to detention facilities and detainees through organized visitation networks.<sup>25</sup> They would therefore be able to share information about the state-run sexual assault hotline, and serve as a connection between detained immigrants and Department of Justice officials. Furthermore, the coalition would be able to mobilize public support and pressure of a long-term strategy to push the federal government to crack down on private detention facilities.

The California executive branch should formalize their support for a policy that eliminates Department of Homeland Security contracts with the most egregious offenders. The California Department of Justice should mobilize the coalition in appealing to members of the House Committee on Homeland Security to recommend this policy in its capacity as the oversight authority of the Department of Homeland Security.<sup>26</sup> With the House

of Representatives now in Democratic control, which includes taking control of the House Committee on Homeland Security, crackdowns on private contractors may well be in reach.<sup>27</sup> The Democrat-led committee will likely prioritize challenging President Trump's immigration policies and this would be an ideal time to push this national issue forward. The Department of Justice coalition would be key to garnering public support and pressure for this policy, specifically among the constituents of Representatives Nanette Diaz Barragán and J. Luis Correa, whose districts are mere miles from the Adelanto Detention Facility and who are both members of the Border and Maritime Security Subcommittee.<sup>28</sup>

Addressing the epidemic of sexual assault inside California's immigration detention centers will require coordinated action from California stakeholders, and creative strategies to fight a well-organized and well-funded private detention system. California is poised to be a national leader in the fight for immigrants' rights, but to do so, we cannot allow private detention facilities to violate the human rights of immigrants in their custody. Through well-managed strategies that enhance enforcement and monitoring of private detention facilities, and are responsive to the nuances of private detention contracting, California can pave the way for a stronger state-level system that protects immigrants as they fight to make the United States their home.



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na is interested in exploring the unique public health concerns that affect transient communities, such as refugee and immigrant families. She is committed to promoting gender equity, and to improving the sexual and reproductive health and rights of all people through evidence-based public health programs and social advocacy.

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# IMMIGRANT FEMALE FARMWORKERS IN CALIFORNIA NEED GREATER PROTECTIONS AGAINST SEXUAL HARASSMENT

BY ELISE WALLIS

*Immigrant female farmworkers in California and across the United States are highly susceptible to sexual harassment and abuse. An intersectional framework provides insight into the unique vulnerabilities facing this population. Comprehensive immigration reform, an overhaul of the H-2A program, and the implementation of initiatives like the Fair Food Program are needed to ensure adequate protections for workers and to encourage better reporting and monitoring of sexual harassment.*



A celery field near Los Alamos, California. Immigrant workers provide labor at such sites. Photograph by Carol Highsmith, Library of Congress, <https://www.loc.gov/item/2011634290/>

THE #METOO MOVEMENT shined a spotlight on the ubiquity of sexual harassment within Hollywood and propelled women in other sectors to voice their own stories of sexual abuse in the workplace. Among those who have come forward are immigrant female farmworkers, who remain extremely vulnerable to harassment of this kind.

In the United States, female farmworkers make up 28% of the agricultural workforce.<sup>1</sup> 80% of all farmworkers identify as Hispanic, with 68% of farmworkers hired in 2013-2014 born in Mexico.<sup>2</sup> Of the 2.5 million farmworkers, 47% did not have work authorization.<sup>3</sup> California is the nation's largest supplier of produce and is home to a substantial portion of the country's farmworkers.<sup>4</sup>

The occupational risks of farmworkers are well-documented and wide-ranging. Farmworkers typically perform intensive, laborious work in high heat and often work overtime without overtime pay.<sup>5</sup> Moreover, farmworkers earn meager salaries ranging from \$15,000 to \$17,499 per year, with female workers earning less than their male counterparts.<sup>6</sup> They also endure acute and chronic pesticide exposure, which is associated with respiratory and skin conditions, myriad cancers, and other diseases.<sup>7</sup> Despite the exceedingly high health risks, only 31% of farmworkers receive health insurance from their employer.<sup>8</sup>

On top of the occupational hazards,

the unequivocally male-dominated nature of agricultural work can have serious consequences for women. Supervisors and foremen, roles generally held by men, carry out important responsibilities, such as determining pay and the specific fields where farmworkers report—placing female workers in a subordinate and sometimes vulnerable position.<sup>9</sup> This combination of poverty-level wages, scant workplace protections, language barriers, and isolated and seasonal work opportunities fosters an environment for sexual harassment to flourish, as research indicates. A 2010 study found that 80% of the 150 Mexican female farmworkers interviewed in California's Central Valley reported experiencing some

form of sexual harassment.<sup>10</sup> Additionally, a 2012 Human Rights Watch (HRW) report indicated that nearly all female farmworkers interviewed said that they experienced sexual violence or harassment, or knew other workers who had.<sup>11</sup> The forms of sexual violence and harassment most commonly reported to HRW include unwanted touching, verbal abuse, and exhibitionism.<sup>12</sup>

An intersectional and feminist lens illuminates the complexity of addressing sexual harassment and abuse among immigrant female farmworkers. Intersectionality posits that social categories like gender, race, and class work together to create and exacerbate inequality.<sup>13</sup> In the context of the agricultural sector, the identities of being female, Hispanic, and low-income operate synergistically to ultimately widen the power differential between immigrant female farmworkers and their superiors in the workplace. Moreover, the additional layers of being undocumented, experiencing language barriers, not being informed of their rights, and living in a geographically isolated area further heighten their susceptibility to sexual harassment and hinder their ability to report these incidences.<sup>14</sup>

## CRITIQUE

Despite the fact that farmworkers are protected from workplace sexual harassment under Title VII of the Civil Rights Act of 1964, sexual harassment toward female farmworkers persists. Most notably, the existing immigration system augments the likelihood of sexual harassment and limits women from being fully protected. Specifically, the H-2A temporary guest worker program, which allows seasonal farmworkers to legally work in the United States, only autho-

rizes them to work for a single, specific employer.<sup>15</sup> H-2A workers rely on their employer for food, housing, and the ability to legally remain in the United States. If faced with harassment, guest workers have limited protections from abuse and must decide whether to withstand the harassment, return to their country of origin, or voice their concerns and risk retaliation.<sup>16</sup>

An effort to change the H-2A program was announced in May 2018 after Congress attempted, but failed, to overhaul the program in recent years. Through a joint statement, the secretaries of Agriculture, Labor, State, and Homeland Security announced that their departments are working to propose “streamlining, simplifying, and improving the H-2A temporary agricultural visa program - reducing cumbersome bureaucracy and ensuring adequate protections for U.S. workers.”<sup>17</sup> While agricultural industry groups have welcomed a more simplified approach to handling seasonal labor shortages, farmworker groups are concerned these changes could lead to increased exploitation of migrant workers.<sup>18</sup>

At the state level, recent legislation in California has attempted to curtail sexual harassment among farmworkers. Signed into law in 2014, SB 1087 required mandatory sexual harassment identification and prevention trainings for supervisory and non-supervisory employees as part of the farm labor contractor license renewal process. Going further, SB 295 was passed in 2017. It built upon SB 1087 by requiring that trainings are delivered to employees in a language they understand, along with instituting other training requirements.

Novel solutions, aside from legislation, have emerged in recent years. One of them is the Fair Food Program, a workplace-monitoring program created by

the Coalition of Immokalee Workers (CIW), a human rights organization established by farmworkers in southwest Florida. To take part in this program, major food retailers and buyers must agree to supplement farmworker wages by paying a premium for produce, and agree to purchase from growers who implement a code of conduct that bans sexual assault. The program also maintains a 24-hour bilingual worker complaint hotline, promptly investigates complaints, develops corrective action plans, and, if necessary, suspends a farm’s ability to sell to participating buyers. This system has demonstrated remarkable success with curbing sexual harassment and has been called “the best workplace-monitoring program” in the United States by *The New York Times*.<sup>19</sup>

## RECOMMENDATIONS

Comprehensive immigration reform is vital in order to reduce labor exploitation in its many forms, including sexual harassment and assault. More specifically, Congress should enact legislation that overhauls the H-2A temporary guest worker program to ensure stronger workplace protections and higher wages. Enacted legislation should also provide a grace period during which workers who have reported abuse can transfer their visas to another employer. Congress should also revamp the H-2A program to prohibit sexual harassment under the program and suspend employers that violate this policy for a designated period of time. Moreover, guest workers who have been in the United States for a certain length of time should be given the opportunity for permanent residence and be put on a path to citizenship. At the state and local level, more culturally-tailored safety net services are needed to connect immigrant female farmworkers with resources for pursuing justice.

Requiring farm labor contractors to complete sexual harassment prevention training is indeed a step in the right direction. But a two-hour annual training cannot remedy the fundamental power imbalance, inequities, and discrimination inherent in farm work in California. Programs and policies like the CIW's Fair Food Program that leverage market power and employ a systemic, intersectional approach should be viewed as a model for California and the nation.



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# RESTORATIVE JUSTICE FOR CURBING CAMPUS SEXUAL VIOLENCE

BY DOMALE DUBE KEYS



Restorative justice approaches can facilitate healing and have been shown to minimize the number of repeat offenses. Stock image.

*Forcible sex offenses represented 29% of all reported campus crime in 2015.<sup>1</sup> Current implementations of Title IX policies in higher education emphasize punitive responses to sexual assault rather than restorative methods which require counseling for affected parties. The tendency toward punishment neither attends to the needs of assaulted students nor of those perpetrating assault, and studies have shown that members of both populations are likely to have been assaulted in the past. Further, the use of campus law enforcement to address sexual assault reproduces racial, gendered, and sexual inequality that results in the disproportionate victimization, over-policing, and criminalization of people of color and gender non-conforming people.*

*Given that 69.7% of 14- to 17-year-olds in the United States have been assaulted, and of those, 27.4% have been sexually victimized, universities and colleges cannot ignore students' prior histories of abuse or how intersectionality shapes students' experiences of sexual violence.<sup>2</sup> This brief presents restorative justice approaches that aim to address these issues.*

**S**EXUAL VIOLENCE IS A MAJOR issue on college campuses across the nation. 23.1% of undergraduate college women and 5.4% of men experience rape or sexual assault.<sup>3</sup> Approximately one in ten graduate and undergraduate students experience rape at college.<sup>4</sup> There were about 8,000 police-reported cases of forcible sex offenses at colleges in 2015, a 262% increase since 2001.<sup>5</sup>

Negative stereotypes about people of color and gender non-conforming persons have placed them at a higher risk of both sexual abuse and accusations of campus sexual violence. For example, Black women, men, and gender non-conforming persons are often depicted as more promiscuous and thus sexually available than their white peers.<sup>6</sup> These stereotypes mean that they are more vulnerable to sexual violence. Studies show that Black women and gender non-conforming people of all races are more likely to be victims rather than perpetrators of sexual assault. Of a sample of Black college women, 37.6% had experienced rape.<sup>7</sup> Another study found 21% of transgender, genderqueer, or non-conforming undergraduate college students have been sexually assaulted twice.<sup>8</sup> Although high-profile cases of campus sexual assault often involve perpetrators who are

white men, Black men, who are often stereotyped as deviant or criminal, are more likely to face legal consequences for perpetrating sexual violence.<sup>9</sup> While schools are not required to disclose the identities of accused persons, we can extrapolate from studies undertaken within the population at large to estimate the impact on Black men. A nationwide study of arrests in the United States found that Black men represented a plurality of people arrested for sexual assault at 49%, while white men made up 38%.<sup>10</sup>

An additional problem with current approaches to sexual violence is the failure to deal with the cyclical nature of violence and trauma. Studies of college students who either perpetrated sexual violence or were victims of sexual violence found that many had prior experience with abuse as children.<sup>11</sup> One study found that college students who had survived childhood sexual assault were two to three times more likely than their peers to be assaulted in adolescence and at college.<sup>12</sup> Also, college men who were sexually victimized as children were twice as likely as non-victims to perpetrate sexual coercion as adolescents, which in turn increased their likelihood of sexually assaulting others during college.<sup>13</sup> Still, policy has failed to recognize violence as a cycle, and the ways that racism and sexism increase different demographic groups' experiences with the cycle of sexual violence.

### CRITIQUE

First instituted by the Office of Civil Rights (OCR) in 1972, Title IX prohibits sex discrimination, including sexual violence, in schools that receive federal funds. Over the years, various documents have attempted to clarify its meaning including the 2001 "Revised Sexual Harassment Guidance" and

the Obama Administration's "Dear Colleague" letters of 2011 and 2015.<sup>14</sup> These policies require that each school designate a Title IX Coordinator whose duties include "overseeing all Title IX complaints" and "addressing any patterns or systemic problems that arise during the review of such complaints." The language of these policies thus emphasizes the policing role of this position.<sup>15</sup> Furthermore, the preventive education that the policies suggest places students in the role of law enforcement by emphasizing that schools teach students how to identify and report sexual misconduct. According to the 2001 "Revised Sexual Harassment Guidance" currently in effect, training for students "can help to ensure that they understand what types of conduct can cause sexual harassment and that they know how to respond."<sup>16</sup> Similarly, the "Dear Colleague" letters suggest that preventive education can be squeezed into new student orientation programs, staff trainings, and "back to school nights," implying that the subject matter can be handled in a brief information session.<sup>17</sup> Title IX does not acknowledge the role that childhood sexual abuse can play in adult students' experience with sexual violence. Furthermore, these documents fail to address ways that race and other markers of one's identity have historically rendered certain groups more susceptible to sexual violence and conviction of sexual violence.<sup>18</sup> Current policies to curb campus sexual violence neglect students' needs to heal from past experiences of violence.

### RECOMMENDATIONS

Instead of emphasizing policing methods, Title IX should require an equitable restorative justice approach as an initial step to addressing cases of campus sexual violence before any punitive measures are pursued. A restorative

justice approach seeks answers to the following questions: Who was harmed? What needs contributed to the incidence? How can the harm be repaired, relationships repaired, and future harm avoided?<sup>19</sup> Interventions often take the form of counselor-facilitated healing circles with affected individuals to seek answers to these questions. While restorative justice approaches have been understudied, one study of sexual violence offenders found that the restorative justice approach minimized the number of repeat offenders.<sup>20</sup> Title IX should require that at least one Title IX Coordinator on each campus be a licensed counselor who can offer mediation and individual counseling to encourage healing for students who have directly and indirectly experienced sexual violence. Following the restorative justice approach, survivors should then have the option to pursue a punitive approach toward their assailant if that remains an interest.

Since over half of students were assaulted as children or teenagers, and childhood victimization has been found to be associated with experience of sexual violence as a perpetrator or victim, lawmakers should revise Title IX to mandate that Title IX Coordinators be charged with designing an anti-violence curriculum for the student body which consists of a two-course series for students' first year of college that challenges them to transform prior beliefs about violence.<sup>21</sup> The first course would focus primarily on sexual violence and address ways that experience with sexual violence as victim or perpetrator has been historically determined by certain identity markers like gender, race, and sexual orientation.<sup>22</sup> The second course would allow students to choose from a range of university-offered courses that address other types of violence, such as school mass shootings, to help students see how conditions which cause one

type of violence undergird other forms of violence.

Colleges have long missed the opportunity to offer students much needed healing from violence. Restorative justice must now be the fulcrum of any plan for addressing issues of campus sexual violence.



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