

## **The Use of Religious, Management, and Restorative Justice Models to Address Sexual Harassment in the Workplace**

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*Sexual harassment in the workplace continues to produce organizational, financial, and human costs. For survivors, the investigative process may be adversarial, often leaving the individual without a full sense of recovery. Organizations may not provide survivors with the ability to verbalize their feelings or seek closure by directly addressing the offender. In addition, the perpetrator may not have the opportunity to listen to the survivor or share their remorse for their actions. What if after the organization's investigation and the legal process were completed, both the survivor and the perpetrator engaged in a process that may lead to some healing and rehabilitation for the offender? This paper explores concepts found in various religious traditions, management concepts and restorative justice to offer such a process organizations may wish to consider. We propose a framework that extends beyond the tools in our human relations and legal system to offer survivors and offenders of workplace sexual harassment a possible path for healing, and perhaps, rehabilitation.*

*Keywords: rehabilitation, sexual misconduct, religious traditions, mental healing, ethical decision model*

## INTRODUCTION

Presume you are the victim of sexual harassment at work where your supervisor touches your behind as you walk past his desk. This has not been the first time; but you know it will be the last time. You report the supervisor's conduct to HR. Your supervisor is immediately put on a leave of absence while investigating the matter. You are told that the supervisor has been transferred to another office on a different floor within the business organization. You are further informed that they will be going through a series of trainings regarding sexual harassment, and any further complaints regarding their actions will probably result in his termination. The HR professional states that the company is sorry for this happening, and if they can be supportive by providing you some time off from work, a therapist, or other resources, please let them know. The HR representative then concludes, "Should you encounter the perpetrator, you should not engage him in any conversation. If he tries to contact you, please let the HR office know immediately."

While each sexual harassment situation and individual HR departments are different, yet, the basic concepts are generally similar: ask all involved not to speak to each other; separate the parties as quickly as possible, perform an investigation, and then take reasonable steps to protect the survivor from further harassment. In egregious situations, termination of the perpetrator may be warranted. In other cases, such as the one described above, the HR department may decide to reasonably remove the offender from having further contact with the survivor. Please note that there is no attempt to have the parties meet with each other – survivors are not given a chance to voice how they feel to the perpetrators and perpetrators are not allowed to potentially state sincere remorse. We are well aware that many survivors do not want to ever speak with a perpetrator, or that an offender may not feel remorseful. Nevertheless, if there was a process for both a willing survivor and a willing perpetrator to meet in a guided process of sharing, such a process could assist in the healing and closure for the survivor and, perhaps, a level of rehabilitation for the offender.

This paper will first present concepts of forgiveness and rehabilitation from several religious traditions. Concepts from Restorative justice will then be reviewed, followed by basic concepts found in management, such as voice and signaling. These resources will be the foundation upon which a willing survivor and the perpetrator will introduce a six-step mediation model to be used. This model, we believe, could help victims of sexual harassment to achieve a greater sense of closure and the possibility for rehabilitation.

### **Concepts of Rehabilitation and Forgiveness From Religious Traditions**

We reviewed several religious traditions regarding their concepts of forgiveness. We used general concepts from these traditions to develop a process that survivors and perpetrators could use to provide a survivor with closure/healing and a perpetrator the possibility of rehabilitation. We are aware that within these traditions are a multiplicity of strong beliefs, practices, and approaches, which we were unable to address in this short article. We choose to adopt broad generalizations to support our contention that the use of religious traditions is both a valid and meaningful addition to the discussion of rehabilitation and forgiveness.

#### *Hinduism*

Hinduism emphasizes three main concepts concerning forgiveness for harm an individual has committed: karma, dharma, and sacrifice (Yeolekar, 2019). These concepts serve as guides to all practicing Hindus who have done harm and wish to reenter the community. "Karma" is a concept that emphasizes the notion that all human actions have consequences and, that whatever consequences an individual faces because of his or her actions are deserved (Keown, 1996). Hindus believe in the concept of reincarnation or many lives. Accordingly, for Hindus, if an individual performs good deeds, he or she will be rewarded with a better life in the next life.

In contrast, if an individual engages in wrong behavior, he or she will not be rewarded in the next life and may be born with negative consequences, such as being poor or untouchable. India's caste system considers untouchables the lowest caste among all the castes (Keown, 1996). Hindus believe that the experience of tragedies and conditions of life are the result of karma (Smith, 1991).

“Dharma” delineates one’s duty in life. (Smith, 1991). If an individual does not fulfill their dharma or duty, they will be reincarnated or reborn as something inferior due to bad karma from not following their moral duty. For example, if a Hindu priest does not follow his dharma, in the next life he may be born as something other than human, such as an animal or an insect (Smith, 1991).

“Sacrifice” requires practicing Hindus to give up something they value to receive forgiveness from God. The sacrifice or restitution would bring the individual back into the fold of his or her faith and he or she would once again be right with God (Collins, 2014).

The aforementioned concepts only address the requirements of God’s forgiveness and do not address what individuals, who commit harm to others, must do to be forgiven by their victim(s) (Yeolekar, 2019). To address the issue of perpetrators of harm seeking forgiveness or providing restitution to victims, the subcategories of “kruna,” “shanti,” and “kshama” must be addressed (Yeolekar, 2019). “Kruna” is the idea of having empathy for those around you, and in this context, having empathy for the survivor or person the offender has harmed (Cornille, 2008). “Shanti” is the ability of an individual to find peace and realize the wrongdoing he or she has committed (Narayanan, 2006). “Kshama” is seeking victims’ forgiveness (Menon, 2003).

A rehabilitative framework in line with the traditional notions of Hinduism detailed above would require a wrongdoer of sexual harassment to achieve redemption through acknowledging his or her sin and praying for forgiveness. The individual would then have to engage in good acts, such as giving to charity or volunteering to benefit others. Ultimately, the perpetrator would need to sacrifice or give up something of value in order to be forgiven in the eyes of God. In addition to seeking forgiveness from God, the offender may also seek forgiveness from the victim.

### *Catholicism*

Catholicism bases its teachings of Jesus Christ and the Apostles (McGreevy, 2004). The Catholic tradition is based on the seven sacraments of baptism, reconciliation, Eucharist, confirmation, marriage, holy orders, and the sacrament of the sick (Reedy, 2019). Over time, the Catholic tradition, and its notion of the seven sacraments, have been reshaped by modern liberal traditions. For example, the concepts of democracy, human rights, and protection of labor have been incorporated into the tradition of the seven sacraments and provide a deeper foundational understanding of the Catholic faith and its sacraments (Holland, 2003). For purposes of this paper and creating a framework for addressing sexual harassment in the workplace, we focus on the sacrament of reconciliation.

Reconciliation consists of confession and penance (Holland, 2003). Reconciliation requires that individuals anonymously confess to a priest the sins they have committed (Reedy, 2019). When an individual commits sins, he or she is removed from God’s grace. Grace can be understood to constitute the pathway to restoration and repentance (Moore, 2020). Once an individual has confessed to a priest, he or she must engage in penances, which are strong suggestions, but not morally binding (Reedy, 2019.) The priest who hears the confession will assign tasks, such as visiting a holy site or engaging in prayers that the individuals must complete. The priest would then proscribe a form of penance that the perpetrator should follow in order to be forgiven and restored into God’s grace (Dallen, 1991). Once an individual completes confession and penance, he or she is reconciled and returns to receiving the grace of God (Dallen, 1991). Catholic reconciliation does not require inclusion of the survivor in the process, unless the priest gives a penance that involves asking the survivor for forgiveness (Dallen, 1991).

### *Buddhism*

Buddhism bases its teachings on the Four Noble Truths and The Eight-Fold Path, providing a passageway for attaining Nirvana. (Scalia, 2002). The Four Noble Truths teach that life is suffering, suffering is caused by craving (attachment), there is an end to suffering, and lastly, the means to that end is the Eight-Fold Path (Smith, 1991).

The Eight-Fold Path includes the Four Noble Truths and the Right Intention, Speech, Action, Occupation, Endeavor, Mindfulness, and Meditation (Smith, 1991). Essentially, Buddhism advocates a

balanced and moderate lifestyle revolving around cultivating the Eight-Fold Path through intense meditation and detachment from worldly desires (Smith, 1991).

We examine the concept of reconciliation and redemption through the First Noble Truth, which asserts that life is suffering (Smith, 1991). The Buddhist tradition aims to end suffering through forbearance and compassion (Smith, 1991). Compassion for Buddhists is a tool to ease suffering through empathy. Forbearance is the process of discontinuing causing suffering for both oneself and others. The Buddhist tradition holds perpetrators of harm to stringent standards to ensure that these individuals do not commit another crime or other inappropriate action again (Rye, 2000).

The Buddhist tradition differs from other religious traditions in that when an offender seeks reconciliation and desires to return as a member of the Buddhist community, the perpetrator must first confess in front of the community, including holy teachers (Enriquez, 2019). In this manner, the wrongdoer is acknowledged through a public confession, what he or she did was wrong, and due to the lack of anonymity, the perpetrator is held to a higher degree of accountability for his or her actions (Harris, 1997).

*Pali Canon* are ancient manuscripts which detail early Buddhist practices and are often used by Buddhists engaging in reconciliatory practices (Chodron, 2001). These manuscripts contain *The Text of Repentance* which outline four actions that may alter negative patterns of behavior: 1) be mindful of regret for the action, 2) refrain from the action, 3) take remedial action, 4) come up with a non-judgmental resolution for oneself to not repeat the action (Chodron, 2001). These steps demonstrate how Buddhist tradition focuses on *stopping* behavior through understanding. Once a wrongdoer understands his or her behavior, the individual is able to move towards stopping the behavior. When perpetrators stop their behavior, they move toward reconciliation (Chodron, 2001).

In Buddhism, the goal is not for the offender to attain forgiveness. Rather, the perpetrator should engage in steps to prevent his or her negative behavior from happening again (Rye, 2000). Buddhism places an emphasis on cleansing the body from impure thoughts and behavior rather than solely focusing on repenting for an individual's sins (Wong, 2006).

A rehabilitation framework based on traditional Buddhist concepts would require a perpetrator of harm to confess and acknowledge his or her wrongdoing in front of the Buddhist community (Wong, 2006). In addition, offenders should continue to study the Buddhist teachings found in the Four Noble Truths and Eightfold Path to detach themselves from the very emotions or feelings that caused them to engage in sexual misconduct towards the victim (Bodhi, 1991). As part of their practice of detachment, the perpetrator may engage in a Buddhist ritualistic practice such as Lament (Enriquez, 2019). The practice of Lament requires that a wrongdoer cleanse his or her body of sins to turn into a new being and begin their journey to redemption. During this cleansing, an offender should engage in the practice of detachment where the individual is attempting to rid themselves from harmful factors such as anger, greed, or lust that often play a role in crimes involving sexual misconduct (Wong, 2006). Detachment practices help to ensure that harmful behavior will not be repeated. In effect, the Buddhist model would aim to rid the perpetrator of these emotions (to prevent the sexual misconduct from occurring again) and move the perpetrator towards detachment from suffering (Enriquez, 2019).

### *Islam*

Muslims believe that an all-knowing God, Allah, revealed his teachings to Mohammed, God's prophet (Murata, 1994). To be a practicing Muslim, individuals must accept and engage in the practice of the five pillars (Esposito, 2011).

The first pillar affirms that there is no other God than Allah. The second pillar requires that Muslims engage in prayer, or *salat*. *Salat* delineates that practicing Muslims should pray five times a day by reciting God's word in the *Quran*, the foundation and major holy text of Islam (Smith, 1991). The third pillar requires Muslims to donate a portion of their tangible wealth to charity annually (Smith, 1991). The fourth pillar requires Muslims to fast from dawn to dusk during Ramadan, the ninth month of the Islamic calendar (Hussain, 2019). The last foundational pillar of Islam is to complete the pilgrimage to Mecca. Every concept in the Muslim faith is rooted in God, including forgiveness and reconciliation. In the *Quran*, God is referred to as the "Forgiver," showing that God's ultimate source of forgiveness is (Esposito, 2011). For example,

the verse, “For God is All-Forgiving, Most Merciful” (5:74) in the Quran explicitly demonstrates that Muslims must seek forgiveness for their sins from God (The Noble Quran, 2021).

A perpetrator of harm seeking to be rehabilitated must seek forgiveness from God (The Noble Quran, 2021). The offender would have to follow foundational Islamic principles such as praying five times a day and refraining from committing any crimes in the future. (Hussain, 2009). A perpetrator of harm must begin by detaching themselves from any factors or emotions such as lust or greed that may have caused them to commit inappropriate acts (Murata & Chittick, 1994). A wrongdoer needs to commit to fully stopping his or her wrong behavior. The individual must then disclose his or her inappropriate or harmful actions to the ‘Imam’ or consult a learned person to ask for advice (Hussain, 2019). Whomever a perpetrator of harm seeks counsel should give them advice regarding practices such as contributing to charity or reading specific verses of the Quran (Philpott, 2015).

### *Christianity - Protestant*

The Protestant faith began in northern Europe in the early 16<sup>th</sup> century as a reaction to medieval Roman Catholic doctrines (Chadwick, 2020). Similar to the Catholic tradition, it developed from Judaism and focused on the life and teachings of Jesus Christ (Chadwick, 2020).

A major difference between the Catholic and Protestant faiths revolves around the role of the priest in and during the process of forgiveness. In the Catholic faith, priests are authorized to hear confession and are given the power, by God, to forgive an individual for their transgressions (Stott, 2017). In the Protestant faith, confession tied to divine forgiveness is not uniform. In some congregations, confessing to a clergy member is not a shared aspect of the tradition and is not generally required. These Protestant communities often have communal confession during worship or gathering (Howard, 2019). For some other congregations, confessions are heard by members of the clergy. In the Episcopal tradition, for example, priests have the authority, by virtue of their ordination, to hear confession and forgive sins (Howard, 2019). These clergy can use their pastoral office to assure perpetrators of harm like God forgives those who repent while giving them guidance and direction (Fortune, 1988). Ultimately, each Protestant tradition has its own practices regarding sin and forgiveness, all sharing the understanding that God is a loving God who is always ready to forgive sin and welcome the sinner (Howard, 2019).

Protestant Christian scholars have also noted that there are many paths toward redemption (Fortune, 1988). For example, the notion of redemption and forgiveness for an individual’s sins can be understood through the concept of loving one’s neighbor (Smith, 1991). Christianity is driven by the principle of loving God and others, and individuals can achieve redemption from God (Howard, 2019).

In older traditional Christian theology, redemption is achieved through atonement, which Christians believe is the pardoning of sins through the crucifixion of Jesus Christ (Torrance, 2014).

Another path outlined in Protestant Christian texts is redemption through the act of prayer (The Book of Common Prayer, 1841). The prayer asking the Lord for wisdom says, “Because I am Him- and desire to always abide in Him. He has given me unto wisdom, and righteousness, sanctification, and redemption” (Corinthians 1:22-31) (The Book of Common Prayer, 1841). The central theme mentioned in all of the redemption methods is receiving God’s forgiveness (The Book of Common Prayer, 1841). “For with You there is loving kindness, and with You Lord there is abundant redemption...” (Psalms 130:7-8) (The Book of Common Prayer, 1841). There is, however, no specific formal process to achieve redemption (Fortune, 1988).

A Protestant framework for the rehabilitation of sexual offenders would likely include some form of confession, either to a clergy member or communally, depending on the particular congregation (Howard, 2019). In addition to the confession, perpetrators of harm must engage in some form of prayer or actions that demonstrate love for the community and people (Torrance, 2014).

### *Judaism*

The basic texts of the Jewish faith are the Hebrew scriptures, often known by those outside the Jewish Tradition as the ‘Old Testament,’ as well as various other texts such as the Mishnah (200 CE), the Babylonian Talmud (450 CE) and many subsequent texts (Grossman, 2011). While there are many

references to concepts of rehabilitation and forgiveness in the Jewish texts and faith, perhaps the most focused term would be the Hebrew term, Teshuvah. While the term is often associated with the Jewish High Holidays of Rosh Hashanah and Yom Kippur, Teshuva is synonymous with the notion of repentance, which one scholar considers as "...the remaking of a man's (person's) nature in the direction of righteous living" (Klein, 1979, p.176). The scholar concludes, "Teshuvah is the road to the healing of the spirit." (Klein, 1979, p.177).

The process of Teshuva is "much more than just repentance for sin, it is a spiritual reawakening, a desire to strengthen the connection between oneself and the sacred" (Steinsaltz, 1982, p.3). It requires more than just apologizing for an individual's transgressions. It is a multifaceted progression requiring spiritual, personal, and interrelationship development. An individual must engage intentionally and actively in working to not repeat his or her actions by actively breaking away from the past (Steinsaltz, 1982). "The moment of turning thus involves not only a change of attitude, but also a metamorphosis ... a departure from, a rejection of, and a regret for the past, and an acceptance, a promise of change in the future" (Steinsaltz, 1982, p.3)

Once Teshuvah has been fulfilled, the Jewish tradition allows true penitents to return to the community with the command that "it is forbidden to say to a penitent, "remember your former deeds" (Maimonides, 1937-1949, p.7). However, it is critical to note that Maimonides (a prominent medieval Jewish Scholar) stresses that Teshuvah is a most arduous process only achieved when an individual is, in effect, able to say: "I am another individual and not the one who committed those deeds," (Mishnah Torah, Hilchot Teshuvah, Section 4, 1995).

Thus, the Jewish faith, through Teshuva, does delineate a potential process for rehabilitation of perpetrators of harm that includes the wounded individual.

1. To begin the process of rehabilitation, an individual must make a confession of detailed responsibility to the survivor(s) without trying to reduce his/her culpability. In conversations with survivors of sexual misconduct and harassment, the lead author has asked them what they require to help facilitate their healing process. Survivors often disclose that their pain has been amplified by the prolonged silence or the fabricated statements the wrongdoer may have used to deflect the initial accusations or during the legal process. Many survivors want to know that the perpetrator acknowledges and actually 'names' the abuse, as well as truly feels remorse. Furthermore, many therapists assert that an offender cannot truly begin to heal himself or herself until that person is willing and able to verbally delineate the offense and take responsibility (Levine, 2000).
2. Once an admission has been made, the perpetrator must deeply listen to and understand the extent of the harm from the point of view. In the area of sexual harassment or sexual assault, the extent and length of the trauma must be heard and acknowledged by the perpetrator. Only then can the offender more fully begin to grasp the extent and the depth of the harm caused (Levine, 2000).
3. Once an understanding is reached as to the harm caused to the survivor, the wrongdoer should deliver reasonable restitution as requested by the survivor (Levine, 2000). The offender must ask the wounded individual what they need to help the healing process and perhaps to help the larger community more fully address this complex subject. This request will likely go beyond what the criminal or civil justice system has deemed appropriate repentance in terms of jail time or damages awarded. For example, there may be a demand for a public apology, financial commitment to help with therapy expenses, and perhaps involvement in community projects aimed at eliminating the sexual harassment environment that is too often present in many of our professions and industries.
4. Finally, the perpetrator must have changed to such a degree, that given the exact same circumstance, the offender would not engage in the sexual harassment or assault (Levine, 2000). During the Teshuva process, the perpetrator should begin to understand the magnitude of his or her abuse, its terrible impact, and experience a serious transformation. This rehabilitation happens after a serious journey of awareness that deeply touches his or her heart

and soul and ultimately leads to the development of a more responsible human being (Levine, 2000).

### **Restorative Justice**

Restorative justice is typically, and often best accomplished, through a cooperative process that includes all stakeholders (Center for Justice and Reconciliation at Prison Fellowship International, 2005). The restorative justice process has survivors and perpetrators of sexual assault and harassment voluntarily meet to discuss the crime and its impact. This is often referred to as victim-offender mediation (Stauffer, 2013). This process allows the survivor to meet with his or her offender in a safe and structured environment to discuss the crime with the assistance of a trained mediator or facilitator (Victim Offender Mediation, Ctr. For Justice & Reconciliation, 2019). While this is, by no means, designed to supplant the criminal justice system and its methods for handling sexual assault, restorative justice can provide a means for the wounded individual to come to peace with what has happened and move forward. Restorative justice can also be a means for the wrongdoer to ask for forgiveness and restitution for the crime he or she has committed. Restorative justice does require the perpetrator to admit guilt. If the perpetrator is willing, restorative justice may be a means to help the individual to atone for their crimes (Stauffer, 2013).

### **Adding Additional Concepts to Our Model From Management**

#### *Voice and Singling*

Organizational research suggests that ‘voice’ is a key concept for issues such as sexual harassment. Morrison (2011) defines “voice behaviors” as extra-role (discretionary), behaviors that communicate concerns, opinions, suggestions, or ideas about work-related issues that are intended to improve the organization. Furthermore, Schwartz and Wald (2003) suggest a link between ‘voice’ and the prevention of organizational crises.

From a signaling theory perspective (Spence, 1974; Thurow, 1975), organizational practices may represent clear manifestations and signals of the organization’s support for employees (Suazo et al., 2009), and victims may perceive these signals as employer’s concern for their well-being. If this is indeed the case, the practices may contribute to victims developing a sense of perceived organizational support (POS) (Eisenberger et al., 1986; Rhoades & Eisenberger, 2002), which is the perception about the extent to which an organization values their contribution and cares about the employee’s well-being. A significant body of research suggests that perceived organizational support influences employee performance and well-being.

### **Our Model That Promotes Closure and the Potential for Rehabilitation**

The HR process most organizations employ to investigate sexual harassment claims is adversarial. Victims generally leave with anything but a sense of support from the organization or closure regarding what has happened to them. The process also does not allow for perpetrators of sexual harassment the ability to atone for what they have done. Accordingly, our objective in the framework discussed below is to detail a model where organizations can address sexual harassment claims with a new set of lenses and frameworks, that draws upon the religious traditions discussed, management considerations, and restorative justice concepts. This new 6 step model may provide employees (both survivors and perpetrators) with a voice and closure during the sexual harassment investigation.

1. The process would begin by both a survivor and perpetrator agreeing to come together in a facilitator led mediated process, that would include an apology by the perpetrator and a sharing from the victim the harm the offender has caused to the wounded individual (Julich, 2010). The survivor should receive support before, during, and after this process. Support can be in the form of preparation for the mediation and counseling services for the victim (Julich, 2010). As noted in this article, not all victims are willing to engage with the person who caused them harm, and not all perpetrators are willing to admit guilt and listen to the extent of the harm they caused to another person. Restorative justice programs involving survivor-offender mediation must begin with the survivor having a desire to confront her perpetrator and engage in the mediation or facilitated conference (Victim-Offender Mediation: A National Perspective,

2000). The wrongdoer must also desire to meet with the survivor (Julich, 2010). This process cannot be forced on the victim/survivor or the offender, as a forced victim-offender mediation can result in significantly more harm than good.

2. The perpetrators of harm must take time to self-reflect and come to understand what factors, emotions, and circumstances caused them to engage in sexual misconduct against others before moving to the facilitator led mediation (Levine, 2000). Following self-reflection and understanding, individuals confess their acts of sexual misconduct to a third party to provide accountability (Levine, 2000). The perpetrator of the sexual misconduct must be willing to admit guilt for the harm caused by first confessing and then interacting with a religious leader and their tradition, or a trained facilitator in this process. The Catholic, Christian, Islamic, and Hindu traditions all focus on the need for confession of guilt to a clergyperson within their tradition. To eliminate any bias in the process of confession, such as knowing the priest or knowing what the penance will be in advance, a perpetrator should seek counsel from a member of the clergy that he or she does not know. The Protestant tradition regarding confession is not a uniform concept. In some congregations, confessing to a clergy member is a critical part of a reconciliation process while in other Protestant communities, personal confession is not generally required. Many Protestant churches have communal confession during worship or gathering (Howard, 2019). Beyond or in addition to confession, there is the path of redemption through the act of prayer (The Book of Common Prayer, 1841). The Buddhist tradition directs a perpetrator to confess in front of the community (Enriquez, 2019). The perpetrator states what he or she did that was wrong in a public fashion and thus will be held to a communal review of taking responsibility for his or her actions (Harris, 1997). The wrongdoer is required to turn away from distinct factors such as anger, lust, and greed that likely contributed to the offender's harmful actions (Murray-Swank, 2007). Once a wrongdoer understands his or her behavior, the individual is able to move towards stopping the behavior. When a perpetrator stops their behavior, they are moving toward reconciliation (Chodron, 2001). In Islam, the perpetrator of harm begins by detaching oneself from any factors or emotions such as lust or greed that may have caused them to commit inappropriate acts (Murata & Chittick, 1994). The individual must then disclose his or her inappropriate or harmful actions to the 'Imam' or consult a learned person to ask for advice (Hussain, 2019). Whomever a perpetrator of harm seeks counsel should give them advice regarding practices such as contributing to charity or reading specific verses of the Quran (Philpott, 2015).
3. Following confession to a third party, the perpetrator of sexual misconduct must acknowledge to the survivor what he or she has done, apologize, and vocalize his or her remorse (Levine, 2000). The clergy member or the trained facilitator will bring the survivor and the perpetrator together. For example, Hinduism might guide a perpetrator to the practices found in "kruna," "shanti," and "Kshama." (Yeolekar, 2019). Kruna is the idea of having empathy for the survivor. (Cornille, 2008). Shanti is the journey to find peace by recognizing the wrongdoing he or she has committed (Narayanan, 2006). Kshama is the act of seeking forgiveness from the victim (Menon, 2003). The perpetrator will then offer an apology and take responsibility for their actions, as they understand it. The first formal step in the Jewish tradition of Teshuva, repentance, requires an individual to apologize for his or her actions and take responsibility of causing harm to the victim/survivor. In doing so, it is also imperative that the perpetrator informs the victim that the incident was not the victim's fault. Due to these situations, victims are often resentful and confused as to why the incident happened, often blaming themselves incorrectly for actions outside their control. As a result, the victims also often struggle in intimate situations due to their past experience and the lack of closure. Thus, to properly allow the victim to heal and fully recover from these traumatic events, the perpetrator must apologize and take responsibility for their actions.
4. The perpetrator must also be willing to listen to the wounded individual explain the trauma that he or she has suffered. Through listening and acknowledgment, the goal is that perpetrators of



sexual misconduct will begin to understand the seriousness of the harm they have caused to their survivors (Levine, 2000). The clergy member or the trained facilitator will then ask the survivor to share their perspective of what happened, the pain, anger, feelings, and effect on their lives caused by the perpetrator's actions. The Jewish tradition requires face-to-face interaction, allowing the injured party's pain to be acknowledged as an essential part of the perpetrator's journey to repentance (Abramson, 2017). The perpetrator must sit and deeply listen to and understand the extent of the pain from the survivor's point of view and the depth of the harm caused (Levine, 2000). Organizational research suggests that 'voice' is a key concept for issues such as sexual harassment. Morrison (2011) defines "voice behaviors" as extra-role (discretionary), behaviors that communicate concerns, opinions, suggestions, or ideas about work-related issues that are intended to improve the organization. Furthermore, Schwartz and Wald (2003) suggest a link between 'voice' and the prevention of organizational crises. Organizational practices may represent clear manifestations and signals of the organization's support for employees and their well-being (Suazo et al., 2009).

5. The perpetrator must then ask the survivor what he or she needs to help heal from the wounds suffered at the hands of the wrongdoer. Following an admission of guilt and understanding of what the wounded individual has gone through, the facilitator will then ask the survivor what they want and need from the perpetrator in order to heal the wounded individual and potentially make him or her somewhat more whole than before. This could include restitution to the injured party, payment for counseling services, or volunteer work (Julich, 2010). In Hinduism, restitution would bring the individual back into the fold of his or her faith and he or she would once again be right with God (Collins, 2014). In the Jewish Teshuva process, this question allows the survivor to not only be a part of the process but provides potential solutions to help the injured part heal. Potential solutions may include a public apology, financial assistance with therapy for the victim, and volunteer work to eliminate sexual misconduct and harassment in the workplace and beyond (Levine, 2000). This step continues to support the importance of hearing the 'voice' of the survivor in determining the restitution required from the perpetrator. This process which elevates the victim's voice develops a sense of perceived organizational support (POS) (Eisenberger et al., 1986; Rhoades & Eisenberger, 2002), which demonstrates that the institution values the contribution of the employee to this process. Restorative justice can also be a means for the wrongdoer to ask for forgiveness and engage in restitution for the crime he or she has committed. Restorative justice does, however, require the perpetrator to admit guilt.
6. The clergy person or trained facilitator will then work with the parties to create a concrete plan, with reasonable goals and set dates and signposts to indicate that the plan is being implemented. The perpetrator must then take action to implement the mutually agreed upon actions (Levine, 2000). By providing oversight, the clergy or trained facilitator can potentially ensure that the perpetrator follow through with the actions they had promised to fulfill and thus move towards rehabilitation. Moreover, the clergy or trained facilitator should also provide support to the survivor before, during, and after the facilitator led mediated conference (Julich, 2010). Forms of support can include counseling services and checking in periodically with the victim (Julich, 2010). Support for the wounded individual assists in ensuring that he or she is able to move forward in their lives and heal. The second component of reconciliation from the Catholic perspective is penance. The priest would proscribe a form of penance that the perpetrator should follow to be forgiven and restored into God's grace (Dallen, 1991). The penance should include some actions in support of the survivor such as reaching out to the survivor, listening to the survivor, and showing remorse. In the Jewish tradition, this final step is categorized as: During the Teshuva process, the perpetrator should begin to understand the magnitude of his or her actions and its terrible impact, and ideally experience a serious transformation. The perpetrator must have changed to such a degree, that given the exact same circumstance, the offender would not engage in the sexual harassment or assault (Levine, 2000). Restorative

justice process or model requires support for the survivor before, during, and after the mediation or facilitated conference (Julich, 2010; McGlynn, 2004).

There are legal risks and complexities that should be seriously considered and understood when using the 6step model:

First, there may be legal risks. There is legal danger that accompanies a confession of responsibility. Offenders may worry that if they admit guilt to the survivor, that admission could be used against them in subsequent legal proceedings. Therefore, the rehabilitation process is often used after the legal process has run its course. Nevertheless, in conversations with survivors of sexual misconduct and harassment, the lead author has asked them what they require to help facilitate their healing process. Survivors often disclose that their pain has been amplified by the prolonged silence or the fabricated statements the wrongdoer may have used to deflect the initial accusations or during the legal process.

Second, bringing in clergy will make this process more complex. There is a loss of control when someone else is brought into rehabilitation. And what happens if the perpetrator wants to involve a clergy person from his or her tradition while the victim wants her or his clergy to be the facilitator. In addition, some religious leaders may have views regarding LBGTQ that could make this process challenging when it comes to religion and sexuality. At the same time, there are many positives, including the important inclusion of spiritual and moral dimensions in the process, which we believe can benefit the victim/survivor and the perpetrator/wanderer personally. In addition, an appropriate clergy facilitator may be able to guide the process so that the company may be viewed in a supportive role as it allows for the inclusion of faith-based traditions in the healing process.

This process changes the normal and safer procedure usually followed by HR departments. Once an employee files a sexual harassment complaint, the organization may investigate the claim and often, from the victim's perspective, the process is adversarial. While it may potentially "resolve" the issue or lead to litigation/settlement with the survivor, this process often leaves the survivor without a full sense of mental recovery or healing, both physically and mentally. Survivors are not necessarily provided with the ability to voice how they feel or to seek closure by directly addressing the perpetrator of the harassment. In addition, the offender may not have the opportunity to listen to the survivor or voice his or her remorse for their actions. Moreover, perpetrators are not provided with the ability to participate in a process that would allow them to repent for their actions and provide a means for rehabilitation. The authors' hope is that by allowing perpetrators of sexual harassment the opportunity to engage in a rehabilitative process, the number of sexual harassment claims in the workplace will decrease.

## CONCLUSION

With each religion we explored, applicable management concepts and restorative justice, we proposed a model and indicated the various sources to create our model. Repairing the damage done by these acts is best accomplished through a cooperative process that allows for all willing stakeholders to meet to discuss the harm and its impact (Stauffer, 2013). The model presented may assist survivors to express their pain, anger, and hardships, while helping a perpetrator to express remorse. Religious and secular traditions can provide both parties with tools and concepts to engage in an open and directed dialogue. We propose a 6-step framework that provides consenting survivors and offenders of workplace sexual harassment a path for healing, and perhaps, rehabilitation. These may also guide interactions between the parties. We direct this article at (1) those who are affected by workplace sexual misconduct and harassment, survivors and even wanderer/perpetrators; (2) professionals responding to these cases, including attorneys, human resource professionals, counselors, and therapists, and (3) those educating these future professionals. In addition, this model may be used to assist the restorative justice process, beyond or in addition to those available in our legal system.

We have no illusion that this model will be applicable in all situations; however, we hope that this paper will spark an important conversation in the workplace about the need, in sexual harassment cases, for a process that provides survivors and perpetrators the ability to enter into a dialogue to heal and move forward.

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## REFERENCES

- Abramson, H. (2017). *Maimonides on Teshuvah: the ways of repentance*. Jewish Common Studies.
- Baran, B.E., Shanock, L.R., & Miller, L.R. (2012). Advancing organizational support theory into the twenty-first century world of work. *Journal of Business and Psychology*, 27(2), 123–47. <https://doi.org/10.1007/s10869-011-9236-3>
- Belogolovsky, E., & Bamberger, P.A. (2014). Signaling in secret: Pay for performance and the incentive and sorting effects of pay secrecy. *Academy of Management Journal*, 57(6), 1706–1733.
- Birnbaum, P. (1964). *Encyclopedia of Jewish concepts*. Hebrew Publishing Company.
- Birnbaum, P. (1985). *Maimonides Mishneh Torah*. Hebrew Publishing Company.
- Blau, P.M. 1964. *Exchange and power in social life*. New York: Wiley.
- Bodhi, B. (1991). *The way to the end of suffering*. Retrieved from <https://www.accesstoinight.org/lib/authors/bodhi/waytoend.html>
- Bowker, J. (2002). *The Cambridge illustrated history of religions*. Cambridge University Press.
- Carey, B. (2017). Therapy for sexual misconduct? It’s mostly unproven. *N.Y. Times*.
- Center for Justice and Reconciliation at Prison Fellowship International. (2005). *What is restorative justice?* Retrieved from [www.pficjr.org](http://www.pficjr.org)
- Center for Justice and Reconciliation. (2019). *Victim offender mediation*. Retrieved from <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/victim-offender-mediation/#sthash.IRXNoZ4U.dpbs>
- Chadwick, O. (2020). *Protestantism*. Britannica. Retrieved from <https://www.britannica.com/topic/Protestantism>
- Chodron, P. (2001). *Start where you are: A guide to compassionate living*. Shambhala.
- Collins, B. (2014). *The head beneath the altar: Hindu mythology and the critique of sacrifice*. MSU Press.
- Connelly, B.L., Certo, S.T., Ireland, R.D., & Reutzel, C.R. (2011). Signaling theory: A review and assessment. *Journal of Management*, 37(1), 39–67.
- Cornille, C. (2008). Empathy and inter-religious imagination. *Religion and the Arts*, pp. 102–117. Retrieved from [https://brill.com/view/journals/rart/12/1/article-p102\\_6.xml?language=en](https://brill.com/view/journals/rart/12/1/article-p102_6.xml?language=en)
- Dallen, J. (1991). *The reconciling community: the rite of penance*. Liturgical Press.
- Donin, H.H. (1972). *To be a Jew*. Basic Books.
- Engel, B. (2017). Why don’t victims of sexual harassment come forward sooner? *Psychology Today*. Retrieved from [www.psychologytoday.com/us/blog/the-compassion-chronicles/201711/why-dont-victims-sexual-harassment-come-forward-sooner](http://www.psychologytoday.com/us/blog/the-compassion-chronicles/201711/why-dont-victims-sexual-harassment-come-forward-sooner)
- Enriquez, K. (2019, November). *Interview*.
- Esposito, J. (2011). *What everyone needs to know about Islam*. Oxford University Press.
- Fortune, M.M. (1988). *Forgiveness: the last step abuse and religion: When praying isn’t enough*. The Faith Institute.
- Fortune, M.M. (1992). *Is nothing sacred?* Harper Collins.
- Fortune, M.M. (2009). *Responding to clergy misconduct: A handbook*. Faith Trust Institute.
- Goodman, P. (1971). *The Yom Kippur anthology*. Philip Goodman ed.
- Gouldner, A. (1960). The Norm of reciprocity: A preliminary statement. *American Sociological Review*, 25(2), 161–78.
- Grossman, M. (2011). *The Oxford dictionary of the Jewish religion*. Oxford University Press.

- Guest, D.E., Sanders, K., Rodrigues, R., & Oliveira, T. (2021). Signalling theory as a framework for analysing human resource management processes and integrating human resource attribution theories: A conceptual analysis and empirical exploration. *Human Resource Management Journal*, 31(3), 796–818.
- Guzzo, R.A., & Noonan, K.A. (1994). Human resource practices as communications and the psychological contract. *Human Resource Management*, 33, 447–462.
- Harris, E. (1997). Detachment and compassion in early Buddhism. *Buddhist Publication Society*, 79. Retrieved from <https://www.what-buddha-said.net/files/library/leaves/bl141.pdf>
- Hegewisch, A., Hess, C., & Shaw, E. (2018). Sexual harassment and assault at work: Understanding the costs. *Institute for Women's Policy Research*. Retrieved from <https://iwpr.org/iwpr-publications/briefing-paper/sexual-harassment-and-assault-at-work-understanding-the-costs/>
- Hill, J. (2011). Grieving father seeks redemption, not revenge. *The Providence J.*
- Holland, J. (2003). *Modern Catholic social teaching: The popes confront the industrial age*. Paulist Press.
- Homans, G. (1961). *Social behavior: Its elementary forms*. New York: Harcourt, Brace & World.
- Howard, A. (2019, November). *Interview*.
- Huang, X., Vliert, E.V.D., & Vegt, G.V.D. (2005). Breaking the silence culture: Stimulation of participation and employee opinion withholding cross-nationally. *Management and Organization Review*, 1(3), 459–482.
- Hussain, A. (2019, October). *Interview*.
- Julich, S., Buttle, J., Cummins, C., & Freeborn, E. (2010). *Project restore: An exploratory study of restorative justice and sexual violence*. AUT U. Press.
- Keown, D. (1996). Karma, character, and consequentialism. *Journal of Religious Ethics*, 24(2), 334. Retrieved from [www.jstor.org/stable/40015213](http://www.jstor.org/stable/40015213)
- Klein, I. (1979). *A Guide to Jewish Religious Practice*, 176 (The Jewish Theological Seminary of America ed. based on Maimonides, Hil. Teshuvah 2:2).
- Koss, M.P. (2014). The RESTORE program of restorative justice for sex crimes: Vision, process, and outcomes. *J. of Interpersonal Violence*. Advance online publication. <https://doi.org/10.1177/0886260513511537>.
- Kurtessis, J.N., Eisenberger, R., Ford, M.T., Buffardi, L.C., Stewart, K.A., & Adis, C.S. (2017). Perceived organizational support: A meta-analytic evaluation of organizational support theory. *Journal of Management*, 43(6), 1854–84. <https://doi.org/10.1177/0149206315575554>
- Lewis, J. (2005). Herman, justice from the victim's perspective. *Violence Against Women*. Advance online publication. <https://doi.org/10.1177.1077801205274450>
- Liang, J., Farh, C.I., & Farh, J.L. (2012). Psychological antecedents of promotive and prohibitive voice: A two-wave examination. *Academy of Management Journal*, 55(1), 71–92.
- Madsen, K. (2004). Mediation as a way of empowering women exposed to sexual coercion. *NORA-Nordic J. Feminist and Gender Research*. Advance online publication. <https://doi.org/10.108/08038740410005776>
- Maimonides. (1937–1949). Chapter 7. In *The Mishneh Torah* (Moses Hyamson trans.) Feldheim Publisher.
- McGlynn, C., Westmarland, N., & Godden, N. (2012). I just wanted him to hear me: Sexual violence and the possibilities of restorative justice. *J.L Society*. Advance online publication. <https://doi.org/10.1111/j.1467-6478.2012.00579.x>
- McGreevy, J.T. (2004). *Catholicism and American freedom: A history*. WW Norton & Co.
- Mennonite Central Committee (MCC). (2001). Abuse response and prevention materials. *What is clergy sexual misconduct?* Retrieved from <https://abuseresponseandprevention.ca/clergy-sexual-misconduct/what-is-clergy-sexual-misconduct/>
- Menon, U. (2003). *Morality and context: A study of Hindu understandings*. Jaan Valsiner, et al. eds.
- Moore, D. (2020, January). *Interview*.
- Murata, S., & Chittick, W.C. (1994). *The vision of Islam*. Paragon House.

- Murray-Swank, A.B., McConnell, K.M., & Pargament, K.I. (2007). Understanding spiritual confession: A review and theoretical synthesis. *Mental Health, Religion & Culture*, 10(3), 279. Advance online publication. <https://doi.org/10.1080/13694670600665628>
- Narayanan, V. (2006). *Teaching religion and healing*. Retrieved from <https://hdl.handle.net/2027/heb.30784>
- Noble, J.J., & Geoffrey, A. (2008). *Managing accountability systems for police conduct: Internal affairs and external oversight*. Waveland Press.
- Oddie, G.A. (2009). *Hindu religious identity with special reference to the origin and significance of the term 'Hinduism'*. Routledge c. 1787–1947, 59.
- Panicola, M. (2001). Catholic teaching on prolonging life: Setting the record straight. *Hastings Center Report*.
- Philpott, D. (2015). *Just and unjust peace: An ethic of political reconciliation*. Oxford Scholarship Online.
- Roche, D. (2002). Restorative justice and the regulatory state in South African townships. *British Journal of Criminology*, 3, 518. Retrieved from <https://www.jstor.org/stable/23638879>
- Rousseau, D.M. (1989). Psychological and implied contracts in organizations. *Employee Responsibilities and Rights Journal*, 2, 121–139.
- Rye, M., et al. (2000). *Forgiveness: Theory, research, and practice*, 28 (Michael E. McCullough, et al. eds.).
- Samenow, S. (2017). The thinking processes of sexual predators. *Psychology Today*. Retrieved from <https://www.psychologytoday.com/us/blog/inside-the-criminal-mind/201712/the-thinking-processes-sexual-predators>
- Scalia, A. (2002). *God's justice and ours, first things*. Retrieved from <https://www.firstthings.com/article/2002/05/gods-justice-and-ours>
- Schwarzbaum, S.E., & Thomas, A.J. (2008). *Dimensions of multicultural counseling*. SAGE Publications INC.
- Shirley, J. (2006). Views of justice among survivors on historical child sexual abuse: Implications for restorative justice in New Zealand. *Theoretical Criminology*. Advance online publication. <https://doi.org/10.1177/1362480606059988>.
- Smith, S. (1991). *The world's religions: Our great wisdom traditions*. San Francisco: Harper.
- Stauffer, C. (2013). Restorative justice and system change. *Zehr Institute for Restorative Justice*. Retrieved from <https://emu.edu/now/restorative-justice/2013/05/02/restorative-justice-and-system-change/>
- Steinsaltz, A. (1992). *The thirteen petalled rose*. Jason Aronson Inc. ed., 162.
- Stott, J. (2017). *Confess your sins: The way of reconciliation*. WM. B. Eerdmans Publishing Co.
- Suazo, M., Martínez, P.G., & Sandoval, R. (2011). Creating psychological and legal contracts through HRM practices: A strength of signals perspective. *Employee Responsibilities and Rights Journal*, 23, 187–204.
- Suazo, M., Martínez, P.G., & Sandoval, R. (2009). Creating psychological and legal contracts through human resource practices: A signaling theory perspective. *Human Resources Management Review*, 19, 154–166.
- Suzuki, M., & Jenkins, T. (2020). The role of (self-)forgiveness in restorative justice: Linking restorative justice to desistance. *European J. of Criminology*. Advance Online Publication. <https://doi.org/10.1177/1477370819895959>
- The Noble Quran. (n.d.). Verse 5:74. Retrieved from <https://quran.com/>
- The Stern Report. (2010). *UK government equalities office*.
- Torrance, T.F. (2014). *Atonement: the person and work of Christ*. IVP Academic.
- Umbreit, M.S., & Greenwood, J. (2000). Guidelines for victim-sensitive victim-offender mediation: Restorative justice through dialogue. *Ctr. for Restorative Just. & Peacemaking*. Retrieved from [https://www.ncjrs.gov/ovc\\_archives/reports/96517-gdlines\\_victims-sens/ncj176346.pdf](https://www.ncjrs.gov/ovc_archives/reports/96517-gdlines_victims-sens/ncj176346.pdf)

- Valenzuela, A., Bonezzi, A., & Szabó-Douat, T. (2019). What goes around, comes around: How beliefs in karma influence the use of word of mouth for self-enhancement. *Journal of the Association for Consumer Research*, pp. 490–502. Retrieved from <https://www.journals.uchicago.edu/doi/pdf/10.1086/699567>
- Veronica Shepp, M.A., Erin O’Callaghan, M.A., & Ullman, S.E. (2019). *Interactions with Offenders Post-Assault and Their Impacts on Recovery: A Qualitative Study of Sexual Assault Survivors and Support Providers*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7375443/>
- Wong, D.B. (2006). *The meaning of detachment in Daoism, Buddhism, and Stoicism*. Global Scholarly Publications.
- Yeolekar, M. (2019, October). *Interview*.
- Zhou, X., Liao, J.Q., Liu, Y., & Liao, S. (2017). Leader impression management and employee voice behavior: Trust and suspicion as mediators. *Social Behavior and Personality: An International Journal*, 45(11), 1843–1854.
- Zucker, D.J. (2015). The ages of the patriarchs/matriarchs: A preliminary study. *Jewish Bible Quarterly*, 43(1), 51. Retrieved from [https://jbnqnew.jewishbible.org/assets/Uploads/431/jbnq\\_431\\_zuckerages.pdf](https://jbnqnew.jewishbible.org/assets/Uploads/431/jbnq_431_zuckerages.pdf)