

Restorative Justice for non-academic infractions at the University of Victoria:

Learning from other institutions

by

Tanissa Martindale

Bachelor of Exercise and Sport Science, University of Manitoba, 2002

A final project report submitted in partial fulfillment

of the requirements for the degree of

MASTER OF ARTS IN DISPUTE RESOLUTION

in the Faculty of Human and Social Development

School of Public Administration

University of Victoria

May 2012

Restorative Justice for non-academic infractions at the University of Victoria:

Learning from other institutions

by

Tanissa Martindale

Bachelor of Exercise and Sport Science, University of Manitoba, 2002

**Supervisory Committee**

Dr. Lyn Davis, Supervisor and Departmental Member

Dispute Resolution - School of Public Administration - University of Victoria

Gillian Lingdquist, Client

Program Coordinator – The Victoria Restorative Justice Society

Jerry McHale, Second reader

Faculty of Law and the School of Public Administration

## Executive Summary

Restorative justice is an alternative dispute resolution mechanism focused on accountability, dialogue between affected parties, and collaborative problem-solving. Currently, only two post-secondary academic institutions in Canada offer restorative justice services to address cases of student misconduct on campus. The University of Victoria became the third Canadian academic institution to offer restorative justice services when the Judicial Affairs Office (JAO) signed a Memorandum of Understanding with the Victoria Restorative Justice Society (VRJS) in October of 2011. The intent of the Memorandum was to guide the referral of certain non-academic student misconduct cases to the VRJS for restorative justice measures.

The VRJS engaged the researcher to conduct a study to: (a) gather information regarding restorative justice, student conduct administration, and current restorative processes on university and college campuses in North America and (b) inform the effective implementation of restorative justice services at the University of Victoria. To achieve these deliverables and meet clients' needs, the research methodology used was content analysis to analyze and synthesis academic literature, questionnaire-survey responses, and relevant online material.

The academic literature review provided an understanding of the development, utility and current application of restorative practices on university and college campuses. The review summarized current and past restorative justice practices on university and college campuses and the value of restorative processes in relation to the student-learning experience.

The questionnaire-survey instrument was created in collaboration with the client to: (a)

gain a better understanding of how restorative practices are being implemented on other campuses; (b) learn from the experiences, successes, and failures of the implementing practitioners; and (c) determine how best to establish a presence on the UVic campus. The responses of nine participating university and college campuses in North America were coded and analyzed for reoccurring themes. The results of this process informed the suggestions for best practices.

The websites of the nine academic institutions whose representatives completed the questionnaire-survey were used for gathering the on-line material. Information from these webpages was examined for similarities and summarized into tables for quick reference.

To identify the most appropriate practices for the VRJS, the three data sources were compared for areas of overlap and similarity. Through the comparison three main common areas arose: partnerships, student involvement, and capacity-building. Consequently, three detailed suggestions with supporting rationale were developed for the VRJS.

The final deliverable for the VRJS was a summary report. The report featured the above three suggestions in addition to the academic literature review, the compiled information from the websites of the participating schools regarding restorative programs and services, and the results of the questionnaire-survey. Other relevant on-line resources pertaining to restorative justice practices at participating schools, such as facilitation and evaluation material, were also included.

The deliverables contribute to the integration of restorative practices on post-secondary campuses and aids the VRJS and the JAO in addressing cases of student misconduct at the University of Victoria.

## Acknowledgements

This project would not have been possible without the support and encouragement from the following collection of astounding individuals:

- My supervisor, Lyn Davis, whose limitless compassion allowed me to be gracious with myself throughout this process
- Jerry McHale, for his supportive willingness to see this project to completion
- Gillian Lindquist, an incredibly reliable and wonderful reference person at the Victoria Restorative Justice Society, who truly encapsulates the essence of restorative justice
- Bonnie Keleher and Heather Kirkham in the Public Administration office, for answering my pressing questions and following up as necessary to ensure that I was on-track for graduation
- The MADR cohort of 2012, for their insight, inspiration and camaraderie, which kept me coming back even when I wanted to run away
- My friends and family in Winnipeg who keep me connected to who I am
- Erin, Marlyn and Scott, for being my Victoria family, ‘perspective police’, and enjoyable companions throughout this process
- and Kim Haiste, an incredible person, amazing friend, and blessing on this journey. Your steadfast presence, honest support, and meaningful company gave me the faith and courage I needed to believe that I could, in fact, finish this degree. I truly would not have made it through this experience without you.

This project is dedicated to all the hard-working volunteers at the Victoria Restorative Justice Society.

Table of contents

Supervisory Committee.....ii

Executive Summary.....iii

Acknowledgements.....v

Table of Contents.....vi

Introduction.....1

Background.....1

Review of Literature.....2

Methodology.....5

Results.....12

    Academic literature.....12

    Website Summary.....16

    Summary of questionnaire-survey responses.....30

Recommendations.....34

Closing Discussion.....35

Appendix 1: Participant questionnaire-survey.....37

Appendix 2: Certificate of approval from the Human Research Ethics Board.....39

Appendix 3: Length that restorative programming has been offered at the schools surveyed....40

Appendix 4: Number of referrals per year going to restorative justice at the schools surveyed...41

Appendix 5: Sources of campus referrals at the schools surveyed.....42

Appendix 6: Student body populations at the schools surveyed.....43

Appendix 7: Location of the schools surveyed.....44

Appendix 8: Extra resource – Sample initial conference discussion questions .....45

Appendix 9: Extra resource - Reflection on offence and the decision making process.....47

Appendix 10: Sample participant evaluation form from Michigan State University.....49

Bibliography.....51

## **Introduction**

Restorative justice is an alternative dispute resolution mechanism currently being used to address cases of student misconduct at university and college campuses across North America. In May 2011, the Judicial Affairs office (JAO) at the University of Victoria and the Victoria Restorative Justice Society (VRJS) began discussing the possibility of using restorative justice to address certain cases of student misconduct on campus. As a result, a memorandum of understanding was created between the VRJS and the JAO at the University of Victoria in October 2011 to guide the referral system of certain non-academic misconduct cases from the JAO to the VRJS operation for restorative justice measures.

The objective of this summary report is to gather information from three different sources regarding restorative practices being used at post-secondary institutions for issues of student misconduct and to learn from these sources. This information was synthesized into a project deliverable for the Victoria Restorative Justice Society as part of a Masters 598 project for a degree in Dispute Resolution through the School of Public Administration at the University of Victoria.

While the information compiled in this report may serve to inform the restorative programming implemented by the VRJS University of Victoria campus, it is not the intent of this report to recommend how the programming should be implemented. The development of the implementation plan and the implementation of the programming itself requires the insight and participation of those who will be actively involved that process.

At this time, only two post-secondary academic institutions in Canada offer restorative justice as a process to deal with student misconduct on campus. This study examines the use of restorative practices at the university and college level and contributes to the understanding of integrating restorative practices into the traditional judicial systems offered on post-secondary campuses.

The multidisciplinary nature of this study makes this research relevant to those in the fields of social justice, dispute resolution, criminology, sociology and law. Furthermore, due to its direct connection to the campus community and student misconduct administration, this work will be of interest to the university's judicial representatives, campus security, residence staff, student government groups, counseling services, academic department heads, the Office of the President, student legal services, the ombuds office, and local community members.

## **Background**

The Victoria Restorative Justice Society is a victim-centered and offender-focused organization focused on community participation, accountability, healing and closure ("About Us," n.d.). Its mandate is to "address crime and conflict in the community through restorative

practices, and to engage in public education and outreach to ensure a broad base of support for, and participation in, community Justice (“About Us,” n.d.). Referrals to the VRJS are made through the Victoria Police Department, the Attorney General, the Insurance Corporation of British Columbia, schools, and the greater community (“About Us,” n.d.). The Victoria Restorative Justice Society is the client for this project.

Reporting to the Associate Vice-President, Student Affairs, the Judicial Affairs office administers the University of Victoria’s non-academic misconduct policy and works with students, faculty and other university community members to resolve student misconduct concerns in a fair and efficient manner (“Judicial affairs,” 2011). Non-academic allegations are reviewed in a safe and impartial manner with an emphasis on informal resolution and student-centered outcomes (“Judicial affairs,” 2011).

The purpose of the memorandum of understanding between the University of Victoria Judicial Affairs Office and the Victoria Restorative Justice Society is to guide the referral system of certain non-academic misconduct cases. As such, the JAO has agreed to divert certain cases involving non-academic student infractions away from the formal student conduct disciplinary process into restorative justice through VRJS in accordance with the university Resolution of non-academic misconduct allegations policy (AC1300). Cases appropriate for restorative justice may include such incidents as harassment, vandalism, or interpersonal conflict.

## **Review of Literature**

Resolving conflict using restorative justice involves bringing together affected parties in a respectful, collaborative way to reach an agreement on how to repair the harm. It requires personal accountability, self-reflection, and community involvement. Institutes of higher learning are responsible for the formation of society’s future citizens and as such, they present the ideal environment to implement restorative practices for dealing with student misconduct.

This section explains the origins, principles, and application of Alternative Dispute Resolution and restorative justice. This material was taken from academic sources as well as online material. The goal of the literature review is to contextualize restorative justice within the Alternative Dispute Resolution framework and highlight the areas of overlap and differences in their theories and practices.

### **Alternative Dispute Resolution**

Resolving an interpersonal conflict without violence requires the involved parties to enter into a dialogue about the dispute. Non-violent approaches to settling disagreements have been traced back as far the ancient Mari Kingdom in 1800 B.C (Barrett, 2004) and the traditional societies of Africa, India, China, Ireland, the Mediterranean, North America, and various religious groups (Barrett, 2004).

The term Alternative Dispute Resolution (ADR) refers to methods for resolving disputes outside of litigation. These approaches vary in degree of formality, involvement, and type of settlement. The three main kinds of ADR processes are:

1. Negotiation. Affected parties engage in direct discussions without the assistance of a third party. Participation is voluntary and specific to the participants and their circumstances
2. Mediation. A neutral, third party mediator facilitates the resolution process. Parties work together to reach a voluntary settlement which satisfies the interests of all those involved.
3. Arbitration. A neutral third party arbitrator reviews evidence, listens to the arguments of contesting parties and makes a binding decision regarding the dispute (Stone, n.d.).

Settling disputes outside the judicial system can save time and money. Advantages of ADR mechanisms include a heightened sense of agency for the affected parties and flexibility in meeting the unique needs of each situation (Center for Democracy and Governance, 1998). Other advantages include the possibility of more creative and complex outcomes than those of adjudication, as well a greater likelihood that the parties will perform a negotiated, not imposed, outcome.

At best, ADR should be viewed as a continuum of practices that “encourages people or organizations involved to look closely at all alternatives or options that may be available to help resolve the problem” (Llewellyn, 1999). Nevertheless, ADR may not be an appropriate for disputes involving issues of safety, mental health, or intolerable moral differences (Spangler, 2003).

### Restorative Justice and Alternative Dispute Resolution

According to authors Llewellyn and Howse (1999), restorative justice falls under the category of ADR (p 95). Restorative practices are also a consensual approach to problem solving outside the judicial system, with an emphasis on community-involvement and win-win outcomes (Llewellyn & Howse, 1999).

While the three primary ADR typologies mentioned previously are capable of satisfactory resolutions, they fail to acknowledge the social nature of conflict, or the underlying relational issues between the disputing parties. Through a restorative lens, relationships play a central role in the dispute, so the focus lies on the impact of the harm rather than the rule which has been broken (Schrage & Giacomini, 2009, p.144). For this reason, the goal of the restorative process becomes examining the past in order to transform the relationship toward a better future (Llewellyn & Howse, 1999).

In restorative justice, the underlying principles of relationships, empathy, and process guide the process. Facilitators of this approach exhibit “balanced partiality” (Zehr, 2010, para. 9) rather than neutrality and explicitly address the direct causes of harm and moral imbalances.

As in the other ADR approaches, restorative justice is not without its limitations. This approach is not appropriate if the offender is unwilling to accept responsibility for his actions, there exists the potential for re-victimization, or big power differentials between affected parties exist (Schrage & Giacomini, 2009).

### Evolution of Restorative Justice

As in ADR, restorative justice resembles the resolution practices of cultural groups and Indigenous tribes around the world. In terms of the modern day restorative justice movement, psychologist Albert Eglash's concept of "creative restitution" (Mirsky, 2003, para.1) has been acknowledged by some as the precursor to current day restorative practices. His insight expanded the notion of restitution to actively consider elements such as restoring relationships, responsibility, apology, and self-respect (Mirsky, 2003).

Canada is credited for offering the first victim-offender mediation program in 1974 by a group of Mennonites in a small Ontario community seeking non-violent reparation of justice disputes (Shaw & Jane, 1998). Afterwards, this type of facilitated, face-to-face encounter spread rapidly throughout Canada, the United States and Europe with high levels of satisfaction (Shaw & Jane, 1998) and became a central part of social work practices in New Zealand and Australia by the 1990's (Shaw & Jane, 1998).

Philosophies of restorative justice have gained momentum in the past 20 years in association with the mounting dissatisfaction in the cost of the formal justice system and the probability for recidivism. Research and evaluation conducted by the Canadian government shows how the service policy of community policing has grown to emphasize communication, localized problem-solving, and community partnerships, with an official adoption of restorative practices into their policing philosophy in 1995 (Shaw & Jane, 1998). Since that time, a series of national and provincial conferences and initiatives have endorsed restorative philosophies and continued efforts to develop and explore strategies to enhance the scope of restorative projects and practices within all stages of the justice system (Shaw & Jane, 1998).

### Principles of Restorative Justice

Restorative justice is fundamentally about relationships. In a restorative approach, crimes or wrongdoings are seen as violations of people and community, thus requiring an examination of the wrong within their relevant context (Llewellyn & Howse, 1999). The three main goals of restorative justice outlined to volunteers at the Victoria Restorative Justice Society volunteer training workshops are:

- To meet the needs of victims, offenders, and community members
- To identify the root cause of the offender's behavior
- To have all the stakeholders participate in finding meaningful, practical and achievable ways for the offender to make amends and reintegrate the offender into their community (Lindquist, Owens-Wallace, & Kux-Kardox, 2011).

Howard Zehr (2009), leading scholar and pioneer in the field of restorative justice, states that

Restorative justice is a process to involve, to the extent possible, those who are most involved in or have a stake in a specific offense and to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible (p.37).

In this way, the emphasis is on the needs of the victim, and what it will take to make things “right”. The three key questions guiding this process include:

1. What is the harm that has been done?
2. How can that harm be repaired?
3. Who is responsible for the repair? (Lindquist et al., 2011)

As such, this type of justice requires a fundamental shift from retribution (i.e. punishment), to restitution, a way of making amends by compensating for the harm or damage caused. Restorative justice is future-oriented and involves a face-to-face encounter which invites engagement in an effort to restore victims, offenders, and community members to wholeness (Lindquist et al., 2011).

The four types of restorative processes offered by the Victoria Restorative Justice Society are:

1. Community Justice Conference – an impartial facilitator and co-facilitator, the offender and supporters, the victim and supporters, a mentor, the offender and relevant community members come together to create a consensus-based agreement focused on repairing the harm (VRJS handout)
2. Community Justice panel – when there is no victim representation, facilitator actively works to examine the harm and create the agreement.
3. Victim-Offender mediation – highly skilled facilitators mediate between the victim and offender to reach an understanding and craft a plan of restitution to repair the harm that has occurred (“Victoria Restorative Justice Society,” n.d.).
4. Peacemaking circles – involved parties come together in a non-confrontational way to talk through the problem and develop a solution. A “keeper” facilitates by setting a tone of respect but shares the responsibility of leadership with those in the circle.

## **Methodology**

The section explains the methodology used to accomplish the deliverable of this research, which was content analysis. This approach was used to identify and quantify the specific ideas and concepts, as well as patterns and trends (Krippendorff, 1980) among the data reviewed in order to make generalizations and conclusions. This form of data analysis was selected in light of the client’s desire to learn from the literature available, gain insight from the other academic institutions implementing restorative justice practices, and receiving a condensed summary of the restorative services currently being offered at a sampling of other schools (see Appendix 2).

Data from the following three sources was selected for analysis:

1. Academic literature

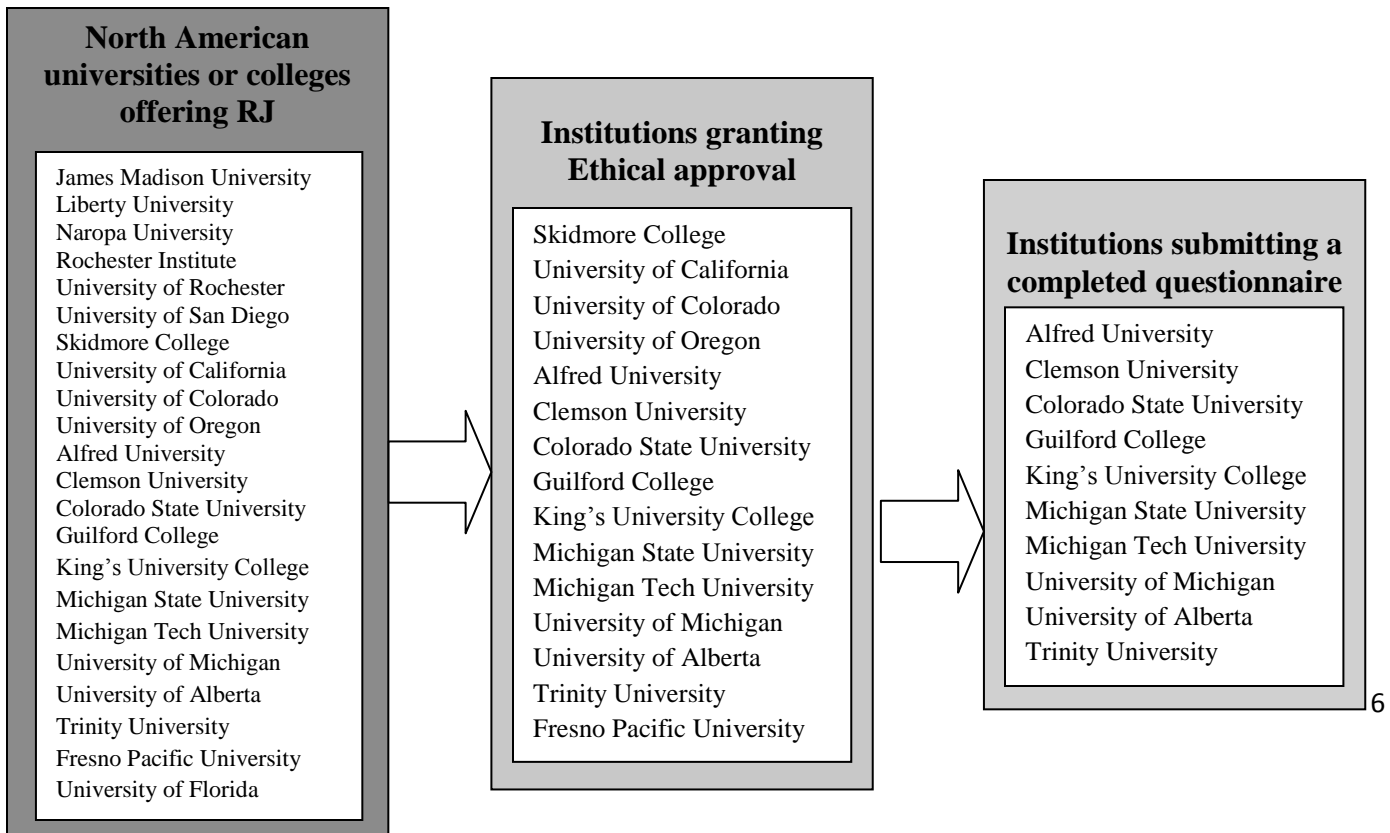
2. Questionnaire survey responses from RJ practitioners on university campuses
3. Web-sites from the universities completing the questionnaire-survey

The purpose of reviewing academic literature was to capture the body of knowledge available surrounding the use of restorative justice at post-secondary academic institutions and situate this information within the context of dispute resolution, restorative justice theory, and the evolution of student conduct administration.

The questionnaire-survey instrument was created in collaboration with the client to meet the client’s request to a) gain a better understanding of how restorative practices are being implemented on other campuses, b) learn from the experiences, successes, and failures of the implementing practitioners, and c) determine how best to establish a presence on campus. The questionnaire-survey (Appendix 1) included both open-ended and closed-ended, multiple choice type questions. Ethical approval to recruit participants to complete the questionnaire-survey instrument was granted by the University of Victoria Human Research Ethics Board on January 9<sup>th</sup>, 2012 and given protocol number 11-544 (Appendix 2).

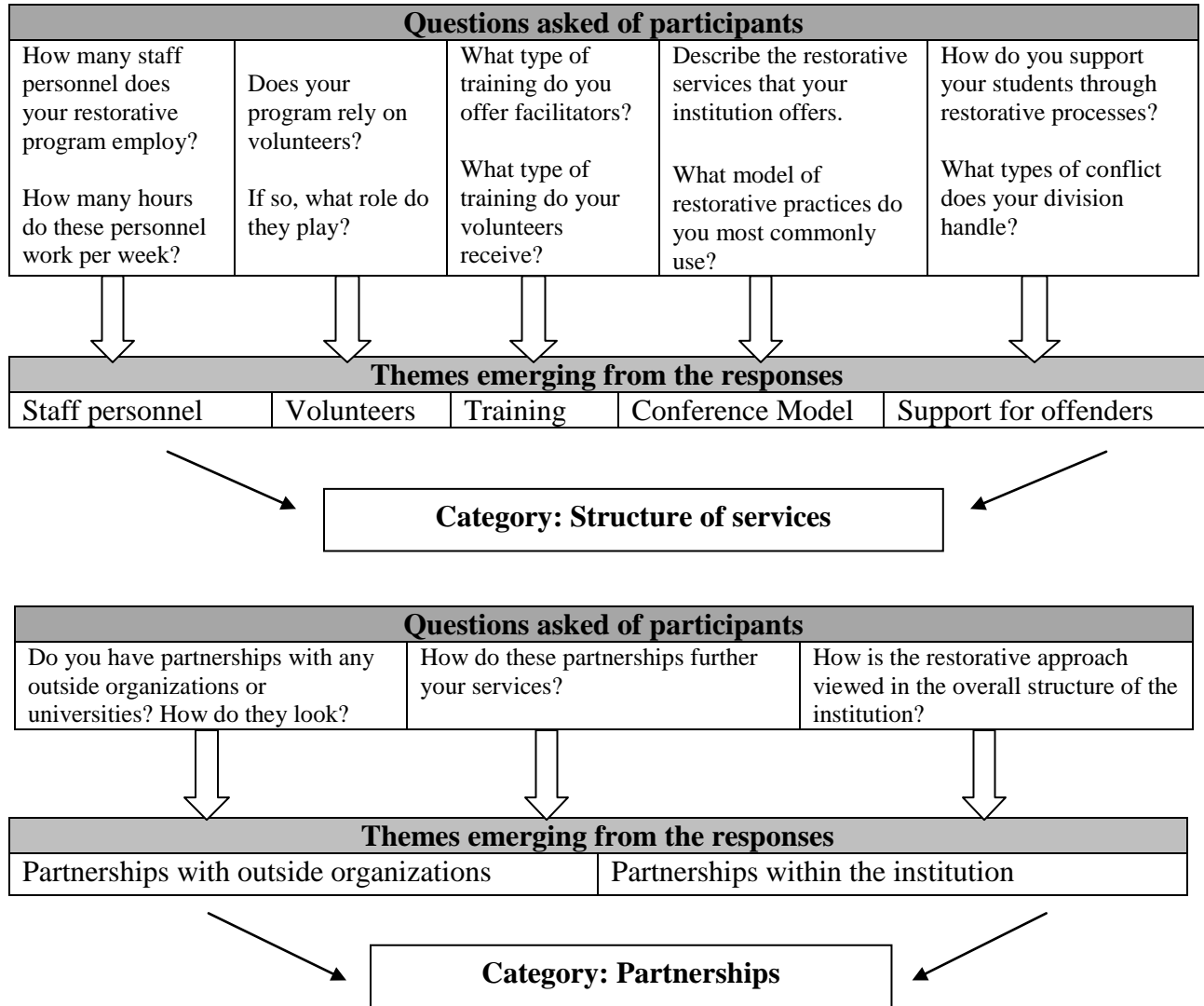
The Skidmore College website, managed by David Karp, author of “Restorative Justice on the College Campus” and principal investigator of a multi-campus research project on student accountability and restorative research, lists the names of twenty-two universities and colleges currently implementing restorative practices. Prior to contacting the relevant individuals from each of these institutions, it was necessary to seek approval from the Institutional Ethics Review board at each respective institution and with this approval, invitation letters and consent forms were emailed to the applicable parties. Subsequently, fifteen of the twenty-two institutional review boards contacted granted approval for this type of external research to be conducted. Of the fifteen practitioners contacted, nine individuals submitted consent forms and completed the questionnaire-survey. Figure 1 below illustrates this progression.

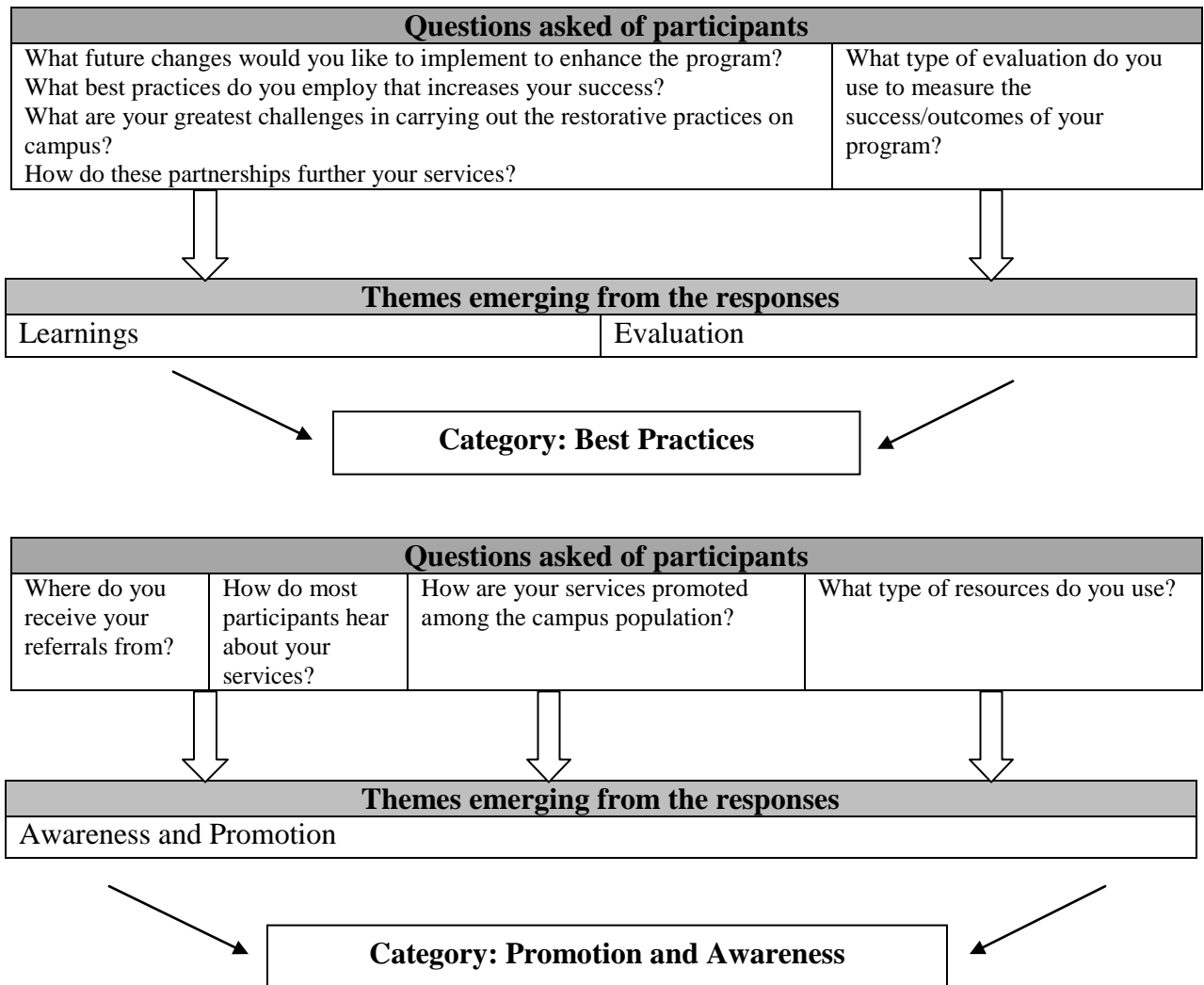
Figure 1 – Determination of schools to participate in the questionnaire-survey



Prior to analyzing the responses, questions from the questionnaire-survey were grouped together according to topic. These topics were identified as: staff personnel, volunteers, training, conference model, support for offenders, partnerships with outside organizations, partnerships within the institution, learnings, evaluation, and awareness and promotion. For simplicity, these categories were condensed by being grouped together again based on similarity. The resultant four areas emerged as structure of services, partnerships, best practices, and promotion and awareness.

Figure 2 – Content analysis: Topical categories established for the questionnaire-surveys





Each topical theme was given a separate sheet in an excel workbook and questions were placed in cells across the top of the respective sheet. Responses from each of the questionnaire-surveys were entered below their respective questions. An example of one of these themed excel spreadsheets can be seen in Figure 3 below.

Coding began by highlighting key points and re-occurring themes relevant to the research question. An example of this can be seen in Figure 4.

Figure 3 – Sorting the data: Sample of spreadsheet used for questionnaire-survey responses

How do most participants hear about restorative justice?	How are your services promoted among the campus population?	What types of resources do you use?
It's explained at the hearing	The student handbook has a description of the program	
they hear about these services during the intake process.	website, brochure, word of mouth from other participants.	website, brochure, word of mouth from other participants.
	Since we are a small campus, most students hear about restorative practices through an experience (theirs or a friends). Restorative justice classes are also part of the Peace and Conflict Studies department and the justice and Policy studies department so some students are aware through their coursework.	the CRRC has a pamphlet and does advertising through electronic media and event planning on campus
Information about RJ at King's can be found in the student handbook. Beyond this, students are informed of the opportunity to engage the process on a case-by-case basis	Information about RJ at King's can be found in the student handbook. Beyond this, students are informed of the opportunity to engage the process on a case-by-case basis	
We believe that most students learn about RJ from their resident mentor and/or through signage and bulletin boards. Outside of the residence halls, we believe that most students learn about RJ from a professional staff member who references RJ as a possible resolution strategy to the conflict in which they are engaged.	We believe that most students learn about RJ from their resident mentor and/or through signage and bulletin boards. Outside of the residence halls, we believe that most students learn about RJ from a professional staff member who references RJ as a possible resolution strategy to the conflict in which they are engaged.	We have wonderful marketing tools (posters, brochures, and a website) that are very useful in this endeavour
Many of our CR cases come from referrals either through Student Legal Services, Counseling Services, or Staff/Faculty. The RJ cases typically come from the Conduct Officers but on occasion may be initiated by a faculty member or student who has been harmed	The CR program is marketed throughout the academic year through the use of ads in the student newspaper as well as online. We also place marketing in the Moving Off Campus Handbook given to nearly 6,000 students each February.	The CR program is marketed throughout the academic year through the use of ads in the student newspaper as well as online. We also place marketing in the Moving Off Campus Handbook given to nearly 6,000 students each February.
Materials posted on Residence Services website, word of mouth promotions through Res Life staff	Materials posted on Residence Services website, word of mouth promotions through Res Life staff	Materials posted on Residence Services website, word of mouth promotions through Res Life staff
most students will be sent to our usual judicial proceedings and will then be given the option to go through the restorative justice conference in lieu of a hearing.	most students will be sent to our usual judicial proceedings and will then be given the option to go through the restorative justice conference in lieu of a hearing.	most students will be sent to our usual judicial proceedings and will then be given the option to go through the restorative justice conference in lieu of a hearing.
During initial conferences if they accept responsibility for a conduct violation they can voluntary elect to explore the process in lieu of formal sanctions. However, harmed parties need to agree to this process	not applicable	not applicable

Figure 4 – Coding data: Sample excel sheet for the theme “support for offenders”

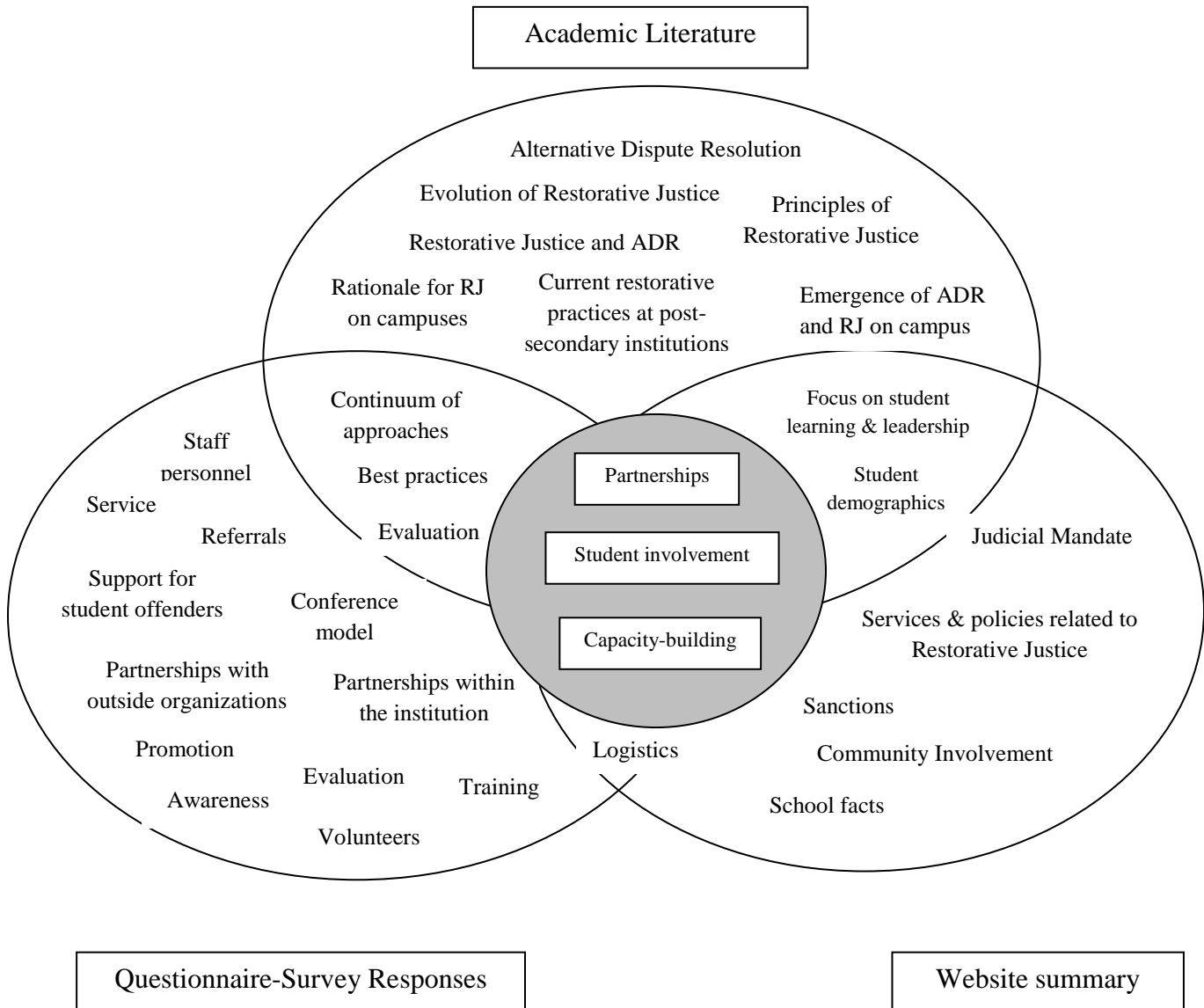
Theme	Support for Offenders
Question	How do you support your students through restorative processes?
University 1	They participate in the intake process and are allowed to have support/advisors with them in the process
University 2	System of advocates who are available to support students through any of our processes (mainly at higher level cases). The script and CAP process are designed to hold a balance of challenging students AND providing support
University 3	Case workers (student development staff) coach students through the process, including pre-process briefing and post-process follow-up. Facilitators engage all parties throughout the process and an unbiased atmosphere that promotes full disclosure and honest storytelling. The Director of community Life and Dean of Students support all parties when the process wanes
University 4	Students are encouraged to bring a support person to participate in the group conference
University 5	students may bring a support person and help prepare students/supporters in terms of what to expect
University 6	Pre-conference interview to explain the process and discuss the harms and their impact to get a sense for the incident prior to the conference and helps the students start evaluating the situation.
University 7	Students can invite a support person to join them at conference. All parties are given a copy of the group conference script prior to group conference. All parties receive a pre-conference briefing
University 8	No answer
University 9	No answer

Re-occurring information was determined to suggest best practices, and pulled from the responses. Location specific information including number of staff personnel employed and hours employed was discarded and considered not applicable to the University of Victoria setting.

Website analysis began by exploring each of the participating university’s website and determining the pages related to the schools’ restorative practices. Information from each these pages was copied into separate word documents, and examined for similarities.

In order to identify the practices able to best inform the next steps of the VRJS, all three data sources were compared to determine areas of overlap and similarities. This can be seen in Figure 5 below.

Figure 5 - Overlap between the literature review, questionnaire-survey responses, and website material of participating universities



Areas of commonality between the academic literature and the questionnaire-survey responses included continuum of approaches, best practices, and evaluation. Areas of overlap between the academic literature and the webpages of responding schools were a focus on student learning and leadership and student demographics. Promotion and logistics evolved as the area of similarity between the webpages of responding schools and responses from the questionnaire-survey.

Three main areas resulted from comparing the information from each of the three data sources. These areas were partnerships, student involvement, and capacity-building. As a result, the following three suggestions were established to direct the next steps of the VRJS as they

move forward with restorative programming for non-academic student infractions on the University of Victoria campus

1. Educate and familiarize Judicial Affairs Office staff with restorative principles and processes,
2. Actively recruit, train and involve students in the restorative processes, and
3. Develop and establish campus partnerships and support networks

## **Results**

The results section presents a summary of the information collected for the academic literature, questionnaire-survey responses, and website material.

### Academic Literature

The purpose of reviewing academic literature was to capture the body of knowledge available surrounding the use of restorative justice at post-secondary academic institutions and situate this information within the context of dispute resolution, restorative justice theory, and the evolution of student conduct administration. The literature reviewed provides an understanding of the development, utility and current application of restorative practices on university and college campuses. Literature related to the practice of restorative justice on university and college campuses from the past until the present was reviewed, with an examination of its relevance to the student-learning experience and current application at select post-secondary institutions.

It is important to note that institutes of higher education and alternative dispute resolution practices stem from predominantly white, male, Christian origins, and that communication, behavior and philosophies related to conflict are culturally bound. While these factors play a significant role in the resolution of conflict, it is beyond the scope of this review to explore these impacts. For this reason, subject matter related to culture, gender, and other particularities of student demographics in relation to conflict resolution were not discussed in this research.

The emergence of Alternative Dispute Resolution mechanisms at post-secondary academic institutions

*Education does not mean teaching people to know what they do not know; it means teaching them to behave as they do not behave. John Ruskin (1819-1900)*

Most of the academic literature available related to campus discipline stems from American institutions. Nonetheless, it is pertinent to explore this history for the purposes of this literature review as 20 of the 22 schools currently implementing restorative practices in North America and seven of the nine schools surveyed are located in the United States.

Discipline at the initial colonial colleges was seen as part of “shaping young men to be the future leaders of colonies... with punishment [that] was swift and harsh” (Karp & Allena, 2004, p. 16). By the 19<sup>th</sup> century, parental-type control of students dissipated in tandem with the

growing democratic ethos and secularism of the time (Karp & Allena, 2004, p.17), but it was not until after World War II that great upheaval and change came to university campuses.

In his chronology exploring events related to campus conflict resolution and mediation program development, Warters (1998) credits the mid-1960's as the era where campus conflict became particularly visible and significant structural changes began to occur with regard to handling conflict (p.6-7). As enrolment increased and students began embracing the movement of political protests, demonstrations, and group revolts, campuses responded by focusing on crisis management systems (Warters, 1998, p.8).

In 1967, the role of campus "Ombudsman" was adopted for the first time by Michigan State University as an attempt to respond to student and staff demands for confidential and neutral safe spaces to discuss concerns and complaints (Warters, 1998, p.8). This service aimed to promote justice in decision-making and help individuals navigate the complex maze of procedures being developed ("Speech given to the occasion of the annual conference of the forum of Canadian ombudsman," 2003).

An impersonal, legalistic climate emerged in the 70's, and interest in alternative approaches to resolving disputes arose out of students' concerns regarding "fairness of procedures" (Warters, 1998, p.9-10). This led to a period of experimentation with third party grievance handlers in the 80's, and a formal decision supporting the use of mediation within student judicial affairs at a university level in 1994 (Warters, 1999, p.13). This ongoing shift in student conduct administration can also be seen in the renaming of "Student Judicial Affairs Offices" to "Student Conduct Administration" at some American Universities and Colleges (Schrage & Giacomini, 2009, p.8).

As noted by Warters (1998), the presence of ADR on university campuses was reflective of increased awareness and availability to alternative dispute systems in the broader North American context (p. 13). Furthermore, Karleen Karlson (1991), director of the mediation project at SUNY Albany, argues that "campus mediation projects increase in significance as campuses diversity increases (p.2). Thus, the growth in ethnicity, gender and ability-levels on university campuses continues to highlight the need for ongoing development and implementation of new conflict resolution practices, trainings, workshops and services.

Restorative justice first appeared on an American campus in the late 90's when the University of Colorado at Boulder developed the first formal restorative justice program in 1999 (Sebok & Goldblum, 1999). Inspiration to be the first university implementing restorative approaches arose when members from the University's Judicial Affairs Office attended an information session on family-group conferencing (Sebok & Goldblum, 1999). Shortly afterwards, members from Student Judicial Affairs, Victim Assistance, the Ombuds Office, student Conflict Resolution Services, Housing, Judicial Affairs, Residence Hall and the University Police Department met to discuss the logistics (Warters, 2000). After training facilitators, community members were brought together to address a problem created by a male freshman in the first group conference on a university campus (Sebok & Goldblum, 1999).

Rationale for Restorative Justice on campuses

*The quality of a university is measured more by the kind of student it turns out than the kind it takes in. Robert J. Kibbe*

It is the “duty of the educational institution to create conduct policies, handbooks, and codes of conduct regarding student conflict and conduct issues” (Schrage & Giacomini, 2009, p. 35). At the heart of the judicial affairs conduct procedures is the responsibility to protect the rights, health, and safety of the community with integrity, wisdom, impartiality and fairness (Karp, 2012).

At the University of Victoria, the institutional vision as stated in the 2012 Strategic Plan is to “...integrate outstanding scholarship, inspired teaching and real-life involvement... challeng[ing] one another to become thoughtful, engaged citizens and leaders” (*A vision for the future - Building on excellence*, 2012). Furthermore, the Judicial Affairs Office is committed to implementing fair and efficient resolution processes that are timely, respectful and supportive of personal growth and development (“Judicial Affairs: Our goals,” n.d.).

Restorative justice processes present the opportunity to develop students on both an academic and personal level. Learning how to resolve conflict constructively has been credited as being “one of the most important social skills a person can master” (Meagher, 2009, p.21) and a “tool for growth and development to prepare students to be productive, purposeful, knowledge generating and humane citizens” (Schrage & Giacomini, 2009, p.45). Resolving conflicts in a safe, structured, and proactive way can support growth in moral and ethical decision-making, social identity development, intra- and inter-personal proficiency, and integrative learning (Schrage & Giacomini, 2009, p.25).

Gina Bata, CU-Boulder’s current Restorative Justice Program Coordinator acknowledges that

The Restorative Justice program allows students to take responsibility for their actions by talking with community members and learning how their negative actions have affected others in the community that they live in... students who have gone through the program report to us that they learned from their mistake” (Swenson, 2009, p.3).

Using restorative practices for student misconduct attends to the needs and safety of the institution by adequately providing the support systems and services necessary for victims and offender re-integration. Furthermore, the university setting possesses a well-defined sense of community which is central to the restorative approach. Most importantly, the process is flexible and creative to meet the diversity and variety of cases occurring on campus.

Krapfl (2011) suggests that “the discipline environment an institution creates has a significant impact on student learning and development” (p.333). Narrow student conduct policy standards and traditional systems of justice fail to achieve the development goals of higher learning and overlook the valuable learning opportunities presented by situations involving conflict (Schrage & Giacomini, 2009).

Restorative practices being implemented on North American university and college campuses

*Tell me and I forget, show me and I may remember, involve me and I'll understand.*  
*Chinese proverb*

According to the Skidmore College website, 22 North American institutes of higher learning are currently implementing restorative justice on their campuses (Karp, 2012). David Karp, Associate Dean of Student Affairs and Director of Campus life at Skidmore College, has compiled the reflections of his colleagues in the book “Restorative Justice on the College Campus” (2004). “Reframing Campus Conflict: Student conduct practice through a social justice lens” (Schrage & Giacomini, 2009) also captures stories from schools currently implementing restorative approaches in their university environments.

Two particularly unique and innovative practices are notable for their context-specific application. At Skidmore College, the use of an “Integrity Board” wonderfully captures the democratic, community-centred approach to restorative dialogue (Karp and Allena, 2004, p. 31). Here, student, staff and faculty are trained prior to participation and academic credit is given to students for their contributions (Karp & Allena, 2004, p.31). At Michigan Technological University, the Student Judicial Affairs Office uses a ropes challenge course as an Ethics training Module to teach students who have committed minor policy violations better communication skills and help build an understanding of how their actions affect others (Schrage & Giacomini, 2009, p.244).

Skidmore College also puts effort into conflict prevention strategies. In this case, the preventative strategies are multifaceted and involve an emphasis on relationship-building and student-oriented activities (Karp & Conrad, 2005, p.320). Because restorative justice programs are contextual and require community involvement (Llewellyn & Howse, 1999, p. 103), building relationships between campus security students and new students is specifically targeted with outreach and capacity building (Karp & Conrad, 2005, p.316).

Regardless of the strategy, encountering conflict is inevitable. As such, conflict coaching (Giacomini, 2009) presents another viable option on a spectrum of practices appropriate for empowering and equipping students to approach and resolve disputes.

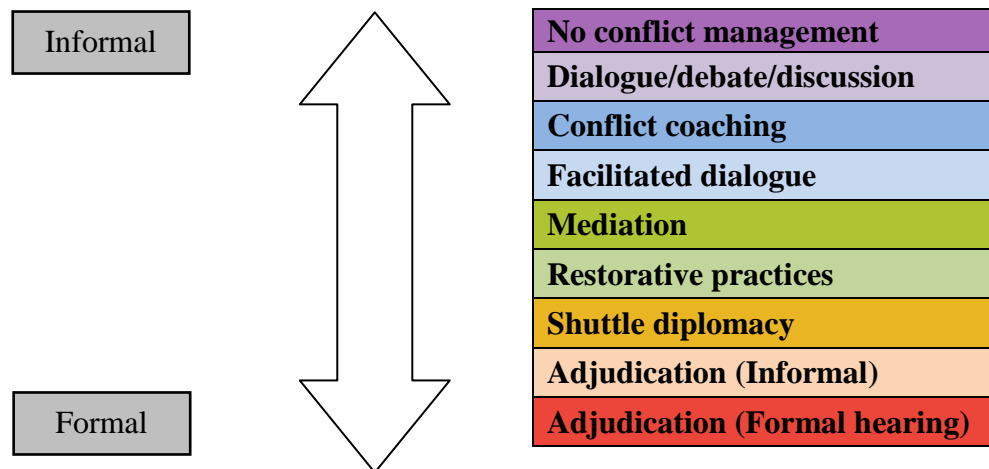
As seen in Figure 3, Schrage and Thompson (2009) propose the “Spectrum Model” (p.67) as a framework for responding to student conduct to address all of these stages and the unique needs of involved parties and enhance student learning.

This informative tool offers a fair and equitable approach which meets “parties where they are, rather than demanding that they conform to a uniform, structured, often adversarial disciplinary process, the spectrum approach minimizes marginalization” (Schrage, 2009, p.73). As such, it offers a range of ways to address each incident on a case by case basis.

Drawbacks to this approach include the time and resources required to carry it out. Open and informal approaches may not be appropriate when there are issues of safety or power imbalances are present, and research by Fitch and Murray (as cited in Krapfl, 2001) suggests that:

there is no one-size-fits-all approach [and] institutions need to utilize a structure that responds to the needs of both students and their institution as a whole, and one that balances rigid, legal aspects with student development” (p.23).

Figure 3 – Spectrum Model approach to conflict resolution



## Conclusion

Based on the literature reviewed, the following ten points were identified as important factors to consider when implementing the spectrum of alternative dispute resolution techniques:

1. *Student demographics.* Consider which category of students are over- or under-represented and determine how these gaps can be accounted for (Giacomini & Schrage, 2009).
2. *Capacity of personnel.* Select and train ADR implementers to be competently reflexive (Taylor & Varner, 2006), with “strong abilities to instill reasoned, ethical and principled decision making and sound judgements in a creative way” (S. Taylor & Varner, 2009, p.42).
3. *Institutional support.* Examine the interest and capacity of the institution to engage in this type of process (S. Taylor & Varner, 2009). This support can and should come from areas such as Residence Services, Campus security, student government groups, Counselling and health services, student legal services, and local community members.
4. *Focus on student learning.* Use the incidents as an opportunity to teach as opposed to discipline (Dannells, 1997).
5. *Intake.* Offer “careful and thoughtful intake” (Meagher, 2009, p.128) conducted by individuals capable of “accurately gauging the students readiness and capacity for engaging in meaningful participation” (S. Taylor & Varner, 2009, p.39).
6. *Preparation.* Be clear and transparent in the purpose and process to be used in order to address students fears, preconceptions and unique personal experiences being brought in with them (Meagher, 2009).

7. *Provide a continuum of approaches.* Best practices “actively explore, endorse, and normalize conflict resolution and social and restorative justice practices in a spectrum of conflict and conduct management pathways” (Giacomini & Schrage, 2009, p.8).

8. *Tone.* Instill an atmosphere of respect to lower defenses, promote openness to understanding and enhances active engagement in the agreement (Meagher, 2009).

9. *Student leadership.* Involve students in the creation and enforcement of behavioural standards and train them to be actively involved in the disciplinary cases (Pavela, 1996).

10. *Evaluation.* Address whether or not the judicial structure is effective, fair and suitable by reflecting on satisfaction levels, what worked, the extent of repair, learning and community building (Karp & Conrad, 2005), the amount of protection of student rights, and how expedient it was. (Krapfl, 2011)

With “caring confrontation” (Dannells, 1997, p.39), student misbehaviour can be addressed in a way that protects the academic community and builds on students’ personal growth and development. As universities and colleges continue to evolve in their ways of handling student misconduct, restorative justice provides an Alternative Dispute Resolution mechanism which can meet the varied needs of diverse student bodies and satisfy the institutions responsibility to maintain safety, provide fair and equitable procedures, and enhance the personal development competence of their students.

### **Website Material**

The websites of each of the participating universities were examined for pages providing information on restorative practices. Information from these pages was captured in the tables below, and additional resources can be found in Appendix 8-12.

<b>ALFRED UNIVERSITY – Alfred, New York</b>
School facts: <ul style="list-style-type: none"><li>• Private secular university</li><li>• 2,300 students (2,000 undergraduates, 300 post-graduates students)</li><li>• 192 faculty</li><li>• 12% minority population</li></ul>
<b>Student Affairs - Judicial Affairs</b> <p>Alfred University aims to “<i>provide challenging programs in a student-centered environment in order to prepare well-educated, independent thinkers ready for lives of continuous intellectual and personal growth</i>”.</p> <p>Alfred University’s judicial system is designed to</p> <ul style="list-style-type: none"><li>• Foster an understanding of the effect of a student's behaviour on others and on the</li></ul>

## ALFRED UNIVERSITY – Alfred, New York

community

- Help students confront the impact of their actions in a constructive and educational manner
- Hold students accountable for their behaviour
- Protect the University community and property
- Protect the rights of the members of the community to function in an environment conducive to academic pursuits
- Challenge students' moral and ethical decision-making

### Services and policies related to Restorative Justice

The Dean may investigate to determine if charges can be addressed with an informal resolution conference pending mutual consent of all involved parties to examine the incident report, listen to the student, discuss circumstances regarding the incident, and hear student concerns. Any resolution resulting from an informal resolution conference shall be final without any subsequent proceedings.

The student must decide whether to accept responsibility for the allegation of student misconduct charged and has three business days to decide on the course of action regarding the choices outlined at the conference.

**Possible sanctions may include:** an Online Alcohol Education Course, the CHOICES alcohol education course, Counselling, community service, a Drug education course, the “Reducing the effects of drugs on you” course, disciplinary probation, expulsion, a fire safety educational course, physical ban from a building, space or person, letter of apology, loss of hosting privileges in residence, mandated counselling assessment, removal from residence and termination of contract, residence hall probation, room reassignment, financial restitution, creation of a special project relevant to the violation, suspension for a defined period of time, or suspension from a specific course.

Information summarized from the Alfred University website

Alfred University - About AU - Fast Facts: <http://www.alfred.edu/glance/>

Student Affairs – Judicial Affairs: <http://www.alfred.edu/students/judicial/>

## COLORADO STATE UNIVERSITY – Fort Collins, Colorado

School facts:

- Public research university
- 30,000 students (24,553 undergraduates, 3,864 post-graduates)
- 1,540 faculty members
- 14% minority population

## **Conflict Resolution and Student Conduct Services**

Conflict Resolution and Student Conduct Services provides a comprehensive array of approaches to support Colorado State University values of interpersonal civility, respect for human dignity, and the honouring of community standards.

Our purpose is to:

- Support students as they overcome mistakes
- Engage in character development with an emphasis on ethical decision-making and integrity
- Resolve conflict at the lowest level possible through education, facilitation, and support
- Foster a safe and welcoming community

## **Services and policies related to Restorative Justice**

In some cases, alternative dispute resolution such as conflict coaching, restorative justice, or mediation may be offered by mutual consent of the parties involved and on a basis acceptable to the Hearing Officer.

Restorative practice means bringing together persons who were harmed with those who did the harm – whether it was physical, verbal, or emotional. It means sitting down together and discussing what happened, what harm was done, and how to restore right relationship among all the persons involved.

For students found responsible for conduct code violations, the hearing officer may assign one or more **sanctions**: Educational sanction, grading penalty, loss of privileges, residential reassignment or expulsion, restitution, revocation or withholding of degree.

## **Community Involvement**

Educational and personal development courses offered by CSU include:

- Party Partners – a two hour class addressing local codes and ordinances, good neighbouring practices, and the responsibilities of being a safe party host.
- Choices – a 1.5 hour ethics workshop to help students realize how choices are influenced by their values.
- Crossroads – three 2-hour sessions helping students identify how their thoughts and feelings influence their behaviours. Topics include cognitive restructuring, decision-making, gender, stages of change, and values.

Information summarized from the Colorado State University website

Colorado State University – Facts & figures: <http://www.colostate.edu/features/facts-figures.aspx>

Conflict Resolution and Student Conduct services: <http://www.conflictresolution.colostate.edu/>

## **GUILFORD COLLEGE – Greensboro, North Carolina**

### **School Facts:**

- Independent Quaker co-educational institute
- 2,706 students
- 132 Faculty
- 35% minority population

### **Conflict Resolution Centre**

The CRRC at Guilford College offers a safe, effective approach to resolving conflicts that is free, confidential, conveniently located and available anytime. We believe working through it in a neutral, comfortable and safe environment strengthens relationships greatly.

Our style of conflict resolution is compatible with the Quaker tradition of understanding, listening and cooperation, and guided by our seven core values: community, diversity, equality, excellence, integrity, justice and stewardship.

### **Services related to Restorative Justice**

- CRRC speakers for groups such as classes, residence hall gatherings and student organizations to provide educational programs related to conflict management
- expert advice on how you can resolve conflicts yourself
- facilitation services for running tough meetings in your own organization or between organizations
- Mediation for interpersonal conflict
- Mediation for groups or committees working on policy issues

### **Community Involvement**

The CRRC involves students, faculty and staff in a unique collaborative effort.

We are always looking for folks who are interested in volunteering at the center.

We provide mediation training services at least twice a year.

The center receives support from a wide range of campus offices, programs and organizations.

Information summarized from the Guilford College website

Guilford College – Fast facts: <http://www.ctcl.org/colleges/guilford>

Home - Academics – Academic Support – Conflict Resolution Centre

**KING'S UNIVERSITY COLLEGE – Edmonton, Alberta**

School Facts:

- Private Christian liberal arts college
- 619 students

Student Affairs Office and Student Life Office

The mission of King's College is to “...provide university education that inspires and equips learners to bring renewal to every walk of life...”. By Charter, student discipline is fundamentally a responsibility of the University College Senate. By delegation, the King's personnel and committees work through aspects of accountability. Behavioural accountability should accomplish the following things:

- Provide principles of natural justice for students – transparency, unbiased decision making, and right to an appeal
- Preserve students dignity as much as possible while calling that student to account
- Be redemptive in nature, in order to restore students to proper relationship with the rest of the community

King's is an intentional community, so due care will be exercised to protect both the victim and the accused. Incidents are evaluated on a case-by-case basis and it remains the decision of the Student Life staff member involved to use their professional wisdom as well as historical community precedence to determine the level of violation.

Students in the accountability process at King's have the right to natural justice. Natural justice principles include transparency, unbiased decision making, and the right to an appeal.

**Services and policies related to Restorative Justice**

Student Life offers students an opportunity to learn through active restoration in matters of misconduct or significant relational stress. This process of restoration is known here at King's and abroad as restorative justice.

King's restorative justice process gives students an opportunity to collaboratively learn from one another when the student code of conduct is broken or when relationships suffer from negative actions. Outcomes, rather than being solely sanctioned by staff members in the Student Life Office, are cooperatively determined by all involved parties and agreed upon in the form of a binding contract.

Primary-level violations are instances that are primarily rooted in basic social conflict. They are generally benign in nature and have little lasting effect on the community. Secondary-level violations are instances where heightened conflict is experienced in the community and more

**KING'S UNIVERSITY COLLEGE – Edmonton, Alberta**

than one member of the community may be negatively impacted. Tertiary-level violations are instances of egregious community violations that negatively affect more than one member of the community. These violations call into question whether the responsible party should remain a member of the community.

**Possible sanctions for violations include:** apology, warning, fine (up to \$50), restitution (actual), behaviour contract, community service, point deduction, probation, suspension, disciplinary Dismissal, non-disciplinary dismissal, permission to withdraw, emergency temporary, suspension.

Information summarized from the King's University College website

King's College – Just the facts: <http://www2.kings.edu/aboutkings/justthefacts.htm>

The King's University College Student Handbook 2012/13

<http://www.kingsu.ca/studenthandbook.pdf>

**MICHIGAN STATE UNIVERSITY – East Lansing, Michigan**

School facts:

- Public research university
- 47,131 student (36,058 undergraduate, 11,073 post-graduates)
- 4,985 faculty
- 16% minority population

**Department of Student Life**

**Vision:** MSU is the foremost Higher Education community for the study and practice of restorative justice principles.

**Mission:** Continue to integrate restorative justice principles into all University programs and services; provide high quality research, teaching, and learning opportunities; and foster and promote the use of restorative practices.

**Services and policies related to Restorative Justice**

Restorative justice provides a foundation for how we encourage members of our community to interact with one another. As members of the MSU community, we are all interconnected and the actions of one affect the entire community. The philosophies of restorative justice are highlighted in our approach to conflict resolution and student conduct on campus.

Restorative justice is a key part of MSU's approach to conduct and discipline on campus. Departments of Residence Life and Student Life staff members are trained in the RJ process. This ensures that RJ is available to the entire student body and staff whenever they need it. Restorative justice supplements and expands options in MSU's student disciplinary process,

**MICHIGAN STATE UNIVERSITY – East Lansing, Michigan**

empowering those affected to resolve, heal and move forward from conflict or misconduct.

**Community Involvement**

Grads from School of Criminal Justice serve on the Restorative Justice committee and representatives from MSU Safe Place & Sexual Assault Programs, Office of Cultural and Academic Transitions and others are coming on board in the fall.

A Communication Arts and Sciences faculty graduate recently produced two videos for us and the MSU ROIAL Players developed a public service announcement and have committed to producing two more.

The MSU School of Criminal Justice co-hosted a symposium on restorative justice. The MSU Law School ADR Program hosted the pre-symposium reception honouring keynoter, Justice Janine Geske, which was attended by at least 15 departments and offices across campus.

Trainings prepare Res. Life staff—from Director to mentors—to use restorative justice practices and tools in their work and lives both now and into the future.

Website offers basic information (in English and numerous other languages).

Information summarized from the Michigan State University website

Michigan State University – MSU facts: <http://www.msu.edu/about/thisismsu/facts.html>

Residence Life – Restorative Justice: <http://www.reslife.msu.edu/rj/>

**MICHIGAN TECHNOLOGICAL UNIVERSITY – Houghton, Michigan**

School facts:

- Public research university
- 6,957 (5,639 undergraduates, 1,318 post-graduates)
- 458 faculty
- 3% minority population

**Dean of Students**

The goal of Student Conduct Services is to resolve issues in an atmosphere of honesty and trust with integrity in the process. All participants in the conduct process will be treated fairly and with respect.

The purpose of the conduct process includes the following:

## **MICHIGAN TECHNOLOGICAL UNIVERSITY – Houghton, Michigan**

- Determining responsibility for conduct violations
- Facilitating the development of students ethical conduct and personal accountability
- Achieving an educational outcome in conduct cases
- Protecting the interest of the Michigan Tech community in an environment that promotes education, personal growth, and peaceful resolution of conflicts

### **Services and policies related to Restorative Justice**

Student Conduct Services at Michigan Tech uses committees to address issues and resolve incidents in the University community.

Special Condition ideas include: a referral to the Career Center to meet with an advisor to discuss resources that will support your efforts to succeed at Michigan Tech and in the future, a reflective paper entitled “If I Had This to Do Over Again” to provoke thought on the decisions you made from the time this incident started, the development of an Education Program, or community service for a local non-profit (see Educational special condition ideas for residence life incidents).

### **Community Involvement**

The university-wide Student Conduct Board is the decision-making body for incidents under the Code of Community Conduct, including academic integrity and sexual misconduct. The University Senate selects faculty members of the board, and the student members are recruited by the Undergraduate Student Government and the Graduate Student Government in consultation with Student Conduct Services. A hearing panel consists of one member of the faculty, one student, and one member of the professional Student Affairs staff.

The Residence Life Conduct Board resolves most incidents that occur in the residence halls and student apartments. The members are recruited by Housing & Residential Services in consultation with Student Conduct Services. A hearing panel consists of three students with a professional staff member acting as a non-voting procedural officer.

The University community has developed the standards of conduct set forth in this Code of Community Conduct to accomplish many important educational objectives and to assist students who will “create the future” to live with integrity.

Students are encouraged to contribute their skills and insights in the resolution of University conduct cases involving students through service on the hearing committees. Final authority in conduct matters, however, is vested in University administration and the Board of Control.

Information summarized from the Michigan Technological website

Michigan Tech – Admissions – Fast facts: <http://www.mtu.edu/admissions/future/facts/>

Dean of Students: <http://www.mtu.edu/dean/conduct/goals/>

School facts:

- Private, independent liberal arts college
- 2,673 (2,467 undergraduates, 206 post-graduates)
- 243 faculty
- 26% minority population

**Dean of Students**

The University strives to create an atmosphere in which basic civility and decency are expected, and mutual respect and open communication are fostered:

- Members of the University community are responsible for their actions and how those actions impinge on those around them
- Wisdom, good judgment, and concern for others are to be held in higher regard than narrow self-interest
- The basic rights and dignity of each individual are to be upheld in the climate of a just and humane environment.
- Behaviour that is psychologically or physically destructive either to the self or to others is unacceptable in the University setting.

**Policies and services related to Restorative Justice**

Trinity University offers a safe environment for students to learn - by experience - about their decisions, actions, and their consequences. Trinity University's policies are intentionally simple: Students are expected to follow the law, take responsibility for their actions, and show respect for self, others, the University and broader community, and property.

Trinity University values the freedom of those who live and work here to make their own choices, and it values the education that equips them to exercise that freedom responsibly. Because the consumption of alcohol can impair an individual's judgment and lead to devastating damage and loss, the alcohol policy aims to limit those negative consequences in order to sustain a positive, liveable, learning environment on campus. Students remain accountable to all University policies even when drinking; intoxication does not serve as an excuse for violating any policies. This policy intentionally promotes awareness of the physical, emotional, mental, and legal ramifications of irresponsible alcohol use because freedom relies not only on rules but, most importantly, on informed thinking.

Alcohol education is our preferred method by which to address student alcohol-related issues.

Thus, our goals are to:

- inform students about alcohol-related policies and laws;
- coach drinkers to follow safer-drinking practices
- help students facing issues with alcohol dependence

## TRINITY UNIVERSITY – San Antonio, Texas

- teach responsibility, accountability, and respect for others.

### Community involvement

There are a number of alcohol and substance-free programs and activities offered on campus such as athletic events, drama and music productions, lectures, cultural festivals, and residence hall programs are all substance-free. Abundant indoor and outdoor recreational facilities are available to students and San Antonio offers numerous social and cultural opportunities. All first-year students are required to complete an online alcohol education course prior to registration.

The body charged with upholding policies is the Student Conduct Board--a panel of eight upper-class students selected by ASR and approved by the president of the University. The goal of the Student Conduct Board is to teach students the importance of living by standards defined by the student University community. Trinity University strongly believes that students can and should monitor the campus behavioural environment. Campus policies are designed with input from the Trinity Alcohol Coalition, the Association of Student Representatives (ASR), and through its student designees on the Standards Committee. Student staff members enforce policies in the residence halls.

Information summarized from the Trinity University website

Trinity University – Fast facts: <http://web.trinity.edu/about-us/fast-facts>

Dean of Students – Student Conduct: <http://web.trinity.edu/x14308.xml>

## UNIVERSITY OF ALBERTA – Edmonton, Alberta

School facts:

- Public research university
- 30,944 undergraduates (30,944 undergraduates, 7,346 post-graduates)
- 3,506 faculty

### Office of Student Judicial Affairs

*Values: “Integrity, fairness, and principles of ethical conduct built on a foundation of academic freedom, open inquiry, and the pursuit of truth.”*

*Mission: “To inspire the human spirit through outstanding achievements in learning, discovery and citizenship in a creative community, building one of the world’s great universities for the public good.”*

*Learning, discovery and citizenship: “To inspire students, faculty and staff alike to engage in activities that develop leadership, foster social and moral responsibility, and contribute to the*

**UNIVERSITY OF ALBERTA – Edmonton, Alberta**

*further development of our society and its institutions.”*

**The Office of Student Judicial Affair (formerly the Discipline Office)**

By emphasizing promotion of personal responsibility, respect for others, and courage to do what is right, we hope to reach for the ideals outlined in our President’s vision for the University of Alberta.

Sanctions can have various purposes: they may be educational, restorative, rehabilitative, a deterrent or even punitive. They may be designed to respond to the behaviour itself, or to protect the University Community from that behaviour.

Where appropriate, we might impose restorative sanctions, for example requiring a student to pay for repair or replacement of items s/he has damaged, rehabilitative sanctions, excluding a person from a particular area where s/he has been causing problems, or Suspending/Expelling a student who threatens the integrity of the University of Alberta degree through academic dishonesty deter or punish, such as a fine for breaking the law.

Information summarized from the University of Alberta website  
University of Alberta – Why UAlberta? – UAlberta facts – Students:  
<http://www.why.ualberta.ca/en/ualbertafacts/Students.aspx>  
Office of Student Judicial Affairs: <http://www.osja.ualberta.ca/>

**UNIVERSITY OF MICHIGAN – Ann Arbor, Michigan**

School facts:

- Public research university
- 42,761 students (27,407 undergraduates, 15,309 post-graduates)
- 6,200 faculty
- 25% minority population

**Office of Student Conflict Resolution**

OSCR continually strives to “*Build Trust, Promote Justice, and Teach Peace*” by collaborating with students, student groups, student leaders and campus departments to implement university-related policies and procedures that provide adaptable conflict resolution.

**Services and policies related to Restorative Justice**

OSCR provides a variety of programs and services designed to support a safe, just and peaceful community, and to help Michigan students learn how to manage and resolve conflict peacefully. It offers a full-spectrum menu of conflict resolution pathways and approaches to adapt around

**UNIVERSITY OF MICHIGAN – Ann Arbor, Michigan**

individual needs and circumstances, and allow everyone involved to have significant influence over the process and outcome. These include:

Conflict Coaching – A one-on-one meeting between a student and an OSCR professional to explore constructive approaches to engaging conflict and/or relationships within a specific context or broader sense.

Facilitated Dialogue – A conversation with another person/group of people facilitated by a third party.

Social Justice Mediation – A mediation where multi-partial mediators field and communicate the needs and experiences of all of those involved in a conflict, and then helps disputants work towards a mutually agreeable future that meets each individuals needs, options and desires for the future.

Shuttle Negotiation – A negotiation in which a facilitator assists parties negotiate a mutually agreeable, documented resolution to a conflict, without the disputants engaging directly with each other.

Restorative Justice Circle – An opportunity for all individuals involved in an incident to come together to gain a shared understanding of what happened, how people were affected, and how the situation may be repaired and the community and/or individuals restored. Participants have complete control of the outcome, working together to develop an agreement that resolves the issues and restores the situation.

Alcohol and Other Drugs program - A safe, confidential setting where students can address alcohol or other drug-related (AOD) incidents, explore their AOD use, and learn about AOD-related educational and health-related programming.

One or more of the following sanctions/interventions may be recommended: form reprimand, disciplinary probation, restitution, university employment restriction, class/workshop attendance, an educational project, community service, university housing transfer or removal, removal from specific courses or activities, no contact, suspension, expulsion.

The office tries to identify non-university mediators to serve parties at no charge or on a sliding fee scale.

**Community involvement**

The OSCR Advisory Board is a student-led think tank that meets once a month to discuss OSCR’s mission and practices assisting student in resolving conflicts.

OSCR offers volunteer opportunities and unpaid internships to graduate and undergraduate students who seek hands on experience and training doing conflict resolution work In addition to students, faculty and staff may also volunteer by serving as social justice mediators, facilitators, etc.

Students have been employed with OSCR's work from being the first point of contact to those inquiring about OSCR, to meeting with those seeking services, to actively coordinating and facilitating conflict resolution through OSCR's multiple pathways.

OSCR offers educational workshops on issues and topics related to conflict management and resolution, which can be tailored for individual circumstances and needs, including preventative or reactive programming. Popular topics include conflict styles, listening skills, OSCR services, and identifying and resolving conflict.

OSCR periodically offers trainings to the campus community such as a 40-hour Social Justice Mediation training and other briefer conflict resolution trainings.

Students, staff, and faculty collectively author the *Statement of Student Rights and Responsibilities* which is a community-owned document. This document is continually revised on an as-needed basis. Campus community members are encouraged to participate in updating the *Statement* and to propose amendments.

Each year, sixty students are appointed to serve as Student Panelists in the formal conflict resolution process administered by OSCR. Serving as a Student Panelist is by invitation only, through random selection each winter. Those who accept the invitation participate in a weekend training during the fall semester to learn about the resolution process specified in the *Statement of Student Rights and Responsibilities* and hear from guest speakers from SAPAC, Student Legal Services, and many other corners of the University community.

Judicious and thoughtful faculty and staff members serve as Resolution Officers (ROs) in the formal conflict resolution process administered by OSCR. Depending on the type of arbitration selected, ROs may determine responsibility themselves or assist Student Panelists during the hearing. ROs must participate in a weekend training during the fall semester to learn more about how OSCR administers the *Statement of Student Rights and Responsibilities*.

Information summarized from the University of Michigan website:

<http://www.admissions.umich.edu/drupal/glance>

Division of Student Affairs – Office of Student Conflict Resolution

<http://www.oscr.umich.edu/>

### **Summary of questionnaire-survey responses**

The questionnaire-survey instrument (see Appendix 1) was created in collaboration with the client to meet the clients request to a) gain a better understanding of how restorative practices are being implemented on other campuses, b) learn from the experiences, successes, and failures of the implementing practitioners, and c) determine how best to establish a presence on campus. Ethical approval to recruit participants to complete the questionnaire-survey instrument was

granted by the University of Victoria Human Research Ethics Board on January 9<sup>th</sup>, 2012 and given protocol number 11-544 (Appendix 2).

Quantitative information (years of restorative programming, referrals per year, and source of referrals) was compiled graphically (see Appendix 3, 4, and 5). Below is a summary of the key points and re-occurring themes which emerged from the questionnaire-survey responses.

## STRUCTURE

### **Services**

#### *1.1 Cultivate a campus environment grounded in restorative justice principles*

- 1.1.1 Offer restorative services for violating students who express remorse and desire to repair the harm
- 1.1.2 Train and equip Judicial Affairs staff in restorative justice theories and principles so that an ethos of restorative practices may be applied and integrated into all interactions and proceedings

#### *1.2 Target the on-campus Residence*

- 1.2.1 Work towards a partnership with the University of Victoria Student Residences with the goal of establishing a referral system or in-house restorative mechanism for addressing violations of the Residence Services Community Standards

#### *1.3 Be prepared to deal with all types of conflict*

- 1.3.1 Adequately train and equip conference volunteers to address issues of alcohol, harassment, vandalism, drugs, violence, noise, and interpersonal conflict.

#### *1.4 Establish working relationships with other campus services*

- 1.4.1 Target specifically the Residences, Campus Security, Academic Departments, and Counselling Services in order to enhance the referral system and engage the appropriate support services necessary

### **Conference Model**

#### *2.1 Implement a community group conference model specific to the needs of the University of Victoria*

- 2.1.1 Create a process whose structure works with the resources available to adequately serve the demographics of the campus. Factors to consider include human capital, time required, and cultural representation.

## **Support for student offenders**

### *3.1 Encourage the use of support persons*

- 3.1.1 Ensure that participants realize that they are allowed to have a support person with them during both the pre-conference screening and restorative process. If an individual does not have access to an appropriate support person, offer a (trained) student advocate to accompany them.

### *3.2. Provide adequate pre-conferencing*

- 3.2.1 Be clear and transparent with the responsible party in the briefing prior to the conference. This could include providing a sample copy of the script in order to prepare them for what to expect.

## **PARTNERSHIPS**

### **Establish partnerships with outside organizations**

#### *4.1 Maintain contact and collaborate with other institutions implementing restorative practices*

- 4.1.1 Use other schools as resources. Stay in touch and follow-up as necessary with the institutions that have willingly participating in this project.
- 4.1.2 Consider holding an information sharing or training event with the other two Canadian institutions (University of Alberta and King's College).

### **Establish partnerships within the institution**

#### *5.1 Establish partnerships with relevant faculties at the University of Victoria*

- 5.1.1 Approach departments such as social justice, social work and criminal justice and work towards classroom presentations, symposiums, and general involvement as a means of raising awareness, increasing the potential for faculty referrals, and recruit potential volunteers.
- 5.2 1 Educate UVic faculty and staff on the principles of restorative justice, with a specific focus on members of the Judicial Affairs Office, Student Affairs, and the University's Senate and Board of Governors.

## LOGISTICS

### **Staff personnel**

*6.1 Employ a part-time/curriculum student to support restorative services available on campus*

6.1.1 Train and allocate an individual to serve as a liaison between the VRJS and the University of Victoria, and to oversee/assist with the administration, development and marketing of restorative justice cases on campus.

### **Volunteers**

*7.2 Actively recruit and involve volunteers to facilitate and support the restorative justices process*

7.2.1 Recruit and train faculty and staff members to serve as facilitators, community members, support people, and members of the review board.

### **Training**

*8.1 Provide training for volunteer staff, faculty and students, and recognize them for their efforts*

8.1.1 Train students, faculty and staff with the basic VRJS Volunteer Orientation training and follow-up with ongoing refreshers, and/or population-specific modules (i.e. Faculty, ESL, etc.).

8.1.2 Work towards a peer-to-peer coaching model.

8.1.3 Aim to train all Residence Life staff in restorative practices and principles.

8.1.4 Look into the possibility of offering credit or practicum hours to students who volunteer a significant amount of time.

## EVALUATION & APPLICATION

### **Evaluation**

*9.1 Use a post-conference evaluation tool*

9.1.1 Consider using an on-line survey

9.1.2 Conduct group debriefings amongst conference volunteers after each case

9.1.3 Track agreement completion and recidivism with 3-6 month follow-ups on responsible

parties

### **Best practices**

*10.1 Learn from the suggestions of other institutions implementing restorative practices*

10.1.1 Ensure cases are dealt with in a timely manner

10.1.2 Address power imbalances by neutralizing the conference space and incorporating faculty and staff from outside the Judicial Affairs Office

10.1.3 Adequately train volunteers and provide ongoing education to the campus community

10.1.4 Offer the spectrum model with a variety of approaches to resolve cases

## **AWARENESS & PROMOTION**

### **Awareness and Promotion**

*12.1 Promote education and awareness regarding restorative justice and the processes available on campus among university staff, faculty, and students*

12.1.1 Ensure that staff in the Judicial Affairs Office have a solid understanding and/or training in the restorative process and principles in order to be able to offer this option to offending students on a case-by-case basis

12.1.2 Connect with relevant departments and faculty members to make them aware of the restorative services available on campus, and arrange classroom visits in order to recruit student volunteers

12.1.3 Introduce Resident Life staff to restorative principles and practices

12.1.4 Use social media, brochures, signs on bulletin boards, ads in the student newspaper, and campus events to access the student body

12.1.5 Request that information regarding restorative approaches to conflict and the types of restorative services available for non-academic student misconduct be included in the University Student Handbook

### **Recommendations**

The intent of this comprehensive review of restorative justice was to gain knowledge which could better inform the implementation of the restorative justice for non-academic student

infractions at the University of Victoria. The following recommendations are offered to the Victoria Restorative Justice Society as a result of examining academic literature, questionnaire-survey responses, and school web-sites related to restorative programs and services being offered at post-secondary academic institutions in North America.

*1. Educate and familiarize Judicial Affairs Office staff with restorative principles and processes*

Employees of Judicial Affairs office at the University of Victoria are the front line staff responsible for implementing the restorative services. As such, these representatives should be trained to offer careful and thoughtful intake (Meagher, 2009) and encouraged to act with “ethically and restoratively based decision making” (p.42). In order to achieve this objective, it should be a priority of the VRJS to train the staff in the JAO office to have an understanding of restorative principles and processes. A half day training on the basics of restorative justice could help impart an ethos of restorative care be established in the conduct and procedures of the Judicial Affairs Office.

Rationale: Schools participating in this research employ between one to 14 individuals to implement the restorative programming at their respective institution. These roles varied from director, office managers, program assistants, residence life employees and Judicial Affairs Office staff who contribute a combined total of 20-58 part-time hours a week to the coordination and administration of services. Staff at Michigan State University infused restorative justice principles into their formal student conduct process, King’s College have no staff whose sole focus is restorative justice, and the University of Alberta worked the responsibilities into other job descriptions.

*2. Actively recruit, train and involve students in the restorative processes*

Volunteers are essential to carrying out restorative justice. Using student volunteers would expand the presence and capacities of the Victoria Restorative Justice Society on campus while simultaneously meeting the University of Victoria’s mandate to offer “real-life involvement” in the development of “thoughtful, engaged citizens and leaders” (*A vision for the future - Building on excellence*, 2012). Students can contribute to the administration and facilitation of community conferences or serve as unpaid interns, serve as members on student advisory and residence conduct boards, participate as co-authors of community and student conduct, or act as support people for various trainings and workshops. This recommendation could be carried out by enlisting an on-campus liaison or student intern to oversee and coordinate the student volunteers.

Rationale: Five of the nine schools surveyed use student volunteers to facilitate and implement restorative practices on their campuses. At Alfred University and the University of Michigan, volunteers are key and crucial to the success of the program, and Guilford College hopes to find more ways to involve volunteers and is working towards being able to offer academic credit for doing so. Because restorative justice is a collaborative process based on relationships and community, involving students in the creation and enforcement of behaviour standards is both important (Pavela, 1996) and reflective of the principles of restorative practices.

### *3. Develop and establish partnerships and support networks on campus*

Implementing restorative services on campus requires the collaboration of the entire campus community. Staff and faculty can play a valuable role in the restorative model on campus as resources of referrals, student volunteer recruitment, and community panel members. Incorporating staff and faculty from outside the Judicial Affairs Office also offers objectivity to the restorative conference. This support can and should come from areas such as the Office of the President, Residence Services, Campus security, student government groups, Counselling and Health services, student legal services, and local community members. Connections should also be established with the departments of social justice, dispute resolution, criminology, sociology and law. Awareness is an important piece in that it can help change pre-existing judicially oriented mind sets to consider restorative justice as a viable new alternative.

Rationale: In total, Residence staff, Student Judicial Affairs Offices, campus security, department/academic heads and counselling/guidance services account for 85% of referrals at the nine schools surveyed (see Appendix 9) and four schools commented that they would like to increase the awareness and adoption of restorative practices campus-wide. Staff at Michigan State University believe that "...outside of Residence halls...most students learn about restorative justice from a staff member" and at Colorado State University, many restorative justice cases come as referrals through Student Legal Services, Counselling services, staff, or faculty. Involving staff and faculty from other areas increases the possibility of balancing power by expanding the pool of representation from which to draw (Giacomini & Schrage, 2009) and using facilitators from outside the Student Life Office at King's has helped moderate conversations and provide a sense of objectivity for students.

### **Discussion**

As the primary researcher, I inevitably entered this study with my own biases and a personal disposition towards using restorative justice as a means of approaching conflict. The relationship-centred, forgiveness-focused aspects of restorative justice resonate deeply with my strong sense of Christian values and offer an approach to resolution-making that mirrors my own understanding of collaboration as experienced in my home town community in Winnipeg and the work of my father as a politician. Given these preferences, it was important I acknowledge the reality that restorative justice is not appropriate for all situations. As highlighted in all three data sources, it is but one of many approaches to be offered to deal with student misconduct.

The three recommendations are offered to the Victoria Restorative Justice Society in order of priority and sequential logic. It seems pertinent to begin with the Judicial Affairs office where the services are now being offered and spread to the greater campus community from there. Given that the process relies heavily on voluntary commitment, recruiting, training and involving student volunteers becomes an important next step. Once these two components are in place, campus partnerships and support networks become important elements for enhancing and expanding the services.

The strength of the methodology used was that it allowed for the integration of three different types of information sources, which may account for more confident results. The deliverable assembled a large volume of information from a variety of sources for the client, and

provides three main recommendations which can be utilized to their benefit immediately. Although the student populations of the schools surveyed are both above and below that of the student body at the University of Victoria (see Appendix 5), vary in location (see Appendix 6), length that program has been existence (see Appendix 4), and number of cases per year going to restorative justice (see Appendix 5), they still present insight into how restorative practices are currently being carried out on university and college campuses in North America.

The identifiable weaknesses of this research methodology include my personal subjectivity and the way this impacts the way I interpret and generalize the data texts, and the limit on the information available on this topic. Examining information from nine respondents stemming from a wide spread of academic institutions fails to address the influence of contextual differences on the design and implementation of restorative processes. For example, this research does not account for factors relating to university affiliation (i.e. secular vs. non-secular) or school location. Furthermore, because seven of the nine schools surveyed are located in the United States, it is cautionary to conclude that these services have the same applicability in a Canadian setting.



## *Questionnaire*

Date :

Name of Institution:

1. How many years have restorative justice practices been offered at your institution?
2. How many staff personnel does your restorative program employ and how many hours do these personnel work per week?
3. Describe the restorative services that your institution offers.
4. What model of restorative practices do you most commonly use in your program? (i.e. community conferencing, peacemaking circles, victim/offender mediation)
5. What best practices do you employ within your program that increase your success?
6. What are your greatest challenges in carrying out the restorative practices on campus?
7. What future changes would you like to implement to enhance the program?
8. Does your program rely on volunteers in any way? If so, what role do they play within the program? What type of training do they receive?
9. What type of training do you offer staff/volunteers who will be facilitating restorative processes within the program?
10. Do you have partnerships with any outside organizations or universities? If so, what do these partnerships look like? How do they further your services?
11. How do most participants hear about restorative practices? How are your services promoted among the campus population, and what type of resources do you use?

12. From where do you receive referrals? (Please check all that apply)

Residence staff	
Chancellor/presidents office	
Student Judicial Affairs	
Campus Security	
Student legal services	
Student government groups	
Chapel staff	
Counselling/guidance services	
Department/academic heads	
Ombudsman office	
Other:	

13. Approximately how many referrals do you receive a year?

14. What types of conflict does your division handle? (please check all that apply)

Inter or intra group conflicts	
Student/faculty conflict	
Family disputes	
Alcohol	
drugs	
violence	
noise	
harassment	
Roommate issues	
vandalism	

15. How do you support your students through restorative processes?

16. How is the restorative approach viewed in the overall structure of the institution?

17. What type of evaluation do you use to measure the success/outcomes of your program?

## Appendix 2 – Certificate of Approval from the Human Research Ethics Board



**Human Research Ethics Board**  
 Office of Research Services  
 Administrative Services Building  
 PO Box 1700 STN CSC  
 Victoria British Columbia V8W 2Y2 Canada  
 Tel 250-472-4545, Fax 250-721-8960  
 Email ethics@uvic.ca Web www.research.uvic.ca

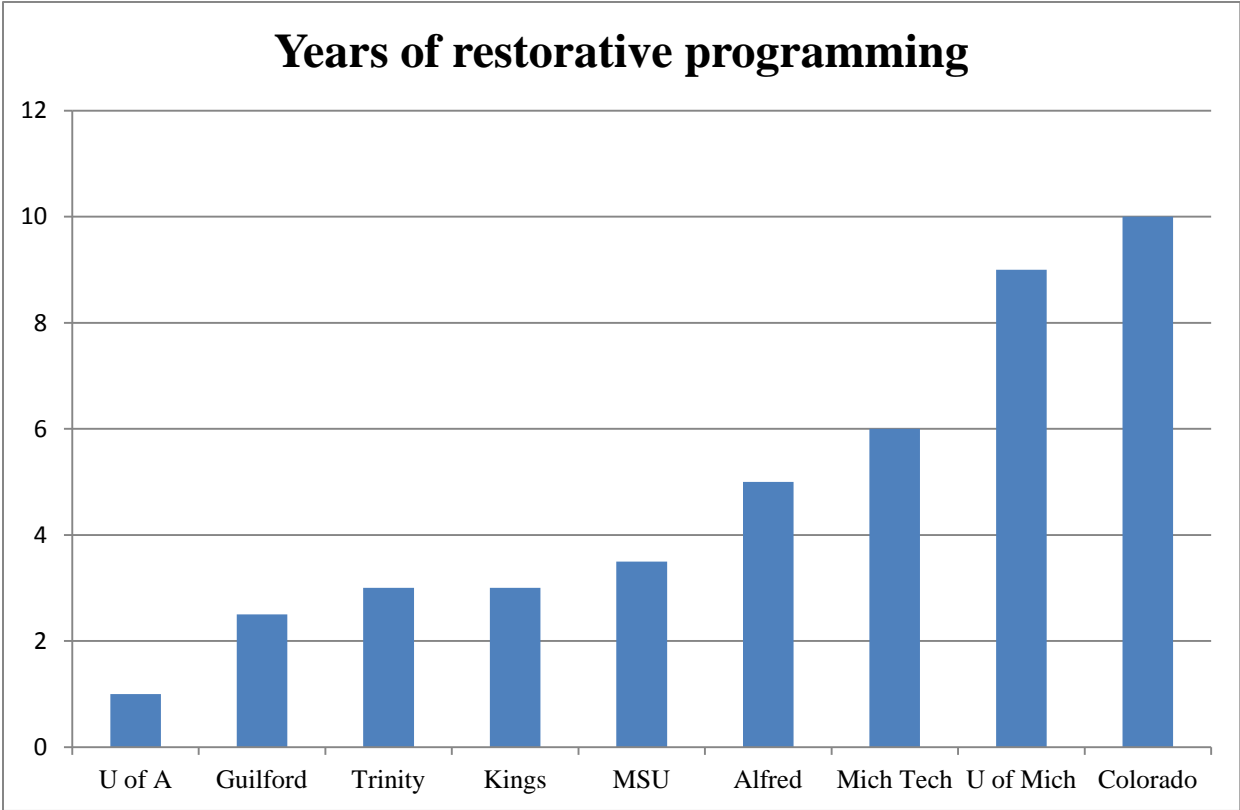
### Certificate of Approval

PRINCIPAL INVESTIGATOR	Tanissa Martindale	ETHICS PROTOCOL NUMBER	11-544
UVic STATUS:	Master's Student	ORIGINAL APPROVAL DATE:	09-Jan-12
UVic DEPARTMENT:	MADR	APPROVED ON:	09-Jan-12
SUPERVISOR:	Lyn Davis	APPROVAL EXPIRY DATE:	08-Jan-13
PROJECT TITLE: <b>Restorative Justice for non-academic infractions at the University of Victoria: Learning from other institutions</b>			
RESEARCH TEAM MEMBERS: None			
DECLARED PROJECT FUNDING: None			
<b>CONDITIONS OF APPROVAL</b>			
<p>This Certificate of Approval is valid for the above term provided there is no change in the protocol.</p> <p><b>Modifications</b>                  To make any changes to the approved research procedures in your study, please submit a "Request for Modification" form. You must receive ethics approval before proceeding with your modified protocol.</p> <p><b>Renewals</b>                  Your ethics approval must be current for the period during which you are recruiting participants or collecting data. To renew your protocol, please submit a "Request for Renewal" form before the expiry date on your certificate. You will be sent an emailed reminder prompting you to renew your protocol about six weeks before your expiry date.</p> <p><b>Project Closures</b>                  When you have completed all data collection activities and will have no further contact with participants, please notify the Human Research Ethics Board by submitting a "Notice of Project Completion" form.</p>			
<b>Certification</b>			
This certifies that the UVic Human Research Ethics Board has examined this research protocol and concluded that, in all respects, the proposed research meets the appropriate standards of ethics as outlined by the University of Victoria Research Regulations Involving Human Participants.			
 Dr. Rachael Scarth Associate Vice-President, Research			

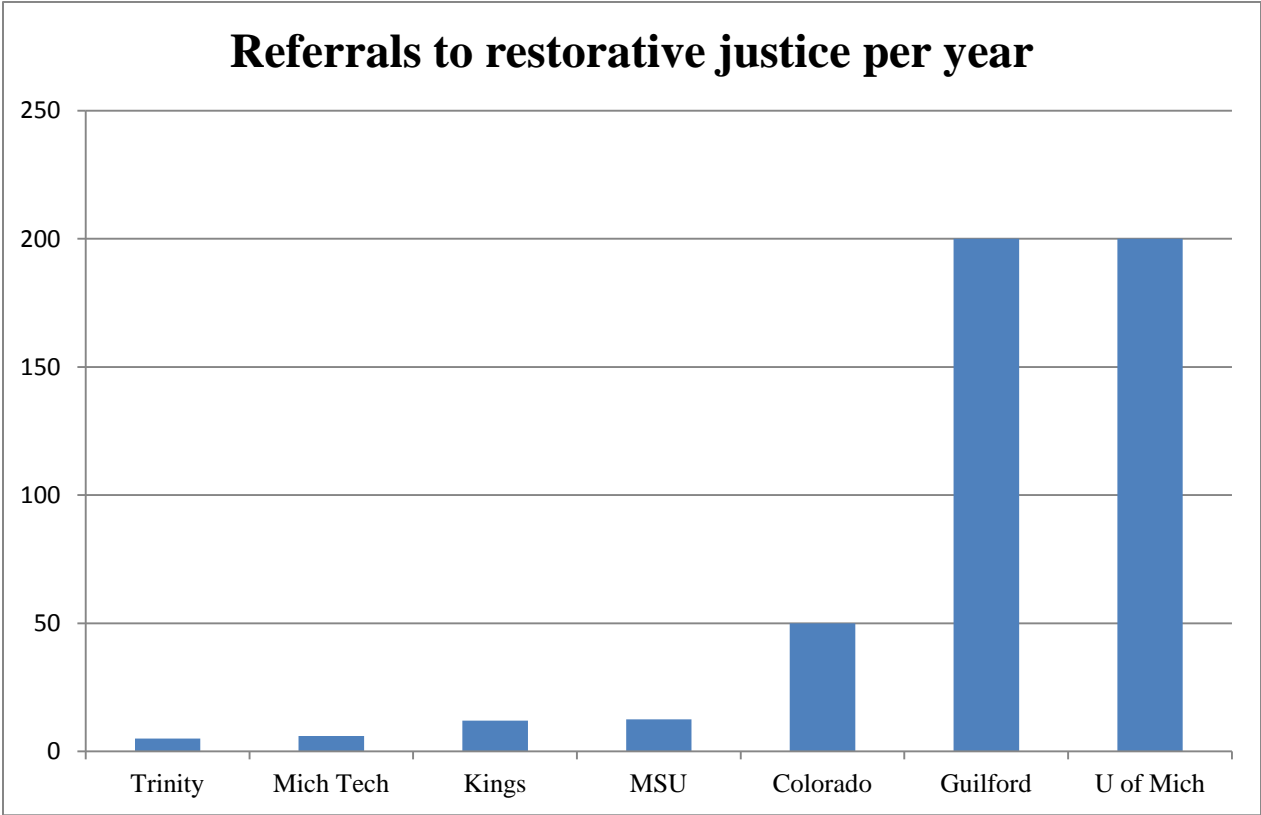
11-544 Martindale, Tanissa

Certificate Issued On: 09-Jan-12

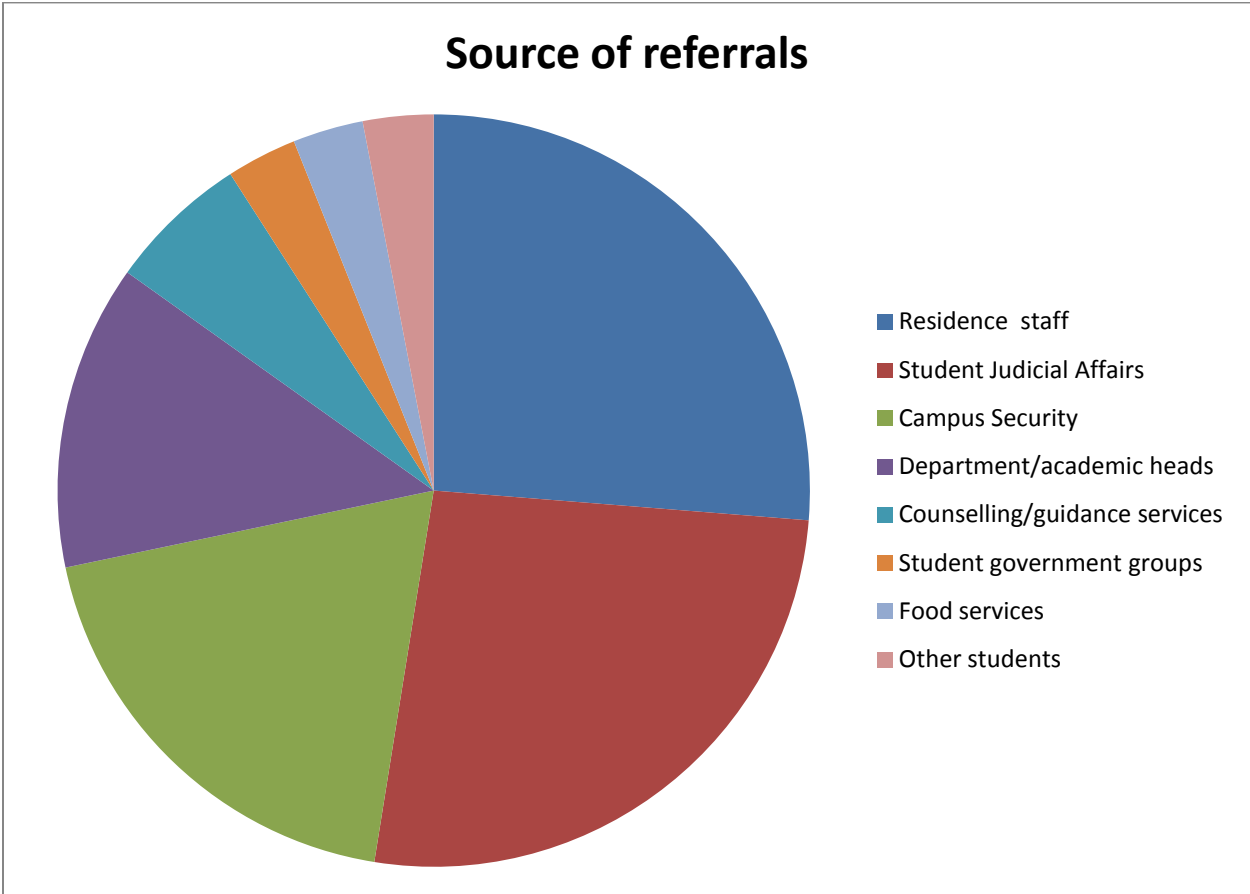
Appendix 3 - Length that restorative programming has been offered at the schools surveyed



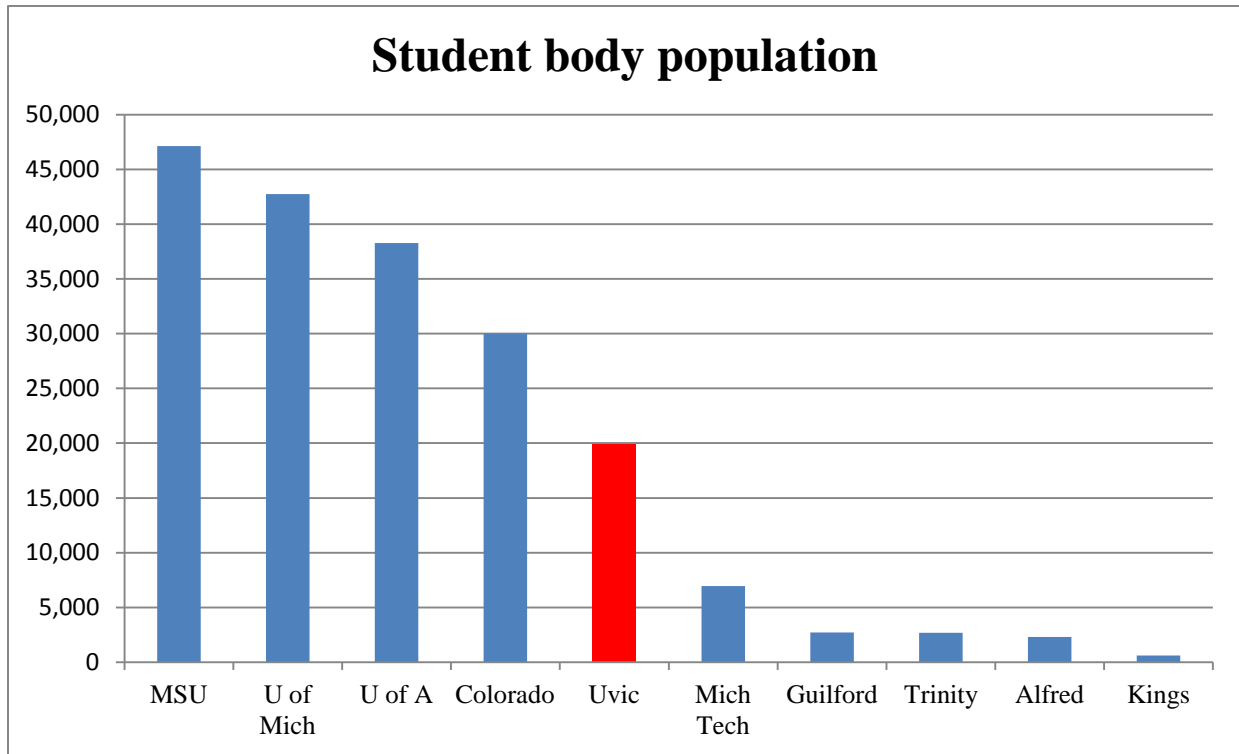
Appendix 4 – Number of referrals per year going to restorative justice at the schools surveyed



Appendix 5 – Sources of campus referrals at the schools surveyed



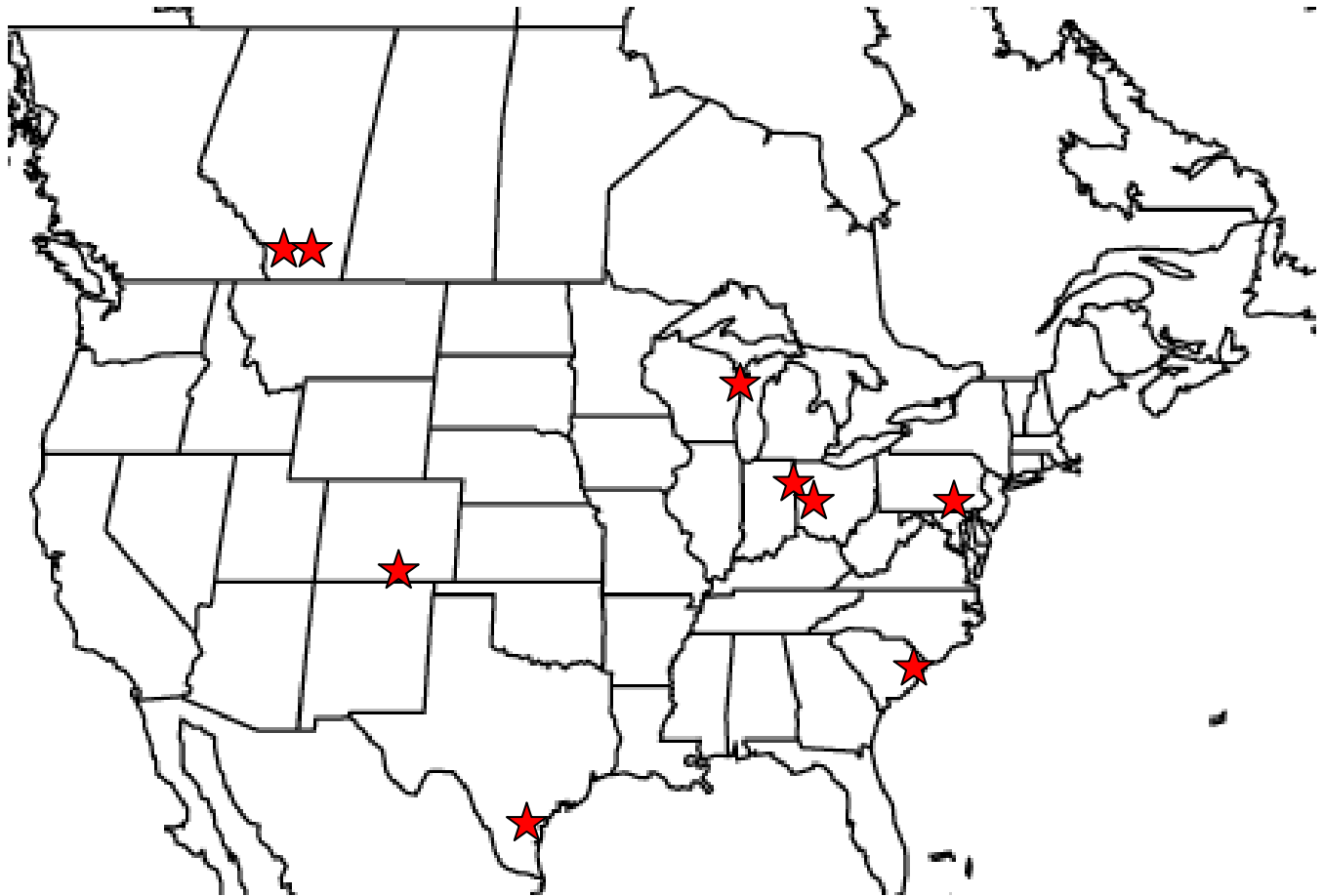
Appendix 6 – Student body populations at the schools surveyed



References:

- Michigan State University: <http://www.msu.edu/about/thisismsu/facts.html>
- University of Michigan: <http://www.admissions.umich.edu/drupal/glance>
- University of Alberta: <http://www.why.ualberta.ca/en/ualbertafacts/Students.aspx>
- Colorado State University: <http://www.colostate.edu/features/facts-figures.aspx>
- University of Victoria: <http://www.uvic.ca/resources/factsfigures.php>
- Michigan Technological University: <http://www.mtu.edu/admissions/future/facts/>
- Guilford College: <http://www.ctcl.org/colleges/guilford>
- Trinity University: <http://web.trinity.edu/about-us/fast-facts>
- Alfred University: <http://www.alfred.edu/glance/>
- King's College: <http://www2.kings.edu/aboutkings/justthefacts.htm>

Appendix 7 – Location of the schools surveyed



Addresses acquired from:

Michigan State University: <http://www.msu.edu/about/thisismsu/facts.html>

University of Michigan: <http://www.admissions.umich.edu/drupal/glance>

University of Alberta: <http://www.why.ualberta.ca/en/ualbertafacts/Students.aspx>

Colorado State University: <http://www.colostate.edu/features/facts-figures.aspx>

University of Victoria: <http://www.uvic.ca/resources/factsfigures.php>

Michigan Technological University: <http://www.mtu.edu/admissions/future/facts/>

Guilford College: <http://www.ctcl.org/colleges/guilford>

Trinity University: <http://web.trinity.edu/about-us/fast-facts>

Alfred University: <http://www.alfred.edu/glance/>

King's College: <http://www2.kings.edu/aboutkings/justthefacts.htm>

### **Initial Conference Discussion Suggestions**

*(This is a general outline, you don't have to follow this word for word...)*

1. Explain why you are meeting with the student.

The purpose of the initial conference is to review the charges, incident reports and procedures. Then, the student is asked if

- he/she accepts responsibility or not; and
- what type of hearing she/he wants (if applicable).

*NOTE: you can jot notes on the copy of the initial conference letter in the file, regarding the students responses. Or use a separate sheet of paper.*

2. Information to review with the student:

- Summarize the incident reports and other information:

*NOTE: Be sure to redact SS# and any other FERPA protected information if you expect that the student will look at any documents. In general we do not release copies of the written evidence. We permit the student to review in our office.*

- Explain the charges and range of sanction - including parental notification, if applicable. Explain typical special conditions if applicable (e.g., alcohol cases)
- Explain the types of hearings (as applicable)

I. Students Decision:

- a. Administrative hearing with person conducting initial conference
- b. Administrative hearing with someone else (conflict of interest)
- c. University Judiciary Committee (if the charge includes a possible sanction of Suspension or Expulsion) or Academic Integrity Committee if applicable.

II. Hearing Officer Decision or Required by Policy

- a. Administrative hearing with someone else (conflict of interest)
- b. If sexual misconduct/harassment, Administrative Panel with two administrators

III. Explain they can bring evidence, witnesses and “advisor” to a hearing

- a. No character witnesses – not necessary
- b. The “advisor” must be a registered student, staff or faculty

1. Discussion and Procedural Follow Up:

- Ask them to explain what happened from their point of view.
- Ask them how they want to proceed procedurally (if they say they are responsible, note that the option is limited to an administrative hearing to determine sanctions, rather than a judicial hearing committee)
- If there will be a hearing in the future, ask them for the names of the witnesses they wish to have present; discuss what testimony the student will expect these witnesses to provide (sometimes witnesses can be weeded out if they are duplicative or character testimony) and, if you expect to call witnesses tell the student who the witnesses will be (or inform at a later date).

# Appendix 9 – Reflection on offence and the decision making process from the University of Alberta



UNIVERSITY OF  
**ALBERTA**

Office of Student Judicial Affairs

1-04 Triffo Hall  
Edmonton, Alberta, Canada T6G 2E1

www.uofawebualberta.ca/osja  
osja@ualberta.ca

Tel: 780.492.0777  
Fax: 780.492.1974

## Reflection on Offence and the Decision Making Process

This document is strictly for the purposes of reflection and learning, and forms one of the conditions for Conduct Probation. Honesty and thoughtfulness are strongly encouraged in order for you to benefit fully from this exercise. In order to assure confidentiality, you are encouraged to submit this document after the appeal deadline below.

Name	OSJA File #
I.D. Number	Due Date
Charge(s) Under the Code of Student Behaviour	Appeal Deadline

Describe the conditions/circumstances that led up to your decision to commit the offence.

What factors did you consider in making your decision? (Eg. likelihood of being caught, who would be harmed, personal ethics, etc.)

At the time that the offence occurred, what did you think might be positive outcomes of your decision?

At the time the offence occurred, what did you think might be some negative outcomes of your decision?

/...2

Do you see the situation differently, now that you have had time to reflect? How? What has changed?

Given the factors you took into consideration in your original decision-making process, what would you likely do differently in a similar situation in the future?

Other comments and reflections

EXAMPLE

Appendix 10 – Sample participant evaluation form from Michigan State University

<b>Restorative justice circle evaluation: Participant</b>	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	N/A
1. I felt prepared to participate in the circle						
2. I was treated with respect by all parties during the circle						
3. I felt physically safe during the circle						
4. I felt emotionally safe during the circle						
5. I expressed my views during the circle						
6. I articulated my needs during the circle						
7. I listened to the other party/parties during the circle						
8. I understood the point of view of the other party/parties during the circle						
9. The other party/parties listened to me during the circle						
10. The other party/parties understood my point of view during the circle						
11. Each party took responsibility for their actions during the circle						
12. Each party was held accountable for their actions through the circle process						
13. The Circle Agreement appropriately addressed the incident						
14. I recognize how my actions affected the other party/parties						
15. My experience in the circle helped me see value in dialoguing respectfully when in conflict with others						
16. As a result of my participation in the circle, I believe my actions reflect my personal values						
17. As a result of my participation in the circle, I better understand the need to balance individual needs and community needs						
18. The circle process provided me with a sense of closure						
19. I would recommend the circle process to another person in a similar situation						
20. I would participate in a circle for a similar situation in the future						
21. The circle agreement appropriately addressed the incident						
22. The circle agreement was honoured by each party						

<b>Restorative justice circle evaluation: Participant</b>	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	N/A
23. The conflict was resolved through the circle process						
24. The circle process provided me with a sense of closure						
25. The circle process has positively affected my relationship with the other party/parties						
26. Participating in the circle strengthened my sense of community at Michigan State University						
27. If I had to do it over again, I would still choose to participate in the circle						
28. I would recommend the circle process to another person in a similar situation						

**Comments:**

Why did you choose to participate in this circle?

What did you like about your circle experience?

What could have been done differently to improve your circle experience?

Please use the backside of this page to share any additional comments.

[https://apps.reslife.msu.edu/sites/rj/?page\\_id=59](https://apps.reslife.msu.edu/sites/rj/?page_id=59)

## Bibliography

About Us. (n.d.). *Victoria Restorative Justice Society*. Retrieved November 27, 2011, from

<http://rjvictoria.wordpress.com/about/>

*A vision for the future - Building on excellence* (Strategic Plan). (2012). Planning and Priorities

Committee. Victoria, B.C. Retrieved from <http://www.uvic.ca/strategicplan/>

About Us. (n.d.). *Victoria Restorative Justice Society*. Retrieved November 27, 2011, from

<http://rjvictoria.wordpress.com/about/>

Barrett, J. (2004). *A history of alternative dispute: The story of a political, social, and cultural*

*movement*. California, USA: Jossey-Bass Inc., Publishers. Retrieved from

[http://www.amazon.ca/History-Alternative-Dispute-Resolution-](http://www.amazon.ca/History-Alternative-Dispute-Resolution-Political/dp/0787967963#reader_0787967963)

[Political/dp/0787967963#reader\\_0787967963](http://www.amazon.ca/History-Alternative-Dispute-Resolution-Political/dp/0787967963#reader_0787967963)

Center for Democracy and Governance. (1998). *Alternative Dispute Resolution Practitioners'*

*Guide*. Technical Publication Series (p. 156). Washington, D.C. Retrieved from

[www.lawreform.ie/\\_fileupload/consultation%20papers/cpADR.pdf](http://www.lawreform.ie/_fileupload/consultation%20papers/cpADR.pdf)

Dannells, M. (1997). *From discipline to development: Rethinking student conduct in higher*

*education*. Washington, D.C.: George Washington University. Retrieved from

<http://www.eric.ed.gov/PDFS/ED408919.pdf>

Giacomini, N., & Schrage, J. (2009). Building community in the current campus climate.

*Reframing Campus Conflict: Student Conduct practice through a social justice lens* (pp. 7–21). Sterling, Virginia: Stylus Publishing.

Judicial affairs. (2011). *University of Victoria - Student affairs*. Retrieved November 27, 2011,

from <http://studentaffairs.uvic.ca/judicial/>

Judicial affairs: Our goals. (n.d.). *University of Victoria - Student affairs*. Retrieved March 28,

2012, from <http://studentaffairs.uvic.ca/judicial/#section0-5>

Karp, D. (2012). Restorative justice on the college campus. *Skidmore College*. Retrieved

February 12, 2012, from <http://cms.skidmore.edu/campusrj/programs.cfm>

Karp, D., & Allena, T. (2004). *Restorative justice on the college campus: Promoting student*

*growth and responsibility, and reawakening the spirit of campus community*. Springfield,

Illinois: Charles C Thomas Publisher Ltd.

Karp, D., & Conrad, S. (2005). Restorative justice and college student misconduct. *Public*

*Organization Review: A Global Journal*, 5(4), 315–333. doi:10.1007/s11115-005-5094-7

Krapfl, K. (2011). *Judicial affairs: History, moral development, and the critical role of students*.

Kansas State University, Manhattan, Kansas.

Krippendorff, K. (1980). *Content analysis: An introduction to its methodology*. The Sage

CommText Series (Vol. 5). Beverly Hills, CA: Sage.

Lindquist, G., Owens-Wallace, J., & Kux-Kardox, N. (2011). *Introduction to community justice conferencing*. Presented at the Victoria Restorative Justice Society volunteer training, Victoria, B.C.

Llewellyn, J., & Howse, R. (1999). *Restorative Justice - A conceptual framework* (p. 107). Law Commission of Canada. Retrieved from <http://hdl.handle.net/10222/10287>

Meagher, P. (2009). *A phenomenological study of the experience of respondents in campus-based restorative justice programs*. Bowling Green State University, Ohio. Retrieved from <http://etd.ohiolink.edu/send-pdf.cgi/Meagher%20Peter%20J.pdf?bgsu1257144186>

Mirsky, L. (2003). Albert Eglash and creative restitution: A precursor to restorative practices. *International Institute for Restorative Practices*. Retrieved April 3, 2012, from <http://www.realjustice.org/articles.html?articleId=412>

Mounted Police. *Royal Canadian Mounted Police*. Retrieved April 14, 2012, from <http://www.rcmp-grc.gc.ca/pubs/ccaps-spcca/restor-repara-poli-eng.htm>

Pavela, G. (1996). Judicial affairs and the future. *New Directions for Student Services*, 73, 107–113. doi:10.1002/ss.37119967311

Schrage, J. (2009). The spectrum model: Answering the call for a new approach to campus

conflict and conflict work. *Journal of Student Conduct Administration*, 2(1), 21–25.

Schrage, J., & Giacomini. (2009). *Reframing campus conflict: Student conduct practice through a social justice lens*. Sterling, Virginia: Stylus Publishing.

Sebok, T., & Goldblum, A. (1999). Establishing a campus restorative justice program. *The Journal of the California Caucus of College and University Ombuds*, Ombudsing in the New Millennium, 2(1), 13–22.

Shaw, M., & Jane, F. (1998). Restorative justice And policing In Canada - Royal Canadian Mounted Police. *Royal Canadian Mounted Police*. Retrieved April 14, 2012, from <http://www.rcmp-grc.gc.ca/pubs/ccaps-spcca/restor-repara-poli-eng.htm>

Spangler, B. (2003). Alternative dispute resolution (ADR). *Beyond Intractability*. Retrieved from <http://www.beyondintractability.org/bi-essay/adr>

*Speech given to the occasion of the annual conference of the forum of Canadian ombudsman.*

(2003). Ottawa, Canada. Retrieved from <http://www.ombudsmanforum.ca/en/?p=561>

Stone, K. (n.d.). Alternative Dispute Resolution. (S. Katz, Ed.) *Encyclopedia of Legal History*. Los Angeles, USA: Oxford University Press. Retrieved from <http://ssrn.com/abstract=631346>

Swenson, G. (2009). Students make amends through restorative justice. *Inside CU*. The CU-Boulder Faculty/Staff E-newsletter. Retrieved April 2, 2012, from

<http://www.colorado.edu/insidecu/editions/2009/1-13/story1.html>

Taylor, P., & Warner (Eds.). (2006). *Structure and spontaneity: the process drama of Cecily O'Neill*. London, England: Tretham Books Limited.

Taylor, S., & Varner, D. (2009). When student learning and law merge to create educational student conflict resolution and effective conduct management programs. *Reframing Campus Conflict: Student Conduct practice through a social justice lens* (pp. 22–49). Sterling, Virginia: Stylus Publishing.

Victoria Restorative Justice Society. (n.d.). *What do we do?* Retrieved from

<http://rjvictoria.wordpress.com/about/what-does-vrjs-do/>

Warters, W. (1998). The history of campus mediation systems: Research and practice. *Practice in Institutionalizing Conflict Resolution*. Retrieved from

<http://law.gsu.edu/cncr/pdf/papers/99-1Warterspap.pdf>

Warters, W. (1999). *The history of campus mediation systems: Research and practice* ( No. Paper 10). CNCR-Hewlett Foundation Seed Grant White Papers (p. 23). Retrieved from

[http://digitalarchive.gsu.edu/colpub\\_seedgrant/10](http://digitalarchive.gsu.edu/colpub_seedgrant/10)

Warters, W. (2000). *Mediation in the Campus Community*. San Francisco, USA: Jossey-Bass Inc., Publishers.

Zehr, H. (2010). Restorative justice, mediation and ADR. *Restorative Justice*. Blog. Retrieved from <http://emu.edu/now/restorative-justice/2010/08/13/restorative-justice-mediation-and-adr/>