

Restorative Practices in Higher Education: Using a Full Spectrum Approach to Address Student Conflict/Conduct

Presented by:

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Learning Objectives

Introduce participants to the Spectrum Model:

- Review various approaches to dealing with conflict/conduct.
- Learn in greater detail how restorative principles can work in a variety of conflict resolution contexts.
- Hear about ways in which a formal restorative program can be developed and can work with other conflict resolution models.

Conduct & Conflict

- What are they?
- How are they similar/different?
- How do we deal with them?

Conduct : Standards of behavior established by a higher authority, supported by the community, and expected to be followed by students.
Bishop (2011)

Conflict: An expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources, and interference from others in achieving their goals.
Wilmot and Hocker (2001)

Theories of Justice

- Punitive
- Deterrence
- Educational
- Community Service
- Rehabilitation

New Lenses

- Educational
- Risk Management
- Restorative
- Social Justice

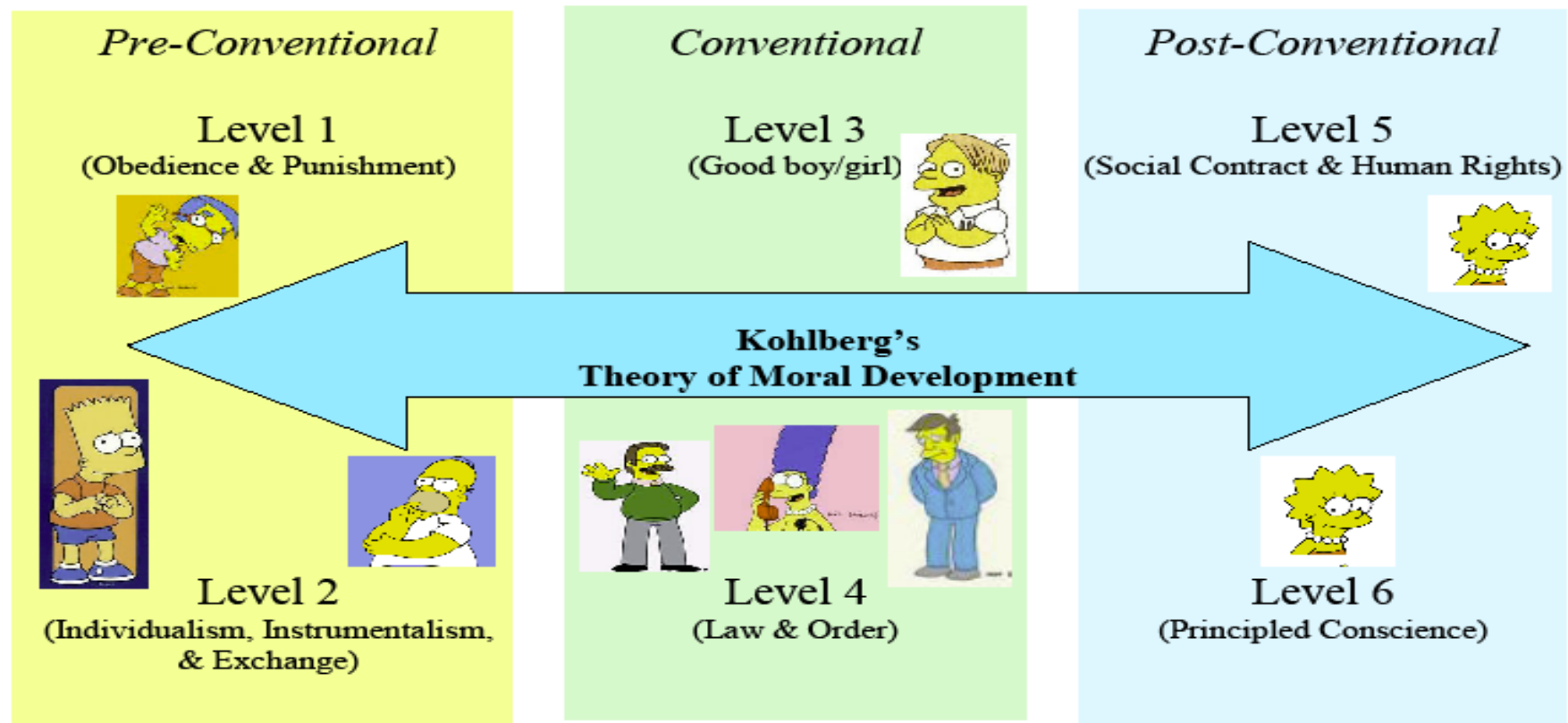


Power of Conflict

- 2 Sides to the Story
 - Conversation/Dialog
 - Growth/Enlightenment
 - New Outcomes
 - Transformation
- 

Student Development Theory

The Simpsons: A Developmental Depiction

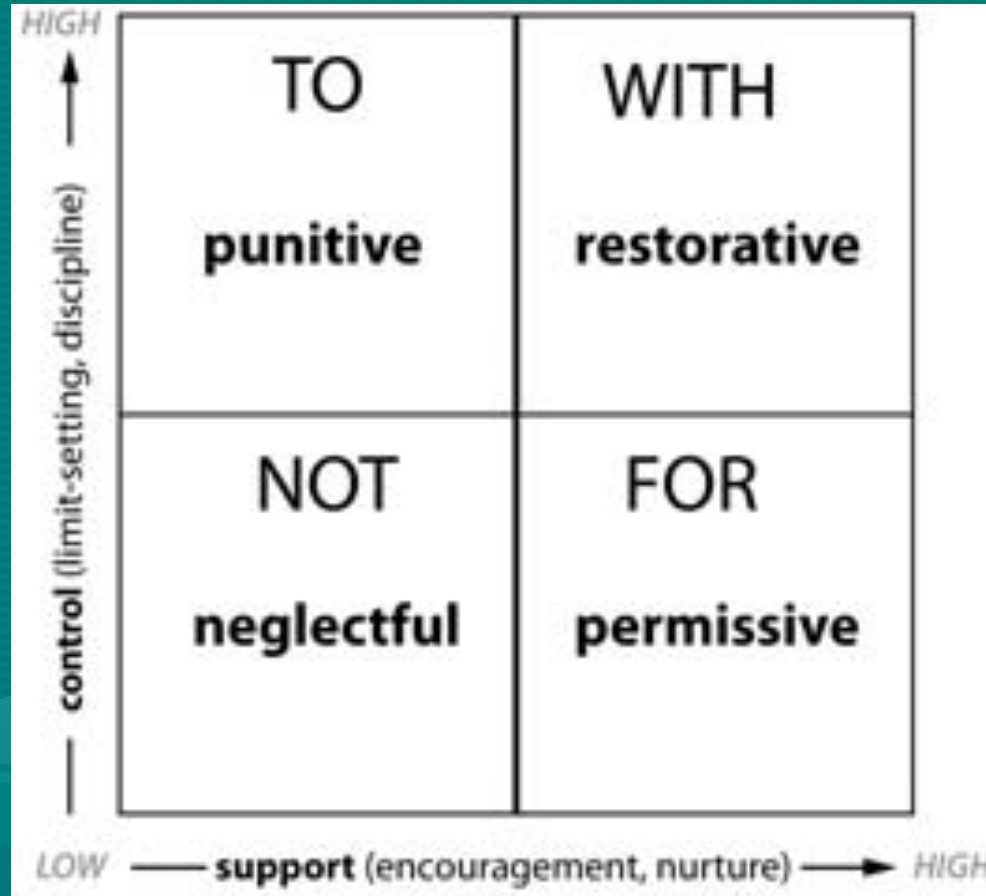


Domagal-Goldman, J. M., & Lutovsky, B. R. (2006, March 21). *How "The Simpsons" can teach students ethical decision-making*. Presented at annual meeting of the American College Personnel Association (ACPA), Indianapolis, IN.

Traditional Student Conduct

- Formal
- Adversarial
- Authoritarian
- Punishment
- Legalistic

Social Discipline Window



Wachtel, 2000. Adapted with permission.

Social Discipline Window

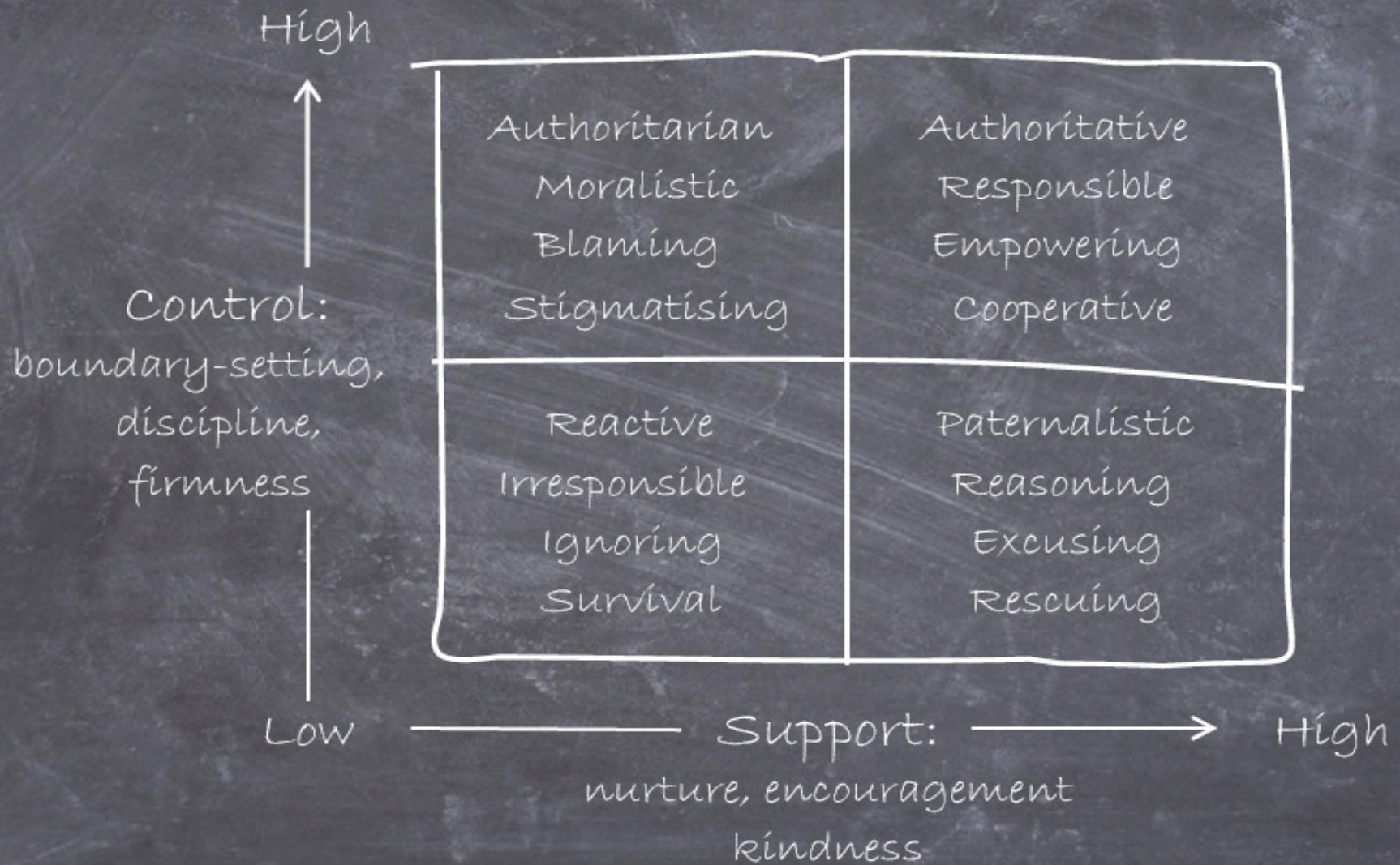


Fig. 1 – John Allison's Social Discipline Window (Wachtel, 2000. Adapted with permission.)

Criminal vs. Restorative

- Crime is a violation of the law and state
 - Violations create guilt
 - Justice requires the state to determine blame (guilt) and impose pain (punishment).
 - **Central Focus:** Offenders getting what they deserve
- Crime is a violation of people and relationships
 - Violations create obligations
 - Justice involves harmed parties, offenders, and community members in an effort to put things right
 - **Central Focus:** Harmed parties needs and offender responsibility for repairing harm

from: the Little Book of Restorative Justice
by: Howard Zehr

What is Restorative Justice?

Retributive Justice

- What laws were broken?
- Who did it?
- How will he/she be punished?

Restorative Justice

- Who has been hurt?
- What do they need?
- Whose obligations and responsibilities are these?

- Howard Zehr

Restorative Practices are about ...

- Naming the violation.
- Involving those who have been impacted.
- Identifying harms.
- Addressing needs.
- Taking responsibility.
- Make things right as much as possible.

We are working towards restorative practices when we:

- focus on the harms of wrongdoing more than the rules that have been broken.
- show equal concern and commitment to victims and offenders, involving both in the process of justice.
- work toward the restoration of victims, empowering them and responding to their needs as they see them.
- support offenders while encouraging them to understand, accept and carry out their obligations.
- recognize that while obligations may be difficult for offenders, they should not be intended as harms and they must be achievable.

By Harry Mika and Howard Zehr

...working towards restorative (cont):

- provide opportunities for dialogue, direct or indirect, between victims and offenders as appropriate.
- involve and empower the affected community through the justice process, and increase its capacity to recognize and respond to community bases of crime.
- encourage collaboration and reintegration rather than coercion and isolation.
- give attention to the unintended consequences of our actions and programs.
- show respect to all parties including victims, offenders and just colleagues.
- Crime wounds...justice heals

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Advantages and Disadvantages

- Advantages

- Fits seamlessly with student development
- Community building
- Deeper learning on part of offender
- Some sense of closure for victims
- Victims have a say
- Promotes healing

- Disadvantages

- Not efficient
- Involves lots of people and time
- Have to create an incentive

How Restorative Practices fits in with Student Conduct

- Offender must accept responsibility, and both sides voluntarily agree to the process.
- If an agreement is reached through the process and the offender completes the agreement, then incident may be struck from their record.
- Most referrals come from the Conduct Office.
- If student doesn't complete the agreement, incident is referred back for formal sanctions.

What types of cases

- Disruptive/Disorderly Conduct
- Academic Integrity
- Thefts
- Fire alarms
- Vandalism
- Bias incidents
- Dining Halls
- Greek Life
- Anything else where it seems important (the criminal justice process is starting to use Restorative Practices for DUIs, sexual assaults, murders, assault and battery, and in some situations after the offender has been found guilty, i.e. victim/offender mediation)

Infusing principles into the process

- Teach the principles to residential life staff.
- Teach the principles to your hearing boards.
- Make repairing harm one of the goals of your conduct process and in particular your sanctions
- Ask offenders who they think was harmed by their conduct, how harm can be repaired, how community can be restored.
- In many ways some of our processes already have the rudimentary beginnings of the principles built in. How many of you when you are meeting with a student discuss who was impacted by the student's behavior?

A few things to consider...

Restorative as Sanction	Restorative as Diversion
All power remains with the hearing officer	Some power is given to student to choose the direction for his/her case
Violation remains on student's record	Record of having gone through process is recorded;
Hearing notes may be reviewed for subsequent offense	All communications are kept confidential (confidentiality helps students open up and take responsibility)
Adversarial setting inevitably encourages denial of charges and defensiveness	Eliminates need for adversarial setting and encourages responsible decision-making
Whether it will be offered depends on whether the hearing officer feels the student is "remorseful"	Students choose for themselves, which process is best for them; students likely will <i>gain</i> remorse through the process
Hearing officers need to be trained in a new skill of recognizing which cases are appropriate	Has the potential to alleviate hundreds of cases from a hearing officer's caseload
Student who is sanctioned is likely to be defensive and not open to the honesty and accountability that is required for the process	Student who chooses the process as a diversion is likely to be more open to the outcomes

Restorative Practices Continuum

INFORMAL

FORMAL



Wachtel, 2000.

Schrage & Thompson's Spectrum of Resolution Options

Developed at the University of Michigan



The Spectrum of Needs



Informal	Formal
Emphasis on Community/Harmony	Emphasis on Individual /Rights
"Disputants"	"Accuser" v. "Accused"
High Context Cultures	Low Context Cultures
Parties Control Outcome	Outcome Controlled by Third-Party(s)
Party Focused	Results Focused
Less Punitive	More Punitive
Counter Narrative	Master Narrative
Resonates with Marginalized Cultures	Resonates with Dominant Culture
Challenges Status Quo	Maintains Status Quo

Non-Adversarial Conflict Management

- Education & Development
- Reflection & Empowerment
- Diversity & Inclusion
- Restoration & Transformation

Observations and Questions

